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October 2019

# Indonesia: Perusahaan Listrik Negara (PLN) Agency-Level Use of Country Safeguard Systems

## Equivalence Assessment of Environmental Safeguards

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Asian Development Bank

## ABBREVIATIONS

ADB	–	Asian Development Bank
AMDAL	–	<i>Analisis mengenai dampak lingkungan</i> (Environmental impact assessment)
ANDAL	–	<i>Analisis Dampak Lingkungan</i> (environmental impact assessment report/addendum)
CSR	–	Country safeguard review
CSS	–	Country safeguard systems
DMC	–	Developing member country
EIA	–	Environmental impact assessment
EMP	–	Environmental management plan
MOEF	–	Ministry of Environment and Forestry
OSS	–	Online single submission
PLN	–	Perusahaan Listrik Negara (State Electricity Company)
RKL-RPL	–	<i>Rencana pengelolaan lingkungan hidup-rencana pemantauan lingkungan hidup</i> (EMP)
SPPL	–	<i>Surat pernyataan kesanggupan pengelolaan dan pemantauan lingkungan hidup</i> (Statement of the ability of the person in charge of a business activity to conduct environmental management and monitoring, required for micro and small businesses and activities that are not required to have EIA/AMDAL or UKL-UPL)
SPS	–	Safeguard Policy Statement
TOR	–	Terms of reference
UIP	–	Unit Induk Pembangunan (PLN regional construction units for power generation and transmission)
UPP	–	<i>Unit pelaksanaan proyek</i> (PLN project implementation units)
UKL-UPL	–	Upaya pengelolaan lingkungan hidup-upaya pemantauan lingkungan hidup (Environmental management and monitoring plan for projects without significant impact on the environment)

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# EQUIVALENCE ASSESSMENT OF ENVIRONMENTAL SAFEGUARDS

## Executive Summary

This document assesses the extent of equivalence between the environmental safeguards set out in the Asian Development Bank's (ADB) 2009 Safeguard Policy Statement (SPS), the framework of Indonesia's national laws and regulations that establish environmental safeguards, and Indonesia's State Electricity Company's (PLN) internal regulations. Law no. 30/2009 on Electricity stipulates that all electricity business activities must comply with the Indonesian Government's prevailing environmental laws and regulations. The equivalence assessment analyzed more than 90 national and sectoral laws and regulations and PLN regulations which are directly or indirectly related to environmental safeguards.

The primary law that establishes environmental safeguards in Indonesia is Law no. 32/2009 on Environmental Protection and Management. This law replaced Law no. 23/1997 on Environmental Management, which repealed Law no. 4/1982 on Main Principles of Environmental Management. Some key improvements introduced by Law no. 32/2009 include: (i) detailed requirements for environmental impact assessment (EIA)/*Analisis mengenai dampak lingkungan hidup* (AMDAL) and environmental management and monitoring plans (EMP)/*Rencana pengelolaan lingkungan hidup-rencana pemantauan lingkungan hidup* (RKL-RPL); (ii) systematic planning for environmental protection and management; (iii) clear distribution of responsibilities between central and local authorities for environmental supervision; (iv) use of an "ecoregion" or ecosystem approach; and (v) expanded provisions for civil, administrative, and criminal enforcement.

Law No. 32/2009 has a suite of implementing regulations which address environmental safeguards, in addition to other laws and a hierarchy of national regulations at the government, presidential and ministerial levels that also govern environmental safeguards and with which PLN must comply. These include, but are not limited to, regulations on hazardous waste, water pollution, air pollution, environmental monitoring and reporting, information disclosure, and community involvement.

Prior to commencing any operation, PLN must comply with Minister of Energy and Mineral Resources Regulation no. 5/2014 on Procedures for Accreditation and Certification of Electricity Installations, including compliance with environmental assessment and permitting requirements. During operation, PLN as a permit holder must report its activities every six months to the ministry and the environmental authority. Among the reporting requirements are data and information on implementation of environmental management and monitoring of emissions levels and waste management.

In addition to complying with national law and regulations, PLN also issues internal decrees to guide its implementation of environmental safeguards as they relate to PLN operations and to meet principles of good corporate governance. PLN Board of Directors Decree no. 200/2009 on Operational Performance requires the supervision and evaluation of potentially negative impacts of PLN's activities; environmental performance is included in the performance evaluation of PLN activities and projects.<sup>1</sup>

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<sup>1</sup> The evaluation criteria include: (i) study and preparation of environmental documents, (ii) implementation of environmental management, (iii) implementation of environmental monitoring, and (iv) review and revision of environmental documents.

The Indonesian national legal and institutional framework for environmental safeguards, along with relevant PLN-issued corporate decrees, is collectively referred to as the PLN Country Safeguard Systems (CSS) throughout this document. It establishes two categories of projects which require environmental permits: those with significant impact on the environment, which are required to carry out environmental impact assessment (EIA/AMDAL); and those without significant impact on the environment, which are required to prepare an environmental management and monitoring plan (UKL-UPL). Micro and small businesses and activities that are not required to carry out EIA/AMDAL or prepare a UKL-UPL are required to register a statement of the ability of the person responsible for a project or activity to conduct environmental management and monitoring (SPPL).

The PLN CSS for environmental safeguards is equivalent to ADB's SPS in many respects for projects which have significant impacts and require EIA/AMDAL. All other projects require at most an environmental management and monitoring plan which does not encompass the aspects of environmental assessment and all elements of an environmental management plan as specified in the SPS policy principles.

Government Regulation no. 24/2018 and implementing Ministry of Environment and Forestry (MOEF) regulations issued in 2018 introduced electronic integrated business licensing through an online single submission (OSS) system to process applications for business and project licenses. MOEF Regulation no. 22/2018 sets out procedures for OSS for the environment and forestry sector. Other regulations update substantive requirements for the environmental assessment and permitting processes; these regulations have been incorporated into the equivalence assessment. The 2018 regulations establish conflicting deadlines for completing requirements for environmental safeguards, which could potentially affect the quality of environmental assessment.

The gaps this assessment identified in the PLN CSS, and proposed gap-filling actions, are discussed in Section C.

## I. INTRODUCTION

1. ADB conducted this equivalence assessment as part of its due diligence to determine the extent to which it can rely on the environmental safeguards provided by Indonesia's national legal and institutional framework, if applied to ADB-funded projects and initiatives implemented by PLN.
2. The findings of this equivalence assessment are complemented by an acceptability assessment, which reviewed the capacity and effectiveness of PLN's institutional systems for implementing national environmental safeguards and PLN's own internal regulations in all its projects and initiatives, whether nationally financed or supported by external donors, including donors other than ADB.
3. Equivalence and acceptability assessments were also conducted for involuntary resettlement safeguards; the findings are set out in a separate set of reports. As agreed between ADB and the Government of Indonesia during the process of conducting a country safeguard review (CSR) in 2013–2014, equivalence and acceptability assessments were not carried out for Indigenous Peoples safeguards. PLN projects that seek ADB funding shall apply ADB's SPS Indigenous Peoples Safeguards whenever there is indication that Indigenous Peoples (*masyarakat adat*, in Indonesian) may be affected. Nonetheless, the exercise acknowledges intersections among implementing the Indigenous Peoples, Environment and Involuntary Resettlement safeguards – environmental documents should reference any relevant findings and recommendations from assessments and action plans prepared to address involuntary resettlement and Indigenous Peoples as per ADB SPS requirements.

## II. METHODOLOGY

4. This equivalence assessment was conducted following the methodology outlined in Appendix 6 of the SPS, Strengthening and Use of Country Safeguard Systems to Address Environmental and Social Safeguards Issues.<sup>2</sup> As defined by Appendix 6: "Country safeguard systems (CSS) means a country's legal and institutional framework, consisting of its national, subnational, or sectoral implementing institutions and relevant laws, regulations, rules, and procedures that pertain to the policy areas of environmental and social safeguards."<sup>3</sup>
5. The objective of the equivalence assessment is "to produce a thorough, rigorous, objective, properly nuanced, relevant and, therefore, self-explanatory document"<sup>4</sup> that conclusively demonstrates the extent to which CSS corresponds to the objective, scope, triggers and policy principles of one or more ADB safeguards and which, together with the results of the acceptability assessment, enables ADB to consider use of the CSS in lieu of one or more ADB safeguards. This assessment extended the review to cover PLN's own regulations governing environmental safeguards.
6. Through successive regional and country-specific technical assistance projects aimed at assessing and strengthening CSS, ADB has developed considerable expertise in analyzing CSS throughout the region.<sup>5</sup> With respect to Indonesia, the CSR exercise (see paragraph 12) included

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<sup>2</sup> ADB. 2009. *Safeguard Policy Statement*. Manila. pp. 77–82.

<sup>3</sup> ADB. 2009. *Safeguard Policy Statement*. Manila. p. 77.

<sup>4</sup> ADB. 2009. *Safeguard Policy Statement*. Manila. p. 7.

<sup>5</sup> In line with the SPS commitment to strengthen CSS, ADB has implemented capacity building activities on CSS through projects and through several technical assistance (TA) projects. Since the approval of the SPS in 2009, ADB has

an initial equivalence assessment of Indonesia's legal and institutional framework and the environmental safeguards of the SPS. That initial assessment is one of several inputs into this report, which revises and adapts it to include PLN's internal decrees, as well as other laws and regulations relevant to the power sector.

7. The equivalence assessment compared the objectives, scope and triggers and policy principles of ADB SPS for environmental safeguards with Indonesia's legal and institutional framework. The assessment disaggregated the policy principles into "key elements" to ensure that it addressed all components of each policy principle and clearly associated them with corresponding provisions of the PLN CSS. The SPS policy principles and disaggregated key elements are set out in a matrix attached as Appendix 1. The matrix is organized to show each ADB SPS policy principle, and its key elements, in relation to corresponding provisions of the PLN CSS, which are characterized as "fully equivalent," "partially equivalent," or "not equivalent."<sup>6</sup> The key elements are not mathematically weighted; if one key element of a policy principle is rated as partially equivalent or not equivalent, the policy principle is rated as partially equivalent. A policy principle with multiple key elements that is partially equivalent because of one key element has the same rating as a policy principle that is partially equivalent on the basis of the single key element. The equivalence assessment did not include subnational regulations but did cite obligations for environmental safeguards that national laws and regulations impose on subnational authorities.

8. Specific gaps in the PLN CSS are identified, and recommendations formulated to address them. This report is the narrative which summarizes the findings of the equivalence assessment that are set out in detail in the equivalence matrix in Appendix 1.

### III. ENVIRONMENTAL SAFEGUARDS

9. **Summary Findings:** The following discussion addresses the findings of the assessment of the equivalence of the PLN CSS with the objectives, scope and triggers, and policy principles of the SPS.

**Objectives:**

To ensure the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16

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initiated TA projects in 36 developing member countries (DMCs), totaling more than \$42 million, to support their efforts in strengthening CSS, and has issued guidance notes on conducting assessments. Under the regional technical assistance for Strengthening and Use of Country Safeguard Systems, ADB has conducted additional assessments and provided technical assistance for strengthening CSS in 25 DMCs. Furthermore, ADB has organized and hosted two regional conferences on CSS that were attended by development partners and high-level officials for most DMCs in the region.

<sup>6</sup> *Fully equivalent* denotes that PLN CSS requirements (as described in Paragraph 11) are in complete harmony with the corresponding key element of an SPS principle. *Partially equivalent* denotes that not all aspects of PLN CSS requirements are in complete harmony with the corresponding key element of an SPS principle. *Not equivalent* means that no aspects of PLN CSS requirements correspond to the key element of that SPS principle.

10. **Findings:** The PLN CSS is fully equivalent to the stated objective of the SPS. Law no. 32/2009 on Environmental Protection and Management is the foundation of Indonesia's environmental regulatory regime. The Law, its implementing regulations, and other applicable laws and regulations seek to foster environmentally sustainable development through environmental planning, control, supervision and enforcement, and the conservation and rational use of natural resources. Law no. 32/2009 stipulates that all activities with significant impact on the environment are required to carry out EIA/AMDAL and that activities without significant impact are subject to other types of environmental assessment. The decision to issue an environmental license for any activity with environmental impacts must be based on the results of environmental assessment. Law no. 30/2009 on Electricity requires that any electricity business activities must comply with environmental laws and regulations.

**Scope and Triggers:**

Environmental safeguards are triggered if a project is likely to have potential environmental risks and impacts.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

11. **Findings:** The PLN CSS requires all electricity businesses to comply with national environmental laws and regulations. EIA/AMDAL is required for every business and activity having significant impact on the environment. UKL-UPL is required for projects without significant impact on the environment, albeit with exceptions. The PLN CSS establishes criteria for determining the scope of environmental assessment and for exempting a proposed project from environmental assessment.

12. **Gap:** The PLN CSS requires environmental assessment of projects with significant impact on the environment and environmental management and monitoring plans for projects without significant impact. The PLN CSS lacks a trigger for environmental assessment or environmental management and monitoring plans for standalone distribution line projects unless they are carried out in or adjacent to a protected area. Geothermal exploration is exempt from EIA/AMDAL but requires an environmental license, which implies that it requires UKL-UPL, but there is no explicit provision that stipulates this.

13. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: (i) ensure that no PLN projects are exempt from environmental assessment, and (ii) require environmental assessment for each proposed PLN project, including standalone distribution line projects and geothermal exploration.

14. The assessment identified the following gaps between the PLN CSS and ADB SPS Policy Principles for environmental safeguards:

- (i) **Policy Principle 1.** There is no requirement for any type of environmental assessment of projects involving standalone power distribution lines, and therefore no requirement to screen such projects to determine the appropriate level of environmental assessment required. Geothermal exploration is exempted from EIA/AMDAL, meaning that it is exempt from the EIA/AMDAL screening process, which may not be appropriate in all cases.
- (ii) **Policy Principle 2.** While the PLN CSS requires gender mainstreaming at the

policy and planning levels, there is no requirement that it be factored into the social impact assessment at the project level. At the level of strategic environmental assessment, the PLN CSS requires identifying the poor and their communities as well as threats to indigenous and tribal peoples but, at the project level, the PLN CSS lacks a requirement to identify vulnerable groups and assess potential impacts on them. Several regulations call for special treatment for vulnerable groups, but the PLN CSS lacks both a definition of “vulnerable groups” that is consistent with ADB’s SPS and a requirement to identify vulnerable groups in a proposed project area and assess project impacts on them. The PLN CSS lacks a requirement to identify induced impacts. A new or amended EIA/AMDAL or UKL-UPL is required when there are changes in an activity that required environmental assessment originally, but the PLN CSS lacks a requirement that cumulative impacts and risks must be assessed in such cases. Similarly, in situations where an EIA/AMDAL has already been done in an area and a new activity is proposed for the same area, the PLN CSS requires UKL-UPL, which lacks a requirement to assess cumulative impacts, for the new activity. There are procedures for obtaining exemptions from EIA/AMDAL in specified situations. The PLN CSS stipulates generally that the government is responsible for anticipating global environmental issues, including climate change, but the law and implementing regulations lack a requirement to assess potential global or climate change impacts in EIA/AMDAL. Assessment of proposed projects without significant impact, which require a UKL-UPL, is not equivalent to this policy principle because the UKL-UPL process produces an environmental management and monitoring plan which lacks the aspects of environmental assessment specified in the policy principle.

- (iii) **Policy Principle 3.** While there is a requirement for assessment of alternative locations in EIA/AMDAL, a requirement to identify and assess alternatives to the design of a project or to the technology the project will use is lacking. The PLN CSS lacks a requirement for any type of alternatives analysis for UKL-UPL but, at the screening stage; local government authorities must determine whether technology is available to mitigate any potential impacts.
- (iv) **Policy Principle 4.** The PLN CSS lacks a requirement that an EMP/RKL-RPL includes an estimate of the full costs of implementing it. There are no requirements for UKL-UPL to provide for avoiding, minimizing, mitigating, and/or offsetting adverse impacts, enhancing positive impacts, capacity building, or applying the polluter pays principle. The template for UKL-UPL lacks columns for cost estimates and performance indicators.
- (v) **Policy Principle 5.** As noted for Policy Principle 2, the PLN CSS definition of “vulnerable groups” lacks consistency with ADB SPS requirements. The PLNCSS lacks requirements that consultations be tailored to the needs of affected vulnerable groups, including women, and that the views of the public must be taken into account in decision-making processes, mitigation measures, and benefit-sharing. The PLN CSS provides that affected communities may designate their own representatives to participate in consultations on the terms of reference (TOR) for an EIA/AMDAL but lacks a similar stipulation that communities also nominate their own representatives to participate in the Assessment Commission when it reviews an EIA/AMDAL. The opportunity for public input on UKL-UPL is limited to three working days and lacks a requirement for consultations for UKL-UPL. The PLN CSS lacks provisions for planned, systematic, and continuing consultation throughout project implementation. There are provisions for grievance redress in the environment and forestry sector generally, but the PLN CSS lacks a requirement for project-specific grievance redress mechanisms.

- (vi) **Policy Principle 6.** The PLN CSS lacks requirements to disclose a draft EIA/AMDAL and EMP/RKL-RPL, a final EIA/AMDAL and EMP/RKL-RPL, updates of an EIA/AMDAL, or a UKL-UPL. PLN is required to provide public information on request and to publish public documents at most every six months.
- (vii) **Policy Principle 7.** The PLN CSS lacks requirements to develop and implement corrective actions and to disclose environmental monitoring reports.
- (viii) **Policy Principle 8.** The PLN CSS is clear with respect to the protection and conservation of natural resources in legally designated protected areas, but these areas are small in comparison to the vast areas of forest that may be critical or natural habitat that may be impacted by development of electricity infrastructure. There are provisions for mitigating impacts on a conservation area when an agency has entered into a cooperation agreement to use land in one, but there is a lack of a requirement to enhance the conservation aims of a legally protected area when a project is located inside it. The PLN CSS lacks provisions for protecting and conserving critical habitats and natural habitats that are not legally designated as protected and for implementing additional programs to promote and enhance the conservation aims of a protected area in which project activities may be carried out.
- (ix) **Policy Principle 9.** The national standards for ambient noise and emissions from power generation plants are less stringent than those in the World Bank Group's Environmental, Health and Safety Guidelines, as specified in the SPS.

**Policy Principle 1:**

Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks as described below.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

15. **Findings:** The PLN CSS requires either EIA/AMDAL or UKL-UPL for power generation facilities and transmission lines, according to their proposed capacity, and requires screening for impacts to determine the appropriate type and extent of environmental assessment. Law no. 32/2009 requires an environmental impact assessment for all proposed activities with significant impact on the environment and provides detailed criteria on how significance is to be determined. MOEF Regulation no. 5/2012 sets out the extent of environmental assessment required for power generation facilities and transmission lines.

16. Law No. 32/2009 requires subnational government authorities to stipulate the types of activities that require UKL-UPL and MOEF Regulation no. 25/2018 sets out the procedure for provincial and local government authorities to screen proposed businesses and activities to determine the types of projects that require UKL-UPL or SPPL. MOEF Regulation no. 5/2012 excludes geothermal exploration from the requirement for EIA/AMDAL. Law no. 21/2014 stipulates that geothermal exploration must have an environmental license, which indicates that a UKL-UPL must be required since EIA/AMDAL is excluded.

17. **Gaps:** There is no requirement for any type of environmental assessment of projects involving standalone power distribution lines and therefore there is no requirement to screen such projects. Geothermal exploration is exempted from EIA/AMDAL, meaning that it is exempt from

the EIA/AMDAL screening process, which may not be appropriate in all cases.

18. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: (i) ensure that no PLN projects are exempt from environmental impact assessment; and (ii) screen each proposed PLN project, including distribution line projects and geothermal exploration, as early as possible in the project design phase to determine the appropriate type and extent of environmental assessment required to identify and assess potential impacts and risks of the project.

**Policy Principle 2:**

Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential trans-boundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

19. **Findings:** The PLN CSS requires environmental assessment for power generation and transmission line projects. Strategic environmental assessment is mandatory for national and subnational policies, plans, and programs. Under Law no. 32/2009 and implementing regulations, EIA/AMDAL includes analysis of direct and indirect impacts. The requirement to assess cumulative impacts in EIA/AMDAL is explicit in Law no. 32/2009 and implicit in MOEF Regulation no. 26/2018. The EIA/AMDAL process must evaluate potential physical and biological risks, including potential risks to physical cultural resources. In addition, the EIA/AMDAL process must consider potential transboundary risks and global impacts including climate change. Regulations issued in 2018 establish an online submission system for business licenses, including the environmental documents and permits required for them. The regulations set deadlines for completing environmental assessments that conflict with each other and with Presidential Regulation no. 4/2016; the conflicting regulatory requirements may present challenges for ensuring quality environmental assessments and mitigation planning.

20. **Gaps:** The PLN CSS does not require environmental assessment for standalone distribution line projects and exempts geothermal exploration from EIA/AMDAL. While the PLN CSS requires gender mainstreaming at the policy and planning levels, there is no requirement that it be factored into social impact assessment for projects. At the level of strategic environmental assessment, the PLN CSS requires identifying the poor and their communities as well as threats to indigenous and tribal peoples but, at the project level, the PLN CSS does not explicitly require identifying vulnerable groups and assessing potential impacts on them. Several regulations call for special treatment for vulnerable groups, but the PLN CSS does not define "vulnerable groups" consistently with ADB's SPS, nor explicitly require identifying vulnerable groups in a proposed project area and assessing impacts on them. The PLN CSS does not require identifying induced impacts. A new or amended EIA/AMDAL or UKL-UPL is required when there are changes in an activity that required environmental assessment originally but there is no requirement that cumulative impacts and risks must be assessed in such cases. Similarly, in situations where an EIA/AMDAL has already been done in an area and a new activity is proposed for the same area, the PLN CSS requires UKL-UPL, which does not include assessment of cumulative impacts, for the new activity. Regulations set out procedures for obtaining exemptions

from EIA/AMDAL in specified situations. Law no. 32/2009 stipulates generally that the government is responsible for anticipating global environmental issues, including climate change but neither the law nor implementing regulations require assessment of potential global or climate change impacts in EIA/AMDAL. Assessment of proposed projects without significant impact, which require a UKL-UPL, is not equivalent to this policy principle because the UKL-UPL process does not require assessment of: direct, indirect, induced, and cumulative impacts; physical and biological impacts and risks; socio-economic impacts; impacts on physical cultural resources; transboundary impacts; or global impacts including climate change.

21. **Gap-filling Action:** Adopt an agency-specific decree that defines “vulnerable groups” as being the poor, the disabled, the landless, the elderly, women and children, and that would effectively require all relevant PLN divisions to comply with the following: (i) carry out environmental assessment for proposed standalone distribution line projects and geothermal exploration; (ii) identify the induced impacts of each proposed PLN project, including projects that require UKL-UPL; (iii) identify the cumulative impacts and risks of each proposed PLN project, including projects that require UKL-UPL and changes to existing environmental permits which may require an addendum AMDAL (environmental impact assessment) and EMP/RKL-RPL, new UKL-UPL, or new EIA/AMDAL; (iv) identify the physical and biological impacts and risks of each proposed PLN project, including projects that require UKL-UPL; (v) ensure that socioeconomic impacts on vulnerable groups are identified as part of the EIA/AMDAL and UKL-UPL processes; (vi) identify the impacts on physical cultural resources of each proposed PLN project, including projects that require UKL-UPL; (vii) identify and assess transboundary impacts for projects that require UKL-UPL; and (viii) identify and assess global impacts, including climate change, as part of both EIA/AMDAL and UKL-UPL processes.

**Policy Principle 3:**

Examine alternatives to the project’s location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the alternative proposed. Also, consider the no-project alternative.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

22. **Findings.** MOEF Regulation no. 26/2018, which specifies the requirements for preparing environmental assessment documents, is equivalent to the aspect of Policy Principle 3 which requires considering the no-project alternative in EIA/AMDAL.

23. **Gaps:** MOEF Regulation no. 26/2018 requires assessment of alternative locations in EIA/AMDAL but there is no requirement to identify and assess alternatives to the design of a project or to the technology the project will use. There is no requirement for any type of alternatives analysis for UKL-UPL but, at the screening stage, local government authorities must determine whether technology is available to mitigate any potential impacts.

24. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: conduct alternatives analysis, including analysis of alternatives to the project’s location, design, technology, and components and their potential environmental and social impact, and the no-project alternative, and document the rationale for selecting the particular alternative proposed, for all PLN projects.

**Policy Principle 4:**

Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

25. **Findings.** Law No. 32/2009 generally requires avoiding, minimizing, mitigating, and/or offsetting adverse impacts and requires applying the polluter pays principle. The law's implementing regulations require proposed projects that are subject to EIA/AMDAL to prepare an EMP/RKL-RPL which includes proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, an implementation schedule, training measures, and performance indicators. The template for UKL-UPL requires an implementation schedule.

26. **Gaps:** The PLN CSS lacks a requirement that an EMP/RKL-RPL includes an estimate of the full costs of implementing it. The PLN CSS lacks a requirement for UKL-UPL to provide for avoiding, minimizing, mitigating, and/or offsetting adverse impacts, enhancing positive impacts, capacity building, or applying the polluter pays principle. The template for UKL-UPL lacks a column for cost estimates and performance indicators.

27. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management and prepare each EMP/RKL-RPL and each UKL-UPL to include the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators.

**Policy Principle 5:**

Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and considered. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

28. **Findings.** Law no. 32/2009 and Government Regulation no. 27/2012 establish the principle of participation and require public participation in the EIA/AMDAL process beginning at the scoping stage. MOEF Regulation no. 26/2018 stipulates that vulnerable groups, indigenous people, and male and female groups, considering gender equality, participate in public consultations. The regulation also requires that information be communicated in language that is clear and easy for all levels in a community to understand and that local languages be used, in addition to Indonesian, if necessary. Under the regulation, proponents must use community opinions as input for the TOR for an EIA/AMDAL. Law no. 32/2009 provides that a government authority sets up the AMDAL Assessment Commission and that representatives from the community that is likely to experience impact must be members. MOEF Regulation no. 26/2018 stipulates that affected communities choose their own representatives to be members of the AMDAL Assessment Commission during public consultations.

29. **Gaps:** As noted for Policy Principle 2, the PLN CSS definition of “vulnerable groups” is inconsistent with ADB SPS requirements. The PLN CSS lacks requirements that consultations be tailored to the needs of affected vulnerable groups, including women, and that the views of the public be taken into account in decision-making processes, mitigation measures, and benefit-sharing. MOEF Regulation no. 26/2019, which provides that affected communities may designate their own representatives to participate in consultations on the TOR for an EIA/AMDAL, lacks a stipulation that communities also nominate their own representatives to participate in the Assessment Commission when it reviews an EIA/AMDAL. The opportunity for public input on UKL-UPL as required under Government Regulation no. 27/2012 is limited to three working days and lacks a requirement for consultations for UKL-UPL. The PLN CSS lacks a provision for planned, systematic, and continuing consultation throughout project implementation. Law no. 32/2009 and regulations have provisions for grievance redress in the environment and forestry sector generally but lack a requirement for project-specific grievance redress mechanisms.

30. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: (i) facilitate the participation of affected vulnerable groups and civil society organizations in consultations during the environmental assessment processes and throughout the project cycle as necessary to address issues related to implementation of all PLN projects, and document how the views of affected people were taken into account in making decisions about PLN projects; (ii) particularly facilitate the participation of women in consultations during the environmental assessment processes and throughout the project cycle for all PLN projects; and (iii) establish a grievance redress mechanism to receive and facilitate resolution of affected people’s concerns and grievances regarding each project’s environmental performance.

**Policy Principle 6:**

Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal,<sup>a</sup> in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.

<sup>a</sup> “Appraisal” refers to a stage of project preparation and is used primarily by multilateral development banks. With respect to government and quasi-government agencies, the corresponding concept would be the final stage of project review and approval.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

31. **Findings:** Law no. 32/2009 provides generally that information about activities must be provided on a timely basis. Law no. 14/2008 provides generally that public agencies have an obligation to disclose, at least every six months, information they hold that is not classified.

32. **Gap:** The PLN CSS lacks requirements to disclose a draft EIA/AMDAL and EMP/RKL-RPL, a final EIA/AMDAL and EMP/RKL-RPL, and updates of an EIA/AMDAL or a UKL-UPL.

33. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: (i) disclose draft environmental assessments (including the EMP/RKL-RPL and UKL-UPL) in a timely manner, before project appraisal, on the PLN website and in hard copy at the regional construction units (*Unit Induk Pembangunan/UIP*), project implementation units (*Unit pelaksanaan proyek/UPP*), or regional/*wilayah* offices in language(s) understandable to affected people and other stakeholders; (ii) disclose all final EIA/AMDAL including the EMP/RKL-RPL, and UKL-UPL, on the PLN website and in hard copy at the UIP, UPP, or *wilayah* offices in language(s) understandable to affected people and other stakeholders; and (iii) disclose updates of all EIA/AMDAL including the EMP/RKL-RPL, and UKL-UPL on the PLN website and in hard copy at the UIP, UPP, or *wilayah* offices in language(s) understandable to affected people and other stakeholders.

**Policy Principle 7:**

Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

34. **Findings.** Law no. 32/2009 requires environmental audits. MOEF Regulation no. 26/2018 requires monitoring reports and disclosing environmental reporting status and environmental management performance status.

35. **Gaps:** The PLN CSS lacks a requirement to develop and implement corrective actions and no explicit requirement that environmental monitoring reports be disclosed.

36. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: implement the RKL-RPL and the UKL-UPL and monitor their effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.

**Policy Principle 8:**

Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated to achieve at least no net loss of biodiversity. Use a precautionary approach to the use, development, and management of renewable natural resources.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

37. **Findings:** Law no. 32/2009 establishes the precautionary principle in Indonesia. The PLN CSS contains many laws and regulations on the protection and conservation of living resources and ecosystems. The laws define concepts that are consistent with ADB's SPS but use different terminology for them. Potential impact on critical habitats is a screening criterion for the EIA/AMDAL process. The PLN CSS prohibits any activity that leads to a change in the natural integrity of the types of protected areas that may correspond to Indonesia's equivalent of a critical habitat. Preservation of plant and animal species must be implemented inside or outside of formally protected areas, which implies that their habitats must be preserved as well. The PLN CSS creates three categories of nature conservation areas, stipulates that their function is protection of life support systems, requires continuous rehabilitation efforts if any life support system is degraded, and prohibits activities that degrade the core zone of all categories of nature conservation areas. The PLN CSS requires rehabilitation of any part of a protected area that has been degraded by cultivation. The PLN CSS requires EIA/AMDAL for any activity in or on the border of a legally designated protected area.

38. **Gap:** Statutory provisions are clear with respect to the protection and conservation of natural resources in legally designated protected areas but these areas are only a percentage of critical habitats that may be impacted by development of electricity infrastructure and there is no requirement to restrict activities in critical habitats outside of legally designated protected areas. MOEF Regulation no. 85/2014 provides for mitigating impacts on a conservation area when an agency has entered into a cooperation agreement to use land inside one but lacks a requirement to enhance the conservation aims of a legally protected area when a project is located inside it. The PLN CSS does not provide for protecting and conserving critical habitats and natural habitats that are not legally designated as protected and does not require implementing additional programs to promote and enhance the conservation aims of a protected area in which project activities may be carried out.

39. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: Require environmental impact assessment for all proposed projects with impact on critical habitat and natural habitat whether they are inside or outside of legally designated protected areas. Do not implement project activities in areas of critical habitat unless: (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project

is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, ensure that project activities do not cause significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Define “critical habitat” as “areas with high biodiversity value, including habitat required for the survival of critically endangered or endangered species; areas having special significance for endemic or restricted-range species; sites that are critical for the survival of migratory species; areas supporting globally significant concentrations or numbers of individuals of congregatory species; areas with unique assemblages of species or that are associated with key evolutionary processes or provide key ecosystem services; and areas having biodiversity of significant social, economic, or cultural importance to local communities. Define “natural habitat” as “areas of land and water areas where the biological communities are formed largely by native plant and animal species, and where human activity has not essentially modified the area’s primary ecological functions.”

**Policy Principle 9:**

Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group’s Environmental, Health, and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution or when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phase outs. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

40. **Findings:** The PLN CSS requires cleaner production processes and good energy efficiency practices, avoidance of pollution, or, when avoidance is not possible, minimizing or controlling the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gas emissions, waste generation, use of hazardous materials subject to international bans or phase outs, and release of hazardous materials from their production, transportation, handling, and storage. The national regulatory regime also requires using integrated pest management and reducing reliance on synthetic chemical pesticides.

41. **Gap:** The national standards for ambient noise and emissions from power generation projects are less stringent than those in the World Bank Group’s Environmental, Health and Safety Guidelines, which are what ADB’s SPS requires.

42. **Gap-filling Action:** Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: apply pollution prevention and control technologies and practices consistent with the standards for emissions from power generation plants, the ambient standards for noise, and sectoral guidelines for the power sector (thermal power, geothermal power, electric power transmission and distribution and wind energy) in the World Bank Group’s Environmental, Health and Safety Guidelines.

**Policy Principle 10:**

Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize adverse impacts and risks to the health and safety of local communities.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

43. **Findings.** The PLN CSS for health and safety in the workplace and for disaster preparedness is fully equivalent to this policy principle. In addition to requirements for workplace safety under Law no. 13/2003 on Labor, PLN's internal regulations on work safety require PLN projects to provide employees and laborers in all units of the company with safe and healthy working conditions, prevent accidents, injuries, and occupational disease, and requires the establishment of preventive and emergency preparedness and response measures.

**Policy Principle 11:**

Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of "chance find" procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.

Source: ADB. 2009. *Safeguard Policy Statement*. Manila. p. 16.

44. **Findings:** The PLN CSS is fully equivalent to this policy principle, requiring that physical cultural resources be protected and be included in the environmental assessment process, and that specific mitigation measures be included in an EMP/RKL-RPL when a proposed project will have potential adverse impacts on physical cultural resources. The PLN CSS also requires that any "chance finds" be reported to an authorized cultural institution within 30 days.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

45. The PLN CSS, anchored in Government Regulations and Law no. 32/2009 and its implementing regulations, is equivalent to ADB's SPS in many respects. The principal legal instruments that govern environmental safeguards are administered by one ministry and are, for the most part, mutually consistent. One significant exception to this internal consistency was introduced with regulations issued in 2018 which established deadlines for completing EIA/AMDAL and UKL-UPL that are too short to allow for comprehensive environmental assessment as intended by the SPS, inconsistent with each other, and also inconsistent with Presidential Regulation no. 4/2016 on accelerating the development of electricity infrastructure. Further clarity is required on how the requirements under these regulations will be implemented in practice. PLN must ensure that conflicting regulations do not compromise the quality of environmental assessment of its projects. This assessment identified gaps that PLN has agreed to fill by developing an agency-specific decree which would apply to all PLN projects financed by ADB.

### EQUIVALENCE ASSESSMENT MATRIX FOR ENVIRONMENTAL SAFEGUARDS

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap-filling Measures
<p><b>Objectives:</b> To ensure the environmental soundness and sustainability of projects and to support the integration of environmental considerations into the project decision-making process.</p>			
	<p><b>Law No. 32/2009 on Environmental Protection and Management</b>            Considering:            b. that national economic development as mandated by the Constitution of 1945 is executed on the basis of sustainable and environmentally sound development principles;            d. that the decreasing environmental quality has threatened the continuation of life of human and other creatures so that all stakeholders need to protect and manage the environment seriously and consistently;            e. that since the rising global warming has caused climate change thus worsening the environmental quality, environmental protection and management are needed;</p> <p>Goal Article 3            Environmental Protection and Management shall aim (i) realizing sustainable development;</p> <p>Article 22            (1) Every business and/or activity having substantial impact on the environment shall be obliged to have AMDAL [EIA].</p> <p>Article 24            The document of as referred to in Article 22 shall constitute a basis for stipulating decision on environmental feasibility.</p> <p>Section 31            Based on the EIA Appraising Commission's appraisal, the Minister, governor, or bupati/mayor shall stipulate a decision regarding environmental feasibility or unfeasibility according to their respective authority.</p> <p>Section 36            (1) Any undertaking and/or activity required to have an EIA or UKL-UPL shall have an environmental license.            (2) Environmental license as referred to in paragraph (1) shall be issued based on the decision on environmental feasibility as referred to in Section 31 or recommendation about a UKL-UPL.            (3) Environmental license as referred to in paragraph (1) shall set out requirements contained in the decision on environmental feasibility or recommendation on a UKL-UPL</p>	<p><b>Full equivalence</b></p>	<p><b>None required</b></p>

<sup>7</sup> All English translations are unofficial translations. The original Bahasa Indonesia text is the only official version of all legal instruments in Indonesia. According to Law No. 24/2009 on the Flag, Language and State Symbols, and National Anthem, Article 26 "Indonesian language shall be used in legislation".

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap-filling Measures
<p>Article 40            (1) The environmental permit shall constitute a requirement for securing business and/ or activity permit.            (2) In the case of environmental permit being revoked, the business and/ or activity permit shall be nullified.            (3) In the case of any change in business and/or activity, personnel in charge of the business and/or activity shall be obliged to renew environmental permit.</p> <p><b>Law No. 30/2009 on Electricity</b>            Article 42            Any electricity business activities must meet the provisions as stated in the environmental laws and regulations.</p>			
<p><b>Scope and Triggers:</b> Environmental safeguards are triggered if a project is likely to have potential environmental risks and impacts.</p>			
<p><b>Law No. 30/2009 on Electricity</b>            Article 42            Any electricity business activities must meet the provisions as stated in the environmental laws and regulations.</p> <p><b>Law No. 32/2009 on Environmental Protection and Management</b>            Article 22            (1) Every business and/or activity having substantial impact on the environment shall be obliged to have AMDAL.            (2) The substantial impact shall be stipulated on the basis of criteria:            a. the quantity of population to be affected by the business and/or activity plan;            b. the size of distribution area of impact;            c. intensity and duration of impact;            d. environmental components to be affected;            e. cumulative characteristic of impact;            f. whether impacts reverts or not; and/or            g. other criteria in accordance with developments of science and technology.</p> <p>Article 23            (1) Criteria for business and/or activity having substantial impact shall be furnished with AMDAL consisting of:            a. change in formation of land and landscape;            b. exploitation of natural resources, either renewable or non-renewable;            c. process and activity potential to cause environmental pollution and/or damage as well as squandering and degradation of natural resources in the utilization;            d. process and activity having results potential to influence the natural environment, artificial environment as well as socio and cultural environment;            e. process and activity having result influencing the conservation of conservation area of natural resources and/or protection of cultural reserves;            f. introduction of plants, animals and micro-organism;            g. production and utilization of biological and non-biological substances;            h. activity which is highly risky and/ or influence state defense; and/or</p>		<p><b>Partial equivalence</b></p> <p>Law No. 30/2009 on Electricity provides generally that all electricity business activities must comply with national environmental laws and regulations.</p> <p>Law No. 32/2009 stipulates that all activities with significant impact on the environment are required to carry out EIA/AMDAL and that activities without significant impact are subject to other types of environmental management and monitoring. Law No. 32/2009 and Minister of Environment MOEF) Regulation No. 5/2012 establish criteria for</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:            (i) ensure that no PLN projects are exempt from environmental assessment; and            (ii) carry out EIA/AMDAL or UKL-UPL, as appropriate, based on the associated risk, for standalone distribution line projects and geothermal exploration projects. See Policy Principle 2, Key Element 1.</p>

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap-filling Measures
	<p>i. application of technology predicted to have great potential to influence the environment.            (2) Further provision on businesses and/or activities obliged to have AMDAL as referred to in paragraph (1) shall be governed by a regulation of the Minister.</p> <p>Article 24            The document of as referred to in Article 22 shall constitute a basis for stipulating decision on environmental feasibility.            Section 36            (1) Any undertaking and/or activity required to have an EIA or UKL-UPL shall have an environmental license.            (2) Environmental license as referred to in paragraph (1) shall be issued based on the decision on environmental feasibility as referred to in Section 31 or recommendation about a UKL-UPL.            (3) Environmental license as referred to in paragraph (1) shall set out requirements contained in the decision on environmental feasibility or recommendation on a UKL-UPL.            (4) Environmental license shall be issued by the Minister, governor, or bupati/mayor according to their respective authority.</p> <p>Section 37            (1) The Minister, governor, or bupati/mayor according to their respective authority shall reject an application for environmental license when it is not accompanied by an EIA or UKL-UPL.</p> <p><b>Minister of Environment Regulation No. 5/2012 on Types of Business Plans and/or Activities Requiring AMDAL</b>            Article 2            (1) Every business and/or activity with significant environmental impact requiring AMDAL.            (2) Types of business plans and/or activities requiring AMDAL are listed in Annex I, which is an integral part of this regulation.            (3) To determine if a plan of business and/or activity requires an AMDAL, the proponent shall conduct screening in accordance with the screening procedure as described in Annex II, which is an integral part of this regulation.            (4) Upon the screening results as referred to Clause (3), environmental agency at the central, provincial or district/city level shall examine and determine whether the business and/or activity requiring an AMDAL.</p> <p>Article 3            (1) Business and/or activities carried out:            a. in protected areas; and/or            b. directly adjacent to a protected area, shall be required to conduct AMDAL.            (2) Protected areas are listed in Annex III, which is an integral part of this regulation.            (3) Types of business plans and/or activities whose direct boundary with protected area includes:            a. boundary of project site is directly adjacent to the protected area; and or            b. potential impacts of business and/or activity are predicted to affect nearby protected area            (4) The obligation to conduct an AMDAL is excluded for business plans and/or activities [involving]            a. exploration for mining, oil and gas, and geothermal development;            b. scientific research and development;            c. support of the conservation of protected areas;</p>	<p>determining the scope of environmental assessment and for exempting a proposed project from environmental assessment.            MOEF Regulation No. 5/2012 lists the types of electricity business activities that are subject to environmental assessment, but does not trigger impact assessment for standalone distribution line projects unless they are carried out in or adjacent to a protected area.</p>	

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	<p>d. defense and security interests with no significant impact on the environment;  e. cultivation with no significant impact on the environment; and  f. cultivation as permitted for indigenous people in a specified area that does not reduce the function of protected areas and under strict supervision.</p> <p>Article 4  (1) Types of business plans and/or activities:  a. with smaller scale/magnitude than those listed in Annex I; and/or  b. not listed in Annex I but have significant impact on the environment, may be decided as requiring AMDAL.  (2) Types of business plans and/or activities as referred to Clause (1) shall be determined by the Minister based on:  a. scientific considerations regarding environmental carrying capacity and supporting capacity; and  b. typology of local ecosystems likely to be subject to significant environmental impacts.  c.  Article 5  (1) Types of business plans and/or activities with AMDAL requirement might be exempted from the obligation if:  a. impact of the plan business and/or the activity can be mitigated through the application of science and technology; and/or  b. based on scientific considerations, not cause significant impacts on the environment.  (2) Type of business plans and/or activities as referred to Clause (1) shall be determined by the Minister.  (4) Business plans and/or activities as referred to Clause (1) shall have the UKL-UPL or a statement on capability for environmental management and monitoring in accordance with the laws and regulations concerning the type of business and/or activities requiring UKL-UPL or statement of capability for environmental management and monitoring.</p> <p>Annex 1</p> <table border="1" data-bbox="199 933 1402 1421"> <thead> <tr> <th>No</th> <th>Type of Activities</th> <th>Scale/Magnitude</th> </tr> </thead> <tbody> <tr> <td>1</td> <td><b>Development of Transmission Line</b></td> <td></td> </tr> <tr> <td>1.1</td> <td>High Voltage Air Channel</td> <td>150 kV</td> </tr> <tr> <td>1.2</td> <td>High Voltage Cable Channel</td> <td>150 kV</td> </tr> <tr> <td>1.3</td> <td>High Voltage Sea Cable Channel</td> <td>150 kV</td> </tr> <tr> <td>2</td> <td><b>Development of power plant</b></td> <td></td> </tr> <tr> <td>2.1</td> <td>PLTD/PLTG/PLTU/PLGU (diesel, coal-fired, gas power plants)</td> <td>≥ 100 MW (in one location)</td> </tr> <tr> <td>2.2</td> <td>Development of PLTP (geothermal)</td> <td>≥ 55 MW</td> </tr> <tr> <td>2.3</td> <td>Development of PLTA (hydroelectric) with:</td> <td></td> </tr> <tr> <td></td> <td>- Height of weir, or</td> <td>≥ 15 m</td> </tr> <tr> <td></td> <td>- Area of inundation, or</td> <td>≥ 200 ha</td> </tr> <tr> <td></td> <td>- Power capacity (direct current)</td> <td>≥ 50 MW</td> </tr> <tr> <td>2.4</td> <td>Waste to Energy Power Plant (PTLA) with methane harvesting process</td> <td>≥ 30 MW</td> </tr> <tr> <td>2.5</td> <td>Development of other/renewable-sources power plants (solar, wind, biomass, wetland)</td> <td>≥ 10 MW (in one location)</td> </tr> </tbody> </table>	No	Type of Activities	Scale/Magnitude	1	<b>Development of Transmission Line</b>		1.1	High Voltage Air Channel	150 kV	1.2	High Voltage Cable Channel	150 kV	1.3	High Voltage Sea Cable Channel	150 kV	2	<b>Development of power plant</b>		2.1	PLTD/PLTG/PLTU/PLGU (diesel, coal-fired, gas power plants)	≥ 100 MW (in one location)	2.2	Development of PLTP (geothermal)	≥ 55 MW	2.3	Development of PLTA (hydroelectric) with:			- Height of weir, or	≥ 15 m		- Area of inundation, or	≥ 200 ha		- Power capacity (direct current)	≥ 50 MW	2.4	Waste to Energy Power Plant (PTLA) with methane harvesting process	≥ 30 MW	2.5	Development of other/renewable-sources power plants (solar, wind, biomass, wetland)	≥ 10 MW (in one location)		
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<p>Annex II Flow Chart of Procedures for Determining Compulsory or Not a Business and/or Activities Plan Having AMDAL</p> <p>Three stages of screening:</p> <ol style="list-style-type: none"> <li>1. A preliminary information summary test with a list of types of business and / or activities plans required to have an AMDAL (Attachment I)</li> <li>2. Is the location of the business and / or activity plan in and / or directly adjacent to the protected area? <ul style="list-style-type: none"> <li>• Use the list of protected areas in Annex III (the protected area referred to in accordance with the provisions of the law); and</li> <li>• Use criteria directly adjacent to protected areas</li> </ul> </li> <li>3. A preliminary information summary test with exclusion criteria on the list of types of business and / or activities plans required to have an EIA located within and / or directly adjacent to a protected area</li> </ol>			
<p><b>Policy Principle 1:</b> Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.</p>			
<p><b>Key Element 1.1</b></p> <p>Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment so that appropriate studies are undertaken commensurate with the significance of potential impacts and risks.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Chapter I, General Provisions</p> <p>Article 1. Referred to in this law as:</p> <ol style="list-style-type: none"> <li>11. Environmental Impact Analysis (AMDAL) defined as a study on significant impacts of a planned business and/or activity on the environment, as needed for making decision[s] on the operation of a business and/or activity.</li> <li>12. Environmental Management and Monitoring Measures (UKL-UPL) are defined as the environmental management and monitoring for businesses and/or activities with no significant impact on the environment, as needed for making decision[s] on the operation of businesses and/or activities.</li> </ol> <p>Article 22</p> <ol style="list-style-type: none"> <li>(1) Every business and/or activity having significant impact on the environment shall conduct AMDAL [Environmental Impact Assessment].</li> <li>(2) Significance of impact shall be determined based on the following criteria: <ol style="list-style-type: none"> <li>a. Number of population to be affected _ ;</li> <li>b. Coverage and distribution [of the] area of impact;</li> <li>c. Intensity and period of the impact</li> <li>d. Number of environmental components to be affected;</li> <li>e. cumulative characteristics of impact;</li> <li>f. reversibility or irreversibility of impacts; and</li> </ol> </li> </ol>	<p><b>Partial equivalence</b></p> <p>Law No. 32/2009 and its implementing regulations require screening to determine the type of environmental assessment that is commensurate with potential project risks. EIA/AMDAL is required for projects with significant impacts; UKL-UPL, which is an environmental management and monitoring plan, is required for projects without significant</p>	<p><b>PLN</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: (i) ensure that no PLN projects are exempted from environmental impact assessment; and (ii) screen each proposed PLN project, including distribution line projects and geothermal exploration, as early as possible in the</p>

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap-filling Measures
	<p>g. Other criteria as the advance of science and technology.</p> <p>Article 23            (1) Criteria of business and/or activity with significant impact that shall prepare AMDAL consist of:</p> <ol style="list-style-type: none"> <li>a. Change of land relief and natural landscape;</li> <li>b. Exploitation of natural resources, both renewable and non-renewable resources;</li> <li>c. Process and activity which potentially may lead to pollution and/or environmental deterioration as well as wastage and depletion of natural resource in its utilization;</li> <li>d. Process and activity which products may affect natural environment, human made environment, and social and culture environment</li> <li>e. Process and activity which products will affect preservation of natural resources conservation area and/or protection of cultural heritage;</li> <li>f. Introduction of plants, animals and microorganism's species;</li> <li>g. Preparation and utilization of biological and non-biological materials;</li> <li>h. High risk activity and/or affect State's defense; and/or</li> <li>i. Application of technology that potentially affect environment.</li> </ol> <p>Article 34            (1) Every business and/or activity not included in the AMDAL mandatory as referred to in Article 23 Clause (1) shall prepare UKL-UPL.            (2) The governor or bupati/mayor shall stipulate the type of undertaking and/or activity that should be accompanied by a UKL-UPL.</p> <p>Article 47            (1) Any business and / or activity that has the potential to have significant impacts on the environment, threats to ecosystems and livelihoods, and / or human health and safety shall undertake an environmental risk analysis.</p> <p><b>Minister of Environment Regulation No. 5/2012 on Types of Business Plans and/or Activities Requiring AMDAL</b></p> <p>Article 2            (1) Every business and/or activity with significant environmental impact requiring AMDAL.            (2) Types of business plans and/or activities requiring AMDAL are listed in Annex I, which is an integral part of this regulation.            (3) To determine if a plan of business and/or activity requires an AMDAL, the proponent shall conduct screening in accordance with the screening procedure as described in Annex II, which is an integral part of this regulation.            (4) Upon the screening results as referred to Clause (3), environmental agency at the central, provincial or district/city level shall examine and determine whether the</p>	<p>impact.            SPPL, which is a statement of the ability of the person responsible for a project or activity to conduct environmental management and monitoring of micro and small projects that are not required to carry out EIA/AMDAL or prepare a UKL-UPL.</p> <p>The extent of environmental assessment required is set out in annexes to MOEF Regulation No. 5/2012 which requires EIA/AMDAL for power generation and transmission line projects but does not explicitly include distribution line projects.</p> <p>Law No. 32/2009 requires sub-national government authorities to stipulate the types of activities that require UKL-UPL. MOEF Regulation No. 25/2018 sets out the procedure for provincial and local government authorities to screen</p>	<p>project design phase to determine the appropriate type and extent of environmental assessment required to identify and assess potential impacts and risks of the project.</p>

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap-filling Measures
	<p>business and/or activity requiring an AMDAL.</p> <p>Article 3            (1) Business and/or activities carried out:            a. in protected areas; and/or            b. directly adjacent to a protected area, shall be required to conduct AMDAL.            (2) Protected areas are listed in Annex III, which is an integral part of this regulation.            (3) Types of business plans and/or activities whose direct boundary with protected area includes:            a. boundary of project site is directly adjacent to the protected area; and or            b. potential impacts of business and/or activity are predicted to affect nearby protected area            (4) The obligation to conduct an AMDAL is excluded for business plans and/or activities [involving]:            a. exploration for mining, oil and gas, and geothermal development;            b. scientific research and development;            c. support of the conservation of protected areas;            d. defense and security interests with no significant impact on the environment;            e. cultivation with no significant impact on the environment; and            f. cultivation as permitted for indigenous people in a specified area that does not reduce the function of protected areas and under strict supervision.</p> <p>Article 4            (1) Types of business plans and/or activities:            a. with smaller scale/magnitude than those listed in Annex I; and/or            b. not listed in Annex I but have significant impact on the environment, may be decided as requiring AMDAL.            (2) Types of business plans and/or activities as referred to Clause (1) shall be determined by the Minister based on:            a. scientific considerations regarding environmental carrying capacity and supporting capacity; and            b. typology of local ecosystems likely to be subject to significant environmental impacts.</p> <p>Article 5            (1) Types of business plans and/or activities with AMDAL requirement might be exempted from the obligation if:            a. impact of the plan business and/or the activity can be mitigated through the application of science and technology; and/or            b. based on scientific considerations, not cause significant impacts on the environment.            (2) Type of business plans and/or activities as referred to Clause (1) shall be determined by the Minister.</p>	<p>proposed businesses and activities to determine the types of projects that require UKL-UPL or SPPL.</p> <p>MOEF Regulation No. 5/2012 excludes exploration for geothermal development from EIA/AMDAL. Law No. 21/2014 stipulates that geothermal exploration must have an environmental license, which indicates that a UKL-UPL must be prepared since EIA/AMDAL is excluded. Regulation No.5/2012 also specifies that projects could be exempted from the EIA/AMDAL requirement if their impacts can be mitigated through science or technology. This means that screening for geothermal exploration and for projects exempted from the EIA/AMDAL requirement must be done at the sub-national level.</p>	

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	<p>(4) Business plans and/or activities as referred to Clause (1) shall have the UKL-UPL or a statement on capability for environmental management and monitoring in accordance with the laws and regulations concerning the type of business and/or activities requiring UKL-UPL or statement of capability for environmental management and monitoring.</p> <p>Annex 1</p> <table border="1" data-bbox="478 495 1377 1000"> <thead> <tr> <th>No</th> <th>Types of Activities</th> <th>Scale/Magnitude</th> </tr> </thead> <tbody> <tr> <td><b>1</b></td> <td><b>Development of Transmission Line</b></td> <td></td> </tr> <tr> <td>1.1</td> <td>High Voltage Air Channel</td> <td>&gt; 150 kV</td> </tr> <tr> <td>1.2</td> <td>High Voltage Cable Channel</td> <td>&gt; 150 kV</td> </tr> <tr> <td>1.3</td> <td>High Voltage Sea Cable Channel</td> <td>&gt; 150 kV</td> </tr> <tr> <td><b>2</b></td> <td><b>Development of power plant</b></td> <td></td> </tr> <tr> <td>2.1</td> <td>PLTD/PLTG/PLTU/PLGU (diesel, coal-fired, gas power plants)</td> <td>≥ 100 MW (in one location)</td> </tr> <tr> <td>2.2</td> <td>Development of PLTP (geothermal)</td> <td>≥ 55 MW</td> </tr> <tr> <td>2.3</td> <td>Development of PLTA (hydroelectric) with:</td> <td></td> </tr> <tr> <td></td> <td>- Height of weir, or</td> <td>≥ 15 m</td> </tr> <tr> <td></td> <td>- Area of inundation, or</td> <td>≥ 200 ha</td> </tr> <tr> <td></td> <td>- Power capacity (direct current)</td> <td>≥ 50 MW</td> </tr> <tr> <td>2.4</td> <td>Waste to Energy Power Plant (PTLA) with methane harvesting process</td> <td>≥ 30 MW</td> </tr> <tr> <td>2.5</td> <td>Development of other/renewable-sources power plants (solar, wind, biomass, wetland)</td> <td>≥ 10 MW (in one location)</td> </tr> </tbody> </table> <p>Annex II Flow Chart of Procedures for Determining Compulsory or Not a Business and/or Activities Plan Having AMDAL Three stages of screening:</p> <ol style="list-style-type: none"> <li>1. A preliminary information summary test with a list of types of business and / or activities plans required to have an AMDAL (Attachment I)</li> <li>2. Is the location of the business and / or activity plan in and / or directly adjacent to the protected area? <ul style="list-style-type: none"> <li>• Use the list of protected areas in Annex III (the protected area referred to in accordance with the provisions of the law); and</li> <li>• Use criteria directly adjacent to protected areas</li> </ul> </li> <li>3. A preliminary information summary test with exclusion criteria on the list of types of business and / or activities plans required to have an EIA located within and / or directly adjacent to a protected area</li> </ol>	No	Types of Activities	Scale/Magnitude	<b>1</b>	<b>Development of Transmission Line</b>		1.1	High Voltage Air Channel	> 150 kV	1.2	High Voltage Cable Channel	> 150 kV	1.3	High Voltage Sea Cable Channel	> 150 kV	<b>2</b>	<b>Development of power plant</b>		2.1	PLTD/PLTG/PLTU/PLGU (diesel, coal-fired, gas power plants)	≥ 100 MW (in one location)	2.2	Development of PLTP (geothermal)	≥ 55 MW	2.3	Development of PLTA (hydroelectric) with:			- Height of weir, or	≥ 15 m		- Area of inundation, or	≥ 200 ha		- Power capacity (direct current)	≥ 50 MW	2.4	Waste to Energy Power Plant (PTLA) with methane harvesting process	≥ 30 MW	2.5	Development of other/renewable-sources power plants (solar, wind, biomass, wetland)	≥ 10 MW (in one location)		
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	<p>Annex III List of Protected Areas The Protected Area referred to in this Ministerial Regulation shall be as follows:</p> <ol style="list-style-type: none"> <li>1. protected forest areas;</li> <li>2. peat areas; and</li> <li>3. water catchment area.</li> <li>4. beach border;</li> <li>5. river border;</li> <li>6. the area around the lake or reservoir;</li> <li>7. wildlife reserves and marine reserves;</li> <li>8. nature reserves and marine reserves;</li> <li>9. coastal areas of mangrove forests;</li> <li>10. national parks and marine national parks;</li> <li>11. forest parks;</li> <li>12. natural tourism parks and marine nature parks;</li> <li>13. cultural and science preservation areas;</li> <li>14. geological reserve area;</li> <li>15. groundwater affix area;</li> <li>16. border of springs;</li> <li>17. germplasm protection areas;</li> <li>18. wildlife refuge area;</li> <li>19. coral reefs; and</li> <li>20. corridor areas for protected species of marine animals or biotas</li> </ol> <p>Annex IV Criteria for Screening of The Business and / or Activities Plan Which Are Not Included In The List Of Business and / or Activity Required To Have AMDAL for Proposed To Minister To Be Determined as of The Business And / Or Activity Plan Required To Have AMDAL</p> <p>Step 1 Fill in the list of questions related to the location of the business and / or activity plan</p> <p>Step 2 Fill in the list of questions to assess the characteristics of the business plan and / or activity. The answer "YES" is an indication that the type of business and / or activity plan is required to have AMDAL.</p> <p>Step 3 Make a significant impact determination for each "YES" answer from the questionnaire in Steps 1 and Step 2 using the following significant impact determinants:</p> <ol style="list-style-type: none"> <li>1. The number of people to be affected;</li> <li>2. the area of impact distribution;</li> </ol>		

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	<p>3. intensity and duration of impact;  4. the number of other environmental components affected;  5. the cumulative nature of the impact; and  6. reversible or irreversible (impact).</p> <p>Step 4  Learn whether in the last 10 years the results of the implementation of environmental management and monitoring of the type of business and/or activities indicate that:  a. such business and / or activity will always have significant negative impacts that are almost similar throughout the territory of Indonesia.  b. there is no available science and technology, procedures or procedures to manage the significant negative impacts of the business and / or activities concerned, whether integrated with the production process or separated from the production process.</p> <p>Step 5  If the results of the analysis of step 4 indicate that in the last 10 years the environment impact of the business and / or activity is not recognizable as the character of the impact and there is no available science, technology and regulation to overcome the significant negative impacts, the said business and / or activity originally categorized as no compulsory to have an AMDAL be classified as a business and / or activity that is required to have an AMDAL.</p> <p>Annex V Summary of The Information on The Business And / Or Activities Plan That Will Be Screened  1. Identity of the proponent  2. Business and / or main activities plan being screened (information, scale, additional information)  3. Business and / or supporting activities plan being screened (information, scale, additional information)  4. Location of business and or activity plan (information, scale, additional information)  5. Type of business and / or activity plan reviewed from its implementation stage (information, scale, additional information)  6. Type of business and / or activity plan reviewed from cultivation or non- cultivation study (information, scale, additional information)</p> <p><b>Minister of Environment and Forestry Regulation No. 25/2018 on Guidelines for Determining Types of Businesses and/or Activities Requiring Environmental Management and Monitoring Measures and Commitment Statement on Environmental Management and Monitoring</b></p> <p>Article 6  (1) Governor or regent/mayor according to his/her authority shall conduct screening</p>		

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	<p>of the types of business and/or activities requiring UKL-UPL and SPPL.</p> <p>(2) The screening referred to mentioned in clause (1) shall be conducted by provincial or district environmental agency according to their authority.</p> <p>(3) The screening referred to in clause (1) shall be done for all types of businesses and/or activities of various sectors.</p> <p>Article 7</p> <p>(1) The screening as referred to in article 6 is Done with the following stages:</p> <ol style="list-style-type: none"> <li>a) Ensure that the business plan and/or activities of various sectors are not included in the type of business plan and/or activities that require AMDAL;</li> <li>b) Ensure that there is available technology to mitigate any potential impact from the business plan and/or activities of various sectors; and</li> <li>c) Check the regulations stipulated by non-ministerial government ministries or agencies on the type of business and/or activities that require UKL-UPL.</li> </ol> <p>(2) Type of business plan and/or activities that do not require an AMDAL as intended in paragraph (1) a shall have the following criteria:</p> <ol style="list-style-type: none"> <li>a. The business does not involve any type of business and/or activities that require an EIA as stipulated by the Minister and/or</li> <li>b. The business and/or activity is not located inside and/or directly adjacent to the protected areas that have been stipulated by legislation.</li> </ol> <p>(3) In the event that there is no known mitigation technology to address the environmental impacts from a business plan and/or activity, then such business and/or such activities shall require AMDAL.</p> <p>(4) In the event that the Ministry or non-ministerial government agency has not designated the type of business and/or activities that require UKL-UPL and SPPL or has established the type of business and/or activities that require UKL-UPL and SPPL, but the scale/magnitude of the activities has not been determined, then screening can be done by involving the related regional agencies, ministries or government institutions of non-ministries and/or related experts.</p> <p>(5) The screening as referred to in paragraph (4) shall follow these steps:</p> <ol style="list-style-type: none"> <li>a. Conduct analysis on the components of the business plan and/or activities that may cause environmental impacts which therefore the environmental management and monitoring efforts must be undertaken, consisting of: <ol style="list-style-type: none"> <li>1. Types of activities;</li> <li>2. Scale/magnitude/size;</li> <li>3. Production capacity;</li> <li>4. Area size of land utilized;</li> <li>5. Waste and/or contamination and/or environmental impacts;</li> <li>6. Technology available and/or used;</li> <li>7. The number of environmental components affected</li> <li>8. Investment size</li> <li>9. Concentration of activities;</li> </ol> </li> </ol>		

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	<p>10. The number of workers; and  11. Social aspects of activities;</p> <p>b. If any of the components of the business plan and/or activity as referred to in letter a, cause environmental impact and it requires UKL-UPL, the type of business and/or such activities shall be required to have a UKL-UPL; and  c. If all of the components of the business plan and/or activity as referred to in letter a, do not cause any impact on the environment and do not require UKL- UPL, the type of business and/or such activities shall only be required to have an SPPL.</p> <p>Article 8  (1) Based on the screening as referred to in Article 6 and Article 7, the Governor or Regent/mayor in accordance with his/her authority shall decide the type of business plan and/or activities that require UKL-UPL and SPPL  (2) The decision as referred to in paragraph (1) shall be done by issuing the Governor's decree or Regent/mayor.</p> <p><b>Government Regulation No. 27/2012 on Environmental Permits</b>  Article 1  5. Significant Impact is fundamental environmental change which caused by a business and/or activity.</p> <p>Article 3  (1) Every business and/or activity which significantly affect to environment shall prepare AMDAL.  (2) Every business and/or activity which is not included in the AMDAL mandatory criteria as referred to in Clause (1) shall prepare UKL-UPL.  Elucidation of Article 3 Clause (1)  Criteria of significant impact among others consists of:  a. Number of population who will be affected by the proposed business and/or activities;  b. Coverage of impact area distribution;  c. Intensity and duration of the impacts;  d. Number of other environmental components affected;  e. Cumulative feature of the impact;  f. Reversibility or irreversibility of impact; and/or  g. Other criteria as the development of science and technology.</p> <p>Article 4 (1)  AMDAL as referred to in Article 3 paragraph (1) shall be prepared by the proponent at the planning stage of a Business and/or Activity.  Elucidation of Article 4 Paragraph (1)  AMDAL is an instrument to plan preventive actions against environmental pollution</p>		

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	<p>and damage that may arise from development activities. Considering its function as one of the instruments in Business and/or Activity Planning, the preparation of AMDAL is not done after the Business and / or Activity is implemented. The preparation of AMDAL referred to in this paragraph shall be conducted in the feasibility study phase or detailed engineering design</p> <p>Article 14 (1) UKL-UPL as referred to in Article 3 paragraph (2) shall be prepared by the proponent at the planning stage of a Business and / or Activity. Elucidation of Article 14 Paragraph (1) UKL-UPL is an instrument to plan preventive actions against environmental pollution and damage that development activities may cause. Considering its function as one of the instruments in Business and / or Activity planning, UKL-UPL shall not be conducted after Business and / or Activity is carried out. The UKL-UPL referred to in this paragraph shall be conducted at the feasibility study stage or detailed engineering design.</p> <p>Article 50 (1) The party responsible for the business and/or activity shall apply for the amendment of the environmental permit, if the business and/or activity that has obtained the environmental permit is planned to be amended. (2) Business and/or Activity Changes as referred to in paragraph (1) shall include: d. there is a change of impact and/or risk to the environment based on the result of an environmental risk analysis and/or a mandatory environmental audit;..</p> <p><b>Minister of Environment and Forestry Regulation No. 23/2018 on Criteria of Business and/or Activity Changes and Environmental Permit Change Procedure</b></p> <p>Article 5 (1) In the case the Environmental Permit needs to be revised due to some changes of the Business and/or Activities as referred to in Article 4 above, the Environmental Permit holder shall submit request for revision guidance of the Environmental Permit to the authorized Minister, governor or regent/major accordingly. (2) Submission of the request to revise the Environmental Permit as referred to in paragraph (1) must be supported by an environmental information report (PIL). (3) The format of the environmental information report as referred to in paragraph (2) is listed in Appendix II which is an integral part and inseparable from this Ministry Regulation.</p> <p>Article 6 (1) The Minister, respective governor or regent/mayor who has authority shall evaluate the request to revise the Environmental Permit as mentioned in Article 5.</p>		

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	<p>(2) In conducting the evaluation as referred to in paragraph 1, the Minister, with the respective authorized governor or regent/major will assign:</p> <p>a. The Official from the central (national) environmental agency;</p> <p>b. The Head of the provincial environmental agency, or</p> <p>c. The Head of the district/city environmental agency.</p> <p>(3) In conducting the evaluation, the officials as referred in paragraph (2), letter a to letter c can be done by involving:</p> <p>a. A technical team of the AMDAL Assessment Committee; and/or</p> <p>b. Experts</p> <p>(4) The Authorized environmental officials as referred in paragraph (2) will provide follow-up guidance to the Environmental Permit holder on the revision requested.</p> <p>(5) The revision of the Environmental Permit as referred to in paragraph (4) shall apply the following guidance:</p> <p>a. If the changes of business and/or activities -as referred to in Article 4 paragraph (3) letter b- may have impact on the environment – and letter c to letter e, the revision shall involve revision of the Decree of Environmental Feasibility (KLK) or revision in UKL-UPL Recommendation; or</p> <p>b. paragraph (3) letter a and letter b do not impact the environment – and letter f; the revision of the Environmental Permit is conducted without revising the Decree of Environmental Feasibility (KLK) or UKL-UPL Recommendation.</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Article 1 Referred to in this Government Regulation as.</p> <p>7. Environmental Management and Monitoring Plan, hereinafter abbreviated as UKL-UPL. Shall be a management and monitoring plan of Business and/or Activity that have no significant impact on the environment, required for decision-making process in justifying the implementation of a business and/or activity.</p> <p>Part II Screening Process for Changes to Environmental Licenses</p> <p>Article 44</p> <p>(1) In the event that changes will be made to the Business and / or Activity having obtained an Environmental Permit as referred to in Article 43, Business Entity shall submit a request for directives for changes to an Environmental Permit to the Minister, governor or regent / mayor in accordance with their respective authority before submitting an application for changes to Environmental Permits to OSS institutions.</p> <p>(2) Request for directives for changes to an Environmental Permit as referred to in Paragraph (1) must be completed with presentation of environmental information.</p> <p>(3) Format of the presentation of environmental information as referred to in</p>		

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	<p>Paragraph (2) are listed in Appendix V as an integral part of this Ministerial Regulation.</p> <p>Article 45            (1) The Minister, governor or regent / mayor in accordance with their respective authority evaluates the request for directives for changes to an Environmental Permits as referred to in Article 44.            (2) In conducting the evaluation as referred to in Paragraph (1), the Minister, governor or regent / mayor in accordance with his authority assigns:            a. official of central environmental agency;            b. head of the provincial environmental agency, or            c. head of district / city regional environmental agency.            (3) The implementation of an evaluation by an official of the environment as referred to in Paragraph (2) letter a through letter c can be carried out by involving:            a. technical team; and / or            b. specialists / experts.            (4) The official of the environment as referred to in Paragraph (2), in accordance with his authority, provides follow-up directives for changes to an Environmental Permit to holders of Environmental Permits.            (5) Directives for changes to an Environmental Permit as referred to in Paragraph (4) include:            a. In the case of business changes and / or activities included in the category of business and / or activity changes as referred to in Article 43 Paragraph (3) letter b, which affects the environment, letter c up to letter e, changes in Environmental Permits are made through changes to decision on Environmental Feasibility or changes to UKL-UPL Recommendations; or            b. In the case of business and / or activities changes included in the category of business and / or activity changes as referred to in Article 43 Paragraph (3) letters a and letter b, which have no effect on the environment and letter f, changes of Environmental Permits are carried out without changes to the Decision on Environmental Feasibility or changes to UKL-UPL Recommendations.</p> <p><b>Ministry of Transport Regulation No. 75/2015 on Traffic Impact Analysis</b>            Article 2 (1)            Any plan for the construction of centers of activities, settlements and infrastructure which will cause interference to security, safety, order, and traffic and road transport shall require a Traffic Impact Analysis to be conducted.</p>		
<p><b>Policy Principle 2:</b> Conduct an environmental assessment for each proposed project to identify potential direct, indirect, cumulative, and induced impacts and risks to physical, biological, socioeconomic (including impacts on livelihood through environmental media, health and safety, vulnerable groups, and gender issues), and physical cultural resources in the context of the project's area of influence. Assess potential transboundary and global impacts, including climate change. Use strategic environmental assessment where appropriate.</p>			

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<p><b>Key Element 2.1</b> Conduct an environmental assessment for each proposed project.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Article 22 (1) Every business and/or activity having substantial impact on the environment shall be obliged to have AMDAL [EIA].</p> <p>Article 24 The document of as referred to in Article 22 shall constitute a basis for stipulating decision on environmental feasibility.</p> <p>Section 31 Based on the EIA Appraising Commission's appraisal, the Minister, governor, or bupati/mayor shall stipulate a decision regarding environmental feasibility or unfeasibility according to their respective authority.</p> <p>Article 34 (1) Every business and/or activity not included in the AMDAL mandatory as mentioned in Article 23 Clause (1) shall prepare UKL-UPL. (2) The governor or bupati/mayor shall stipulate the type of undertaking and/or activity that should be accompanied by a UKL-UPL.</p> <p>Article 35 (1) Business and/or activity which is not required to prepare UKL-UPL as mentioned in Article 34 Clause (2) shall prepare statement letter on commitment for environmental management and monitoring. (2) Determination of type of business and/or activity as mentioned in Clause (1) carried out based on criteria: a. not included in category of significant impacts as mentioned in Article 23 Clause (1); and b. activities of micro and small enterprises.</p> <p>Section 36 (1) Any undertaking and/or activity required to have an EIA or UKL-UPL shall have an environmental license. (2) Environmental license as referred to in paragraph (1) shall be issued based on the decision on environmental feasibility as referred to in Section 31 or recommendation about a UKL-UPL. (3) Environmental license as referred to in paragraph (1) shall set out requirements contained in the decision on environmental feasibility or recommendation on a UKL-UPL</p> <p>Article 40 (1) The environmental permit shall constitute a requirement for securing business</p>	<p><b>Partial equivalence</b></p> <p>The PLN CSS requires environmental assessment for power generation and transmission line projects, but does not require it for standalone distribution line projects.</p> <p>National regulations establish conflicting deadlines for conducting environmental assessment. Presidential Regulation No. 4/2016 stipulates that environmental permits for electricity infrastructure must be completed in 60 working days. Government Regulation No. 24/2018 introduced a system for online single submissions (OSS) for EIA/AMDAL, UKL-UPL, and SPPL for specified types of activities, including electricity</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: carry out EIA/AMDAL or UKL-UPL, as appropriate, based on the associated risk, for standalone distribution line projects, geothermal exploration, and addendum Andal and RKL-RPL.</p>

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	<p>and/ or activity permit.                      (2) In the case of environmental permit being revoked, the business and/ or activity permit shall be nullified,                      (3) In the case of any change in business and/or activity, personnel in charge of the business and/or activity shall be obliged to renew environmental permit.</p> <p><b>Minister of Environment Regulation No. 5/2012 on Types of Business Plans and/or Activities Requiring AMDAL</b>                      Article 2                      (1) Every business and/or activity with significant environmental impact requiring AMDAL.                      (2) Types of business plans and/or activities requiring AMDAL are listed in Annex I, which is an integral part of this regulation...</p> <p>Appendix</p> <table border="1" data-bbox="495 688 1381 1365"> <thead> <tr> <th>No</th> <th>Type of Activities</th> <th>Scale/Magnitude</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>1 Development of Transmission Line</b></td> </tr> <tr> <td>1.1</td> <td>High Voltage Air Channel</td> <td>&gt; 150 kV</td> </tr> <tr> <td>1.2</td> <td>High Voltage Cable Channel</td> <td>&gt; 150 kV</td> </tr> <tr> <td>1.3</td> <td>High Voltage Sea Cable Channel</td> <td>&gt; 150 kV</td> </tr> <tr> <td colspan="3"><b>2 Development of power plant</b></td> </tr> <tr> <td>2.1</td> <td>PLTD/PLTG/PLTU/PLGU (diesel, coal-fired, gas power plants)</td> <td>≥ 100 MW (in one location)</td> </tr> <tr> <td>2.2</td> <td>Development of PLTP (geothermal)</td> <td>≥ 55 MW</td> </tr> <tr> <td>2.3</td> <td>Development of PLTA (hydroelectric) with:</td> <td></td> </tr> <tr> <td></td> <td>- Height of weir, or</td> <td>≥ 15 m</td> </tr> <tr> <td></td> <td>- Area of inundation, or</td> <td>≥ 200 ha</td> </tr> <tr> <td></td> <td>- Power capacity (direct current)</td> <td>≥ 50 MW</td> </tr> <tr> <td>2.4</td> <td>Waste to Energy Power Plant (PTLA) with methane harvesting process</td> <td>≥ 30 MW</td> </tr> <tr> <td>2.5</td> <td>Development of other/renewable-sources power plants (solar, wind, biomass, wetland)</td> <td>≥ 10 MW (in one location)</td> </tr> </tbody> </table>	No	Type of Activities	Scale/Magnitude	<b>1 Development of Transmission Line</b>			1.1	High Voltage Air Channel	> 150 kV	1.2	High Voltage Cable Channel	> 150 kV	1.3	High Voltage Sea Cable Channel	> 150 kV	<b>2 Development of power plant</b>			2.1	PLTD/PLTG/PLTU/PLGU (diesel, coal-fired, gas power plants)	≥ 100 MW (in one location)	2.2	Development of PLTP (geothermal)	≥ 55 MW	2.3	Development of PLTA (hydroelectric) with:			- Height of weir, or	≥ 15 m		- Area of inundation, or	≥ 200 ha		- Power capacity (direct current)	≥ 50 MW	2.4	Waste to Energy Power Plant (PTLA) with methane harvesting process	≥ 30 MW	2.5	Development of other/renewable-sources power plants (solar, wind, biomass, wetland)	≥ 10 MW (in one location)	<p>infrastructure. Under this regulation, OSS agencies can issue business licenses based on the applicant's commitment to complete requirements for an environmental permit. The regulation allows 30 days from the date the business license is issued to prepare an EIA/AMDAL. MOEF Regulation No. 26/2018, which implements Government Regulation No. 24/2018 with respect to environmental permits, allows 180 days to prepare an EIA/AMDAL and 60 days to review one; an annex to the regulation specifies 50 days to review an Andal and RKL-RPL. The deadlines established in the Government Regulation and the Presidential Regulation are significantly shorter than the ones established by MOEF. MOEF Regulation No. 26/2018 requires that UKL-UPL be</p>	
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	<p><b>Presidential Regulation No. 4/2016 on Accelerating the Development of Electricity Infrastructure as amended by Presidential Regulation No. 14/2017</b> Article 18 Minister /Head of Institution, Governor and Regent/ Mayor shall provide permits...required for the implementation of PIK [electricity infrastructure development].</p> <p>Article 19 (1) PT PLN (Persero), the subsidiary of PT PLN (Persero), or PPL shall submit a request for the completion of permits...as required for the implementation of PIK to the Central Office of PTSP (PTSP Pusat) of the Investment Coordinating Board (BKPM). (2) Permits...required to start the implementation of PIK as referred to in paragraph (1) requested to the Central Office of PTSP (PTSP Center) shall include as follows: c. environmental permit; (7) Head Office of PTSP shall conclude the permits and non-permits as referred to in paragraph (2) in a period of no later than 5 (five) working days after the submission of the complete and appropriate documents to center office of PTSP. (9) The permits and non-permits completion time referred to in paragraph (7) are excluded: a. environmental permit that is completed no later than 60 (sixty) working days;</p> <p><b>Government Regulation No. 24/2018 on Online Single Submission</b> Article 32 (1) The OSS Institution shall issue a Business Permit based on a Commitment to: a. The Business Entity that does not need infrastructure to operate its business/activity as referred to in Article 31 paragraph (2) letter 'a' and b. The Business Entity that needs infrastructure to operate its business and has acquired or has control of infrastructure as referred to in Article 31 paragraph (3) letter 'a'. (2) The OSS Institution shall issue a Business Permit based on the Commitment to the Business Entity that needs infrastructure to operate its business but does not own or control the infrastructure as referred to in Article 31 paragraph (3) letter 'b' after the OSS Institution issues: a. Location Permit b. Harbor-Waters Area Permit c. Environment Permit; and/or d. IMB (Building Permit) based on the Commitment.</p> <p>Article 35 (1) The Environment Permit as referred to in Article 32 paragraph (2) letter 'c' is not required if: a. the location of the business and/or activity is within the special economic zone, industrial zone, or free trade zone and in a free port or</p>	<p>completed within 10 days. MOEF Regulation No. 27/2012 enables exemptions from the EIA/AMDAL requirement if the proposed activity is in a district that has prepared a detailed spatial plan and MOEF Regulation No. 24/2018 specifies the procedure for obtaining an exemption</p> <p>Government Regulation No. 24/2018 stipulates that environmental permits are not required for businesses and/or activities that do not own or control the infrastructure required for them to operate in special economic zones, industrial zones, free trade zones and free port zones. Activities in these types of zones require only an RKL-RPL.</p>	

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	<p>b. the business and/or activity is classified as a micro and small business, a business and/or activity that is not required to have an AMDAL, or a business and/or activity that is not required to have an UKL/UPL.</p> <p>(2) Any business and/or activity that is located in the special economic zone, industrial zone, or free trade zone and free port as referred to in paragraph (1) letter 'a' shall be required to develop a detailed RKL-RPL based on the RKL-RPL of its relevant zone.</p> <p>(3) The detailed RKL-RPL as referred to in paragraph (2) shall be approved by the management of the relevant zone.</p> <p>(4) The provisions for supervising the detailed RKL-RPL shall be further specified under a ministerial regulation in governing environmental protection and management.</p> <p>(5) Any micro and small business and/or activity and any business and/or activity that is required to have an UKL/UPL shall be regulated by the governor or regent/mayor under the guidelines of the ministry regulation governing environmental protection and management.</p> <p>Article 39 The OSS Institution shall issue the Commercial Permit or Operational Permit under the commitment to fulfill:</p> <p>a. the standard, certificate, and/or license; and/or</p> <p>b. registration of goods and services, in accordance with type of commercial products and/or services as registered in the OSS system.</p> <p>Article 40 OSS Institutions shall void Business Permits that have been issued in the event that the Business Actor does not complete the fulfillment of the commitments as referred to in Article 32 and/or commercial or operational permits as referred to in Article 39.</p> <p>Article 50 Business entities are required to fulfill the Commitment for the Environment Permit issued by the OSS Institution as referred to in Article 32 paragraph (2) letter c by submitting:</p> <p>a. UKL-UPL or</p> <p>b. AMDAL document</p> <p>Article 51 (1) Business entities shall fulfill the requirements of the UKL-UPL as referred to in Article 50 letter 'a' in accordance with the UKL-UPL form.</p> <p>(2) The UKL-UPL as referred to in paragraph (1) shall consist of:</p> <p>a. description of the business plan and/or activity</p> <p>b. the potential impact on the environment; and environment management and</p>		

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	<p>monitoring program</p> <p>(3) The UKL-UPL standard form as referred to in paragraph (1) shall be stipulated under the regulation of the ministry that is responsible for governing environmental protection and management in each respective business sector and/or activity upon receiving considerations from the relevant minister.</p> <p>Article 54</p> <p>(1) All business entities shall be required to complete an AMDAL document as referred to in Article 50 letter b.</p> <p>(2) The AMDAL document as referred to in paragraph (1) should be finalized at the latest 30 (thirty) days upon the issuance of the Environment Permit by the OSS Institution.</p> <p>(3) The AMDAL document as referred to in paragraph (1) shall respect the following activities:</p> <ol style="list-style-type: none"> <li>a. develop the Andal and RKL-RPL</li> <li>b. assess the AMDAL and the RKL-RPL</li> <li>c. make the decision for the feasibility clearance</li> </ol> <p>Article 68</p> <p>(1) The process of applying for and issuing the Environment Permit, developing the AMDAL document and the UKL-UPL are done through the OSS system.</p> <p>(2) The minister in charge of environmental protection and management shall establish and develop a system to support the OSS system as referred to in paragraph (1).</p> <p>(3) The system as referred to in paragraph (2) also includes certified professions or business entity involved in developing the AMDAL document and UKL-UPL.</p> <p>Article 69</p> <p>(1) For micro and small businesses that are not required to have a UKL-UPL, then the business owner should submit a commitment statement to manage and monitor the environment.</p> <p>(2) Micro and small businesses that are not required to have an UKL-UPL as referred to in paragraph (1) shall be designated by the governor or regent head/mayor based on the guidelines as stipulated in the regulation of the minister in charge of environment protection and management.</p> <p>Article 71</p> <p>With the enactment of this Government Regulation, the provisions in Government Regulation Number 27 of 2012 regarding Environment Permit that addresses the process of developing an AMDAL and UKL-UPL and assessing the UKL-UPL and applying for and issuing an Environment Permit are still valid provided that the provisions are not contrary to this Government Regulation or otherwise if it is not</p>		

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	<p>specified in this Government Regulation.</p> <p>Article 84                      (1) In order to accelerate business services through the OSS system, business-licensing regulations have been reformed.                      (2) Reform of the Business Licensing regulations as referred to in paragraph (1) includes:                      a. reorganizing types of licenses, registrations, recommendations, approvals, stipulations, standards, certifications or licenses;                      b. setting stages in obtaining licenses; and                      c. enforcement of commitment to fulfill requirements.                      (3) Rearranging the types of licenses, registrations, recommendations, approvals, stipulations, standards, certifications, or licenses as referred to in paragraph (2) letter a are carried out through:                      a. Classification;                      b. Deletion;                      c. Merging;                      d. Change in nomenclature; or                      e. Adjustments requirements.                      (4) Stages to obtain permits as referred to in paragraph (2) letter b consist of:                      a. Registration;                      b. Granting of Business License; and                      c. Granting of Commercial or Operational Permits.                      (5) Letter c is carried out to conduct business and/or activity in accordance with a Business License or Commercial or Operational License that has been issued.</p> <p>Article 85                      The implementation of business licensing regulations reform as referred to in Article 84 consists of business licensing at:                      a. electricity sector;                      b. environmental and forestry sectors;                      Annex                      A. Business Licensing of Electricity Sector</p> <table border="1" data-bbox="493 1209 1381 1408"> <thead> <tr> <th>No</th> <th>Business Licensing*</th> <th>Business Licensing through OSS**</th> <th>Type of License</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Electricity Power Supply Business License (IUPTL)</td> <td>Electricity Power Supply Business License (IUPTL)</td> <td>Business License</td> </tr> <tr> <td>2</td> <td>Operational License</td> <td>Operational License</td> <td>Business License</td> </tr> </tbody> </table>	No	Business Licensing*	Business Licensing through OSS**	Type of License	1	Electricity Power Supply Business License (IUPTL)	Electricity Power Supply Business License (IUPTL)	Business License	2	Operational License	Operational License	Business License		
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ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>				Extent of Equivalence with Explanation	Recommended Gap-filling Measures
	3	Business Area Determination	Business Area Determination	Business License		
	4	Cross-border Electricity Sale and Purchase License	Cross-border Electricity Sale and Purchase License	Business License		
	5	Electricity Supporting Services Business License	Electricity Supporting Services Business License	Business License		
	6	Business License for the Utilization of electricity power networks for telecommunications, multimedia and informatics purposes	Business License for the Utilization of electricity power networks for telecommunications, multimedia and informatics purposes	Business License		
	7.	Operational Feasibility Certificate (SLO)	Operational Feasibility Certificate (SLO)	Commercial/Operational License		
	8.	Business Entity Certificate (SBU)	Business Entity Certificate (SBU)	Commercial/Operational License		
	9.	Technical Competence Certificate on Electricity (SKTTK)	Technical Competence Certificate on Electricity (SKTTK)	Commercial/Operational License		
	<p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Article 1 In this regulation: 14. OSS Management and Administrative Institution, hereinafter referred to as OSS Agency shall be non-ministerial government agency that administers government affairs in the capital investment coordination field.</p> <p>Article 4 (1) OSS agency issue Environmental Permit based on commitment. (2) Commitment as mentioned in Clause (1) covers obligation to: a. complete with AMDAL for business and/or activity requiring AMDAL; b. complete with UKL-UPL for business and/or activity requiring UKL-UPL; and c. no activity carried out before the commitment to complete with AMDAL or UKL- UPL fulfilled. (3) OSS agency issues change of Environmental Permit based on commitment for business actor who completed with Environmental Permit and plan to change the business and/or activity.</p>					

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	<p>(4) Commitment as mentioned in Clause (3) covers obligation to:</p> <ul style="list-style-type: none"> <li>a. complete with new AMDAL or Addendum Andal and RKL-RPL for business and/or activity requiring AMDAL;</li> <li>b. Complete with new AMDAL baru for business and/or activity requiring UKL-UPL which changes of the business and/or activity fall into AMDAL mandatory criteria;</li> <li>c. complete with new UKL-UPL for business and/or activity requiring UKL-UPL; and</li> <li>d. no activity carried out before the commitment to complete with new AMDAL baru, addendum Andal and RKL-RPL, and new UKL-UPL.</li> </ul> <p>(5) Commitment as mentioned in Clause (2) and Clause (4) covers statements that:</p> <ul style="list-style-type: none"> <li>a. location of the business and/or activity does not overlap with location of existing business and/or activity permitted or location of business and/or activity which permit being processed; and</li> <li>b. all requirements submitted in the application of Environmental Permit indicate no legal flaw, mistake, abuse, and inaccuracy and/or counterfeit of document, data and/or information.</li> </ul> <p>(6) In case Business Actor cannot meet the commitment of Environmental Permit as mentioned in Clause (2) or commitment of Environmental Permit change as mentioned in Clause (4) and commitment as mentioned in Clause (5), Environmental Permit or change of Environmental Permit issued by OSS agency as mentioned in Clause (1) declared as cancelled.</p> <p>(7) Cancellation as mentioned in Clause (6) cannot be challenged by either criminal or civil law.</p> <p>Article 7</p> <p>(1) AMDAL document as mentioned in Article 6 completed through stages:</p> <ul style="list-style-type: none"> <li>a. implementation of announcement to public on planned business and/or activity and public consultation;</li> <li>b. filling and submission of KA (Terms of Reference) Form;</li> <li>c. examination and approval of KA Form;</li> <li>d. preparation and approval of Andal and RKL-RPL; and</li> <li>e. review of Andal and RKL-RPL and decision on environmental feasibility or environmental unfeasibility.</li> </ul> <p>(2) Time period for implementation of announcement on planned business and/or activity, public consultation, filling of KA Form and examination of KA Form as mentioned in Clause (1) letter a, letter b and letter c carried out no longer than 30 (thirty) working days after OSS Entity issued Environmental Permit based on commitment.</p> <p>(3) Preparation of Andal and RKL-RPL as mentioned in Clause (1) letter d shall be started not later than 30 (thirty) working days since OSS Entity issued Environmental Permit based on commitment.</p> <p>(4) Time period for preparation of Andal and RKL-RPL as mentioned in Clause (1) letter d determined based on commitment of Business Actor stipulated in KA Form and</p>		

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	<p>approval of KA Form.</p> <p>(5) Time period for preparation of Andal and RKL-RPL as mentioned in Clause (4) carried out no longer than 180 (one hundred and eighty) working days.</p> <p>(6) Time period for review of Andal and RKL-RPL, deliver of recommendation on the review and final review and decision on the environmental feasibility or environmental unfeasibility as mentioned in Clause (1) letter e carried out no longer than 60 (sixty) working days since the Andal and RKL-RPL document submitted to KPA and declared administratively complete.</p> <p>(7) Environmental agency conduct supervision on fulfillment of the Business Actor's commitment to complete AMDAL document as mentioned in Clause (1).</p> <p>(8) In case Business Actor cannot fulfill the commitment to complete AMDAL document as mentioned in Clause (1), environmental agency send notification on failure to meet the commitment to OSS Entity.</p> <p>Article 18 Time period for the implementation of announcement, public consultation and filling of KA Form which carried out by Business Actor and application for KA Form examination to environmental agency as their authority as mentioned in Article 8 to Article 17 carried no longer than 20 (twenty) working days after OSS Entity issued Environmental Permit based on commitment.</p> <p>Article 31 (1) Business Entities who are required to have UKL-UPL must fulfill the Environmental Permit Commitment issued by the OSS Institution by completing the UKL-UPL. (2) UKL-UPL as referred to in Paragraph (1) shall be prepared: a. at the planning stage of the Business and/or Activity; b. in one single UKL-UPL, in the event that planned activities are located within a single project site; and / or c. in several UKL-UPLs, in the event that planned activities are located within project sites that are separated from one another. (3) UKL-UPL as referred to in paragraph (1) integrates: a. relevant requirements and obligations for environmental protection and management, including Management of Hazardous and Toxic Waste (LB3), Disposal of Wastewater to the Sea, Disposal of Wastewater to Water Sources, Utilization of Wastewater for Application to Soil, and Air Pollution Control; and b. results of traffic impacts analysis as referred to in laws and regulations in the field of traffic and road transportation. (6) To complete the UKL-UPL as referred to in Paragraph (1) in accordance with a predetermined timeframe, Business entity must have a complete data and information required for the preparation of the UKL-UPL before applying for a Business License based on a commitment to the OSS Agency.</p>		

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	<p>(7) Data and information referred to in Paragraph (6) shall include:</p> <ul style="list-style-type: none"> <li>a. directives of the screening results from environmental agencies in accordance with their authority;</li> <li>b. description of business plan and / or activity; and environmental conditions in and around the location of the business and/or activities plan.</li> </ul> <p>Article 32</p> <p>(1) UKL-UPL as mentioned in Article 31 Clause (1) completed through stages:</p> <ul style="list-style-type: none"> <li>a. filling and submission of UKL-UPL form; and</li> <li>b. examination of UKL-UPL and decision on approval recommendation on UKL-UPL.</li> </ul> <p>(2) Time period for filling and submission of UKL-UPL carried out no longer than 10 (ten) working days after OSS Entity issued Environmental Permit based on commitment.</p> <p>(3) Time for UKL-UPL examination and decision on approval recommendation on UKL-UPL carried out no longer than 5 (five) working days since the UKL-UPL submitted by Business Actor to Minister, governor or bupati/mayor as their authority and declared as complete.</p> <p>(4) In case there is revision of UKL-UPL, time period for Business Actor to revise the UKL-UPL and submit the revised UKL-UPL to Minister, governor or bupati/mayor as their authority through OSS system carried out no longer than 5 (five) working days since the UKL-UPL revision received.</p> <p>(5) Environmental agency conduct supervision to the fulfillment of Business Actor's commitment to complete UKL-UPL as mentioned in Clause (1).</p> <p>(6) In case Business Actor cannot fulfill the commitment to complete UKL-UPL as mentioned in Clause (1), environmental agency submit notification on the failure to meet the commitment to OSS Entity.</p> <p>Article 40</p> <p>(1) Filling of SPPL as mentioned in Article 39 letter a carried out by filling:</p> <ul style="list-style-type: none"> <li>a. identity of Business Actor;</li> <li>b. brief information related to business and/or activity;</li> <li>c. brief explanation on environmental impacts may occur and environmental management and monitoring to be carried out;</li> <li>d. statement on commitment to conduct environmental management and monitoring; and</li> <li>e. signature of Business Actor on stamped paper.</li> </ul> <p>(2) Filling of SPPL as mentioned in Clause (1) carried out by using SPPL format attached in Appendix IV which represents integral part of this Ministerial Regulation.</p> <p>Article 46</p> <p>(1) Changes of Environmental Permits through changes to the Environmental</p>		

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	<p>Feasibility Decision as referred to in Article 45 Paragraph (5) a letter is made through:</p> <ul style="list-style-type: none"> <li>a. new AMDAL preparation and assessment for plans to change Businesses and / or Activities that are required to have AMDAL; or</li> <li>b. preparation and assessment of addendum of Andal and RKL-RPL for plans for changes in Businesses and / or Activities that are required to have AMDAL.</li> </ul> <p>(2) Preparation and evaluation of new AMDAL for plans for business and / or activity changes that are required to have AMDAL as referred to in Paragraph (1) letter a are conducted if changes in the Business and / or Activity meet the following criteria:</p> <ul style="list-style-type: none"> <li>a. plan to change the Business and / or Activity will potentially cause a new type of important hypothetical (DPH) impact that has not been covered in the previous AMDAL document; and / or</li> <li>b. plan to change the Business and / or Activity will potentially change the boundaries of the study area.</li> </ul> <p>(3) Preparation and assessment of the Andal and RKL-RPL Addendum for changes plan to Businesses and / or Activities that are required to have AMDAL as referred to in Paragraph (1) letter b are conducted if changes in the Business and / or Activity meet the following criteria:</p> <ul style="list-style-type: none"> <li>a. plan to change the Business and / or Activity does not have the potential to cause new types of hypothetical (DPH) significant impacts or types of hypothetical significant impacts arising from changes in the Business and / or Activity are already covered in the previous AMDAL document; and / or</li> <li>b. plan to change in business and / or activity does not potentially change the boundaries of the study area.</li> </ul> <p>Article 47</p> <p>(1) Change of Environmental Permit through change of UKL-UPL Recommendations as referred to in Article 45 Paragraph (5) letter a is carried out through the preparation and examination of new UKL-UPL.</p> <p>(2) Preparation and examination of the new UKL-UPL as referred to in Paragraph (1) must be conducted if the planned change of business and / or activity is included in the scale of the type of business plan and / or activity that is required to have UKL- UPL.</p> <p>(3) In the case the changes in business and / or activity that are required to have UKL-UPL, causes the scale / magnitude of the Business and / or Activity is included in the criteria that must have AMDAL as stipulated in laws and regulations concerning the type of business and / or activity plan that are required to have AMDAL, changes of Environmental Permits are carried out through the preparation and evaluation of new AMDAL.</p> <p>Article 48</p> <p>(1) Changes of Environmental Permit without going through changes of Environmental feasibility Decision or changes of UKL-UPL recommendation as referred to in Article 46 Paragraph (5) letter b are conducted without:</p>		

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	<p>a. preparation and assessment of new AMDAL documents;  b. preparation and assessment of Andal and RKL RPL addendum; or  c. preparation and examination of new UKL-U</p> <p>(2) Changes of Environmental Permits as referred to in Paragraph (1) are conducted through:  a. Submission and inspection of changes in business ownership and / or activities and changes in business and / or other activities; or p  b. reparation and evaluation of reports on changes in environmental management and monitoring.</p> <p>Article 59  (1) The process of requesting and issuing Environmental Permits, AMDAL documents preparation, addendum of Andal and RKL-RPL and UKL-UPL are carried out through the OSS system.</p> <p>Article 65  (1) With the enactment of this Ministerial Regulation:  a. Regulation of the Minister of Environment Number 16 of 2012 concerning Guidelines for Environmental Documents Preparation;  b. Minister of Environment Regulation Number 17 of 2012 concerning Guidelines for Community Participation in the Process of Environmental Impact Analysis and Environmental Permits;  c. Regulation of the Minister of Environment Number 8 of 2013 concerning Procedures for Assessment and Examination of Environmental Documents and Issuance of Environmental Permits are declared to be valid.  (2) The Ministerial Regulation as referred to in Paragraph (1) applies to businesses and / or activities that are not included in the OSS system and are not listed in the appendix to the laws and regulations that regulate Electronic Integrated Licensing Services.</p> <p>Annex II Guidelines for Preparing Andal Documents  G. Time of Andal and RKL-RPL Assessment and Repair Processes  The Andal and RKL-RPL document assessment process follows the improvement of Andal RKL-RPL documents by business actors carried out at the latest 50 (fifty) working days since the Andal documents and RKL-RPL are complete administratively.</p> <p>Annex III Guidelines for Filling the UKL-UPL Form Stage of UKL-UPL and Examination  A. Admission and Examination of the UKL-UPL Form  2. The UKL-UPL form submitted and submitted by business actors in hardcopy and electronic files (softcopy) no later than 10 (ten) working days after the environmental permit is issued by the OSS institution based on commitment.</p>		

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	<p><b>Government Regulation No. 27/2012 on Environmental Permits</b></p> <p>Article 3:            (1) Every business and/or activity with significant impact to environment shall prepare AMDAL.            (2) Every business and/or activity which does not meet criteria of AMDAL requirement as mentioned in Clause (1) shall prepare UKL-UPL.</p> <p>Article 13            (1) Business and/or activity with significant impact to environment is exempted from AMDAL requirement if:            a. location of the business and/or activity lies within an area with approved regional AMDAL;            b. location of the business and/or activity lies within a district/city with approved district/city detail spatial plan and/or district/city strategic spatial plan; or            c. Business and/or activity carried out for responding disaster emergency.            (2) Business and/or activity as mentioned in Clause (1) letter a and letter b, shall prepare UKL-UPL based on:            a. Regional RKL-RPL document; or            b. District/City detail spatial plan and/or District/City strategic spatial plan.</p> <p>Article 50            (1) The party responsible for the business and / or activity shall apply for the amendment of the environmental permit, if the business and / or activity that has obtained the environmental permit is planned to be amended.            (2) Business and / or Activity Changes as referred to in paragraph (1) shall include:            a. change of ownership of Business and / or Activity;            b. change of management and monitoring of the environment;            c. changes that affect the environment that meet the criteria:            1) changes in the use of production tools affecting the environment;            2) addition of production capacity;            3) changes in technical specifications affecting the environment;            4) change of Business and / or Activity facility;            5) extension of land and building of business and / or activity;            6) changes in time or duration of operations of the Business and / or Activity;            7) Business and / or Activities within the area not yet covered by the Environmental Permit;            8) the occurrence of government policy changes aimed at improving the protection and management of the environment; and / or            9) a fundamental environmental change occurring due to natural events or other consequences, before and during the business and / or activities concerned;            d. there is a change of impact and / or risk to the environment based on the result of an environmental risk analysis and / or an environmental audit that is required; and / or</p>		

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	<p>e. no business plan and / or activity is implemented within 3 (three) years since the issuance of Environmental Permit.</p> <p>(3) Before applying for a change of Environmental Permit as referred to in paragraph (2) letter c, letter d, and letter e, the responsible Business and / or Activity shall apply for the amendment of the Environmental Feasibility Decision or UKL-UPL Recommendation.</p> <p>(4) Issuance of amendments to the Environmental Feasibility Decision shall be made through:</p> <p>a. preparation and assessment of new EIA documents; or</p> <p>b. submission and assessment of the addendum of Andal and RKL-RPL.</p> <p>(5) Issuance of amendments of UKL-UPL Recommendation is done through the preparation and inspection of new UKL-UPL.</p> <p>(6) Issuance of amendments to the UKL-UPL Recommendation as referred to in paragraph (5) shall be made in the case of a change of Business and / or Activity are not included in the AMDAL mandatory criteria.</p> <p>(7) The issuance of the Environmental Permit changes shall be made simultaneously with the issuance of the amendment of the Environmental Feasibility Decision or UKL-UPL Recommendation.</p> <p>(8) Further provisions concerning the criteria for amendments to Business and/or Activity as referred to in paragraph (2) and procedures for the amendment of the Environmental Feasibility Decision, amendment of UKL-UPL Recommendation and the issuance of environmental permit changes as referred to in paragraph (4), (5), and paragraph (6) shall be regulated by a Ministerial Regulation.</p> <p><b>Minister of Environment and Forestry Regulation No. 24/2018 on Exemption from Environmental Impact Analysis Obligations for Business and/or Activities Located In District/City Area that Has a Detailed Spatial Plan</b></p> <p>Article 1 In this Ministerial Regulation what is meant by:</p> <p>1. Exemption is the process of excluding a Business plan and/or Activity from the obligation to prepare an Environmental Impact Analysis based on certain criteria.</p> <p>Article 4</p> <p>(1) Any Business and/or Activity that has a significant impact on the environment shall prepare an AMDAL.</p> <p>(2) Businesses and/or activities that have a significant impact on the environment as referred to in paragraph (1) are excluded from the obligation to prepare AMDAL if the location -of the business plan /or its activities- is in the regency/city area that already has an RDTR (Regional Spatial Plan).</p> <p>(3) The business and/or activity as referred to in paragraph (2) shall prepare a UKL-UPL based on the RDTR (Regional Spatial Plan).</p> <p>(4) Preparation of UKL-UPL as referred to in paragraph (3), shall comply with the</p>		

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	<p>guidelines for preparing environmental documents as stipulated in the Ministerial Regulation.</p> <p>(5) Exemptions to the obligation to prepare AMDAL as referred to in paragraph (1), only apply if the business plan and/or activities are still within the scale/magnitude of the SEA (Strategic Environment Assessment) and RDTR studies.</p> <p>Article 5</p> <p>(1) Exemptions from the obligation to prepare an AMDAL as referred to in Article 4 paragraph (2) shall be carried out if the applicants meet the following criteria:</p> <p>a. The RDTR (Regional Spatial Plan) is complemented with SEA (Strategic Environment Assessment) which is prepared and implemented comprehensively and in detail; and</p> <p>b. The RDTR has integrated the results of the SEA as referred to in letter a.</p> <p>(2) Criteria for SEA RDTR prepared in a comprehensive and detail as referred to in paragraph (1) letter a consist of:</p> <p>a. assessment of the effect of RDTR towards environmental conditions;</p> <p>b. formulation of alternative improvements to RDTR; and</p> <p>c. preparation of recommendations for improvement for RDTR decision makers who integrate the principles of sustainable development.</p> <p>(3) Criteria for assessing the effect of RDTR towards environmental conditions as referred to in paragraph (2) letter a consist of sub criteria:</p> <p>a. the process of identifying and describing sustainable development issues;</p> <p>b. the identification process and description of RDTR content; and</p> <p>c. the influence of RDTR content analysis process towards strategic issues of sustainable development.</p> <p>(4) The criteria for the SEA RDTR that are prepared in a comprehensive and detailed way as referred to in paragraph (2) and paragraph (3) are listed in the Annex which is an integral part of this Ministerial Regulation</p> <p>Article 6</p> <p>(1) The Governor or regent/mayor submits a written application for the exemption of the obligation to prepare an AMDAL as referred to in Article 4 paragraph (2) to the Minister.</p> <p>(2) The application document as referred to in paragraph (1) shall be supplemented with:</p> <p>a. RDTR documents in compliance with the Regional Regulations;</p> <p>b. SEA RDTR documents in accordance with the provisions of laws and regulations; and</p> <p>c. SEA RDTR validation letter signed by the Minister or Governor in accordance with his/her authority.</p> <p>(3) Based on the application as referred to in paragraph (2), the Minister shall review the request from exemption from the obligation to prepare an AMDAL based on the</p>		

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	<p>criteria of the SEA RDTR as referred to in Article 5.</p> <p>(4) In conducting the review as referred to in paragraph (3), the Minister shall assign the Director General.</p> <p>(5) The Director General as referred to in paragraph (4) shall form a review team.</p> <p>(6) Based on the results of the review as referred to in paragraph (3), the Minister shall determine the decision to approve or reject the exemption from the obligation to prepare an AMDAL.</p> <p>(7) The review and the process to approve or reject the exemption from the obligation to prepare an AMDAL as referred to in paragraph (3) and paragraph (5) shall be carried out no later than 20 (twenty) working days after the application is declared complete</p> <p>(8) Based on the results of the review as referred to in paragraph (5) the Minister in accordance with his/her authority shall:</p> <p>a. issue a decision on the approval for exempting the AMDAL Obligation; or</p> <p>b. assign the Director General to issue a letter rejecting the AMDAL compulsory exemption, if the application is declined.</p> <p><b>Minister of Environment and Forestry Regulation No. 22//2018 on Norm, Standard, Procedure, and Criteria of Online Single Submission within Ministry of Environment and Forestry</b></p> <p>Article 24</p> <p>(1) Following the order to fulfil the commitment as referred to Article 20, the Business Permit Holder shall fulfil the commitment of the Environmental Permit, AMDAL or UKL-UPL.</p> <p>(2) Further provisions regarding the fulfilment of commitment on the Environmental Permit, AMDAL or UKL-UPL shall be regulated in a separate Ministerial Regulation.</p> <p>Article 28</p> <p>(1) Business Permit and Commercial or Operation License Holder shall submit the report of the Commitment Fulfilment of which is attached with document of commitment in the form of electronic document through integrated electronic system to the Minister, Governor, Regent/Mayor in accordance with their authority through the OSS Agency.</p> <p>(2) Based on the report of commitment fulfilment as referred to paragraph (1), Directorate General, the Head of Provincial Office or Head of Regency/Municipal in accordance with their authority shall access and download as well as examine and review the document of commitment completion.</p> <p>(3) In examining and reviewing the document of commitment completion as referred to paragraph (2), Directorate General, the Head of Provincial Office or Head of Regency/Municipal in accordance with their authority shall conduct a field verification.</p>		

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	<p>Article 29            (1) Upon examining and reviewing the commitment document as referred to paragraph (2), the Directorate General, the Head of Provincial Office or Head of Regency/Municipal in accordance with their authority shall submit the result of the examination to the OSS through integrated electronic system, by notification of:</p> <p>a. A definitive statement of Business Permit and Commercial or Operation License if all commitment are fulfilled in accordance with given period and process of commitment fulfilment pursuant to the law and stipulation; or</p> <p>b. A revocation of Business Permit and Commercial or Operation License in the case of the commitment has not been fulfilled or has exceeded the given period and or is inconsistent with the law and stipulation.</p> <p>(2) Based on Notification as referred to paragraph (1), the OSS shall:</p> <p>a. Provide definitive statement of Business Permit and Commercial or Operation License; or</p> <p>b. Issue Revocation of Business Permit and Commercial or Operation License.</p> <p>(3) In the case Business Permit or Operation License was revoked as referred to paragraph (2) letter b, Business Actors can reapply and the fulfilled commitment shall remain recognized insofar as they do not amend the result of technical review as referred to Article 12 paragraph (2) letter e.</p> <p>Article 30            In the case the OSS provide definitive statement as referred to Article 29 paragraph (2) letter a, Business Permit and Commercial or Operation License shall take effect and the Holder of Permit may directly operate the business activity.</p> <p><b>Ministry of Industry Regulation No. 40/2016 on Technical Guidance for Industrial Estate</b></p> <p>Appendix, page 36            For industries within the Industrial Estate are not obliged to prepare EIA documents but are required to prepare documents of Environmental Management Efforts (UKL) and Environmental Monitoring Efforts (UPL) with reference to EIA/AMDAL documents of Estate, except for industrial companies required to have EIA.</p> <p><b>Law No. 21/2014 on Geothermal</b></p> <p>Article 11 (6)            Direct Utilization Permit granted after each person referred to in subsection (5) received an environmental permit in accordance with the provisions of the legislation in the field of environmental protection and management.</p> <p>Article 31 (3)            Prior to drilling exploration wells, Geothermal Permit holders are required to have an</p>		

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	<p>environmental permit in accordance with the provisions of the legislation in the field of environmental protection and management.</p> <p>Article 32 (2) Before the exploitation and utilization, Geothermal compulsory license holder:</p> <ol style="list-style-type: none"> <li>a. have an environmental permit in accordance with the provisions of the legislation in the field of environmental protection and management are included in the Feasibility Study; and</li> <li>b. present the results of the Feasibility Study to the Minister for approval.</li> </ol> <p><b>Government Regulation No. 7/2017 on Geothermal Energy for Indirect Use</b> Article 18 Before drilling test and drilling exploration wells on PSPE [<i>Penugasan Survei Pendahuluan dan Eksplorasi</i>/Assignment of Preliminary Surveys and Exploration] activities, Business Entities granted PSPE Required:</p> <ol style="list-style-type: none"> <li>a. make appropriate land use settlements with the provisions of laws and regulations; and</li> <li>b. have an environmental permit.</li> </ol> <p>Article 91 Geothermal Permit [<i>IPB/Izin Panas Bumi</i>] holders are required to comply with the provisions of environmental protection and management as referred to in Article 89 letter a and letter b shall at least include:</p> <ol style="list-style-type: none"> <li>a. the fulfillment of appropriate environmental feasibility in accordance with environmental permit;</li> <li>b. the fulfillment of environmental quality standards and standard criteria of environmental damage;</li> <li>c. the availability of reports on the results of the implementation of the environmental management plan and the environmental monitoring plan or environmental management efforts and environmental monitoring efforts;</li> <li>d. implementation of environmentally friendly technology;</li> <li>e. implementation of prevention and control of environmental pollution and degradation; and</li> <li>f. the implementation of structuring, restoration, and improvement of environmental quality and ecosystems so can function again in accordance with its designation.</li> </ol> <p><b>Law No. 30/2009 on Electricity</b> Article 42 Any electricity business activities must meet the provisions as stated in the environmental laws and regulations.</p>		

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	<p><b>Minister of Energy and Mineral Resources Regulation No. 35/2013 on Permitting Procedure of Electricity Business as amended by Minister of Energy and Mineral Resources Regulation No. 12/2016</b></p> <p>Article 6 (1) Application for a license for Supplying Electricity Power is submitted by a business entity as referred to in Article 3 paragraph (4), and must fulfill the administrative, technical and environmental requirements.</p> <p>Article 12 (2) The application for extension of license shall be supplemented with: a. administrative, technical and environmental requirements;</p> <p>Article 22 (1) Application for an operations license submitted as referred to in Article 19 paragraph (2) and supplemented with administrative, technical, and environment requirements.</p> <p><b>Minister of Energy and Mineral Resources Regulation No. 5/2014 on Procedures for Accreditation and Certification of Electricity as amended by Minister of Energy and Mineral Resources Regulation No. 10/2016</b></p> <p>Article 1 (12) The Certificate of Operation Worthiness (<i>Sertifikat Laik Operasi/SLO</i>) is a proof of formal recognition of an electric power installation having functioned as the conformity of the conditions specified and declared ready for operation.</p> <p>Article 12 (1) In order to obtain the Certificate of Operation Worthiness, the holder of the electricity supply business permit, the owner of the installation of high voltage and medium voltage electrical power, and the operating license holder apply to the accredited Technical Inspection Agency...</p> <p>Article 13 (1) Accredited Technical Inspection Agency shall conduct inspection and testing of power installation owned by the holder of electricity supply business permit, owner of high voltage and medium voltage power plant installation, and operating license holder based on test subject as contained in Attachment III which is an integral part of this Ministerial Regulation.</p> <p>Attachment III Test Subject of Certification of Electrical Supply and Electric Power Use of High Voltage and Medium Voltage 1. Document Examination environmental documents (AMDAL, UKL / UPL or SPPL) and/or environmental</p>		

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	<p>permits.</p> <p><b>Minister of Environment and Forestry Regulation No. 102/2016 on Guidelines for Formulation of Environmental Documents for Businesses and/or Activities that Have Business Licenses and/or Activities that Do Not Have Environmental Documents</b></p> <p>Article 1            (2) Environmental Evaluation Document, hereinafter abbreviated as DELH, is a document containing environmental management and monitoring which is part of the evaluation of environmental management and monitoring processes that are imposed on businesses and / or activities that already have business licenses and / or activities but has no AMDAL document yet.            (3) The Environmental Management Document, hereinafter abbreviated as DPLH, is a document containing the management and monitoring of the environment imposed on businesses and / or activities that already have business licenses and / or activities but not yet have UKL-UPL.</p> <p>Article 3            (1) DELH or DPLH shall be prepared by the party responsible for the business and /or activities of the business and/or activities that meet the following criteria:            a. has a business and / or activity license;            b. has conducted business and / or activity;            c. location of business and / or activity in accordance with the spatial plan; and            d. have no environmental documents or have environmental documents but environmental documents are not in accordance with the provisions of legislation.            (2) DELH or DPLH as mentioned in Clause (1) carried out as the instruction through:            a. enforcement of administrative sanction in form of government instruction from Minister, governor, and/or bupati/mayor; or            b. enforcement of criminal sanction which carried out by integrated laws enforcement between civil servant investigator, police, and attorney under coordination of Minister.</p>		
<p><b>Key Element 2.2</b>            Identify potential direct, indirect and induced impacts and risks.</p>	<p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Annex II Guidelines for Preparing Andal Documents            B. Objectives of the Andal Documents            5. the results of hypothetical important impact assessments (DPH) reviewed, study area boundaries and study deadlines;            (3) Process to produce a hypothetical important impact, namely:            a. The process of identifying potential impacts.            The process of identifying potential impacts is to predict all impacts (primary,</p>	<p><b>Partial equivalence:</b></p> <p>The PLN CSS requires assessing direct and indirect impacts in EIA/AMDAL but does not require the assessment of induced impacts.</p> <p>MOEF Regulation No.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>(i) All proposed projects requiring</p>

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	<p>secondary, and so on) that have the potential to occur if the business plan and / or activities are carried out at that location without regard to the magnitude of the impact, or the significance of the impact.</p> <p>6. results of forecasting important impacts;  d. In conducting these studies, it is necessary to pay attention to the direct and / or indirect impacts. Direct impact is the impact that is caused directly by the existence of a business and / or activity, while an indirect impact is an impact that arises as a result of changes in an environmental component and / or business or primary activity by the planned business and / or activity. In this connection, it is necessary to pay attention to the impact flow mechanism on various environmental components, including the following:  1) activities cause important direct impacts on the social, economic, cultural and public health components;  2) activities cause significant direct impacts on the geophysical-chemical-biological component;  3) activities cause significant direct impacts on the social, economic, cultural and public health components, then lead to a series of successive impacts on the geophysical-chemical and biological components;  4) activities cause important impacts that are direct to the geophysical-chemical-biological component, then lead to a series of successive impacts on the biological, social, economic, cultural and public health components;  5) important impacts take place in chains between the social, economic, cultural and public health components and the geophysical-chemical and biology itself;  6) important impacts in letters a toe that have been stated further cause a backward impact on the business plan and / or activity.</p>	<p>26/2018 does not require assessment of direct, indirect, and induced impacts for UKL-UPL.</p>	<p>EIA/AMDAL should assess the induced impacts of each proposed project; and</p> <p>(ii) All proposed projects requiring UKL-UPL should assess all direct, indirect and induced impacts of each proposed project.</p>
<p><b>Key Element 2.3</b> Identify cumulative impacts and risks.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b>  Article 22  (1) Each undertaking and/or activity with a significant impact on the environment shall have an EIA.  (2) A significant impact shall be determined based on the following criteria:  e. cumulative nature of the impact;</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for on Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Annex II Guidelines for Preparing Andal Documents  B. Objectives of the Andal Documents  6. results of forecasting important impacts;  d. In conducting these studies, it is necessary to pay attention to the direct and / or</p>	<p><b>Partial equivalence:</b></p> <p>Law No. 32/2009 explicitly requires that EIA/AMDAL include assessment of cumulative impacts. The requirement for cumulative impact assessment is implicit in MOEF Regulation No. 26/2018. Neither the law nor the regulation requires cumulative impact</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>Identify and assess the cumulative impacts and risks of each proposed PLN project and all</p>

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	<p>indirect impacts. Direct impact is the impact that is caused directly by the existence of a business and / or activity, while an indirect impact is an impact that arises as a result of changes in an environmental component and / or business or primary activity by the planned business and / or activity. In this connection, it is necessary to pay attention to the impact flow mechanism on various environmental components, including the following:</p> <p>3) activities cause significant direct impacts on the social, economic, cultural and public health components, then lead to a series of successive impacts on the geophysical-chemical and biological components;</p> <p>4) activities cause important impacts that are direct to the geophysical chemical-biological component, then lead to a series of successive impacts on the biological, social, economic, cultural and public health components;</p> <p>5) important impacts take place in chains between the social, economic, cultural and public health components and the geophysical-chemical and biology itself;...</p> <p><b>Minister of Environment Decree No. 57/1995 on Environmental Impact Assessment of Integrated/Multi-Sectors Business or Activity</b>            Article 1 (1)            In this Decree what is meant by:</p> <p>1. Environmental Impact Assessment of Integrated / Multi-Sectors Business or Activity is the result of a study of the significant impact of an integrated planned business or activity on the environment in a unified whole ecosystem and involves the authority of more than one responsible agency.</p> <p>Article 2 (1)            Every integrated/ multisector business or activity plan shall prepare an Environmental Impact Assessment of Integrated / Multi-Sectors Business or Activity if it meets all criteria including:</p> <p>1. various types of businesses or activities whose analysis of environmental impacts shall be the authority of the various technical agencies in charge;</p> <p>2. the various businesses or activities having interrelations in their planning, management, and production processes;</p> <p>3. Such business or activity is within the same ecosystem;</p> <p>4. Such business or activity may be under one or more management</p> <p>Article 5            Technical Guidelines for the Preparation of an Environmental Impact Assessment of Integrated / Multi-Sectors Business or Activity shall be as set forth in the Annexes of this Decree.</p> <p>Annex II. E. Forecast of Significant Impacts.            Forecast of impacts are made for each business or activity in space and time, so that</p>	<p>assessment in UKL-UPL.</p> <p>MOEF Regulation No. 23/2018 requires a new or amended EIA/AMDAL or UKL-UPL when there are changes in an activity that required environmental assessment, but does not stipulate that cumulative impacts and risks must be assessed.</p> <p>Government Regulation No. 27/2012 stipulates that if an EIA/AMDAL has already been done for an area, any new business or activity in that area will require UKL-UPL, rather than EIA/AMDAL, which means that there is no requirement for assessment of cumulative impacts in situations where such impacts are likely to occur.</p>	<p>applications to modify an existing environmental permit</p>

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	<p>the cumulative impacts due to the alignment of some business or activity can be predicted more clearly.</p> <p><b>Government Regulation No. 27/2012 on Environmental Permits</b>  Article 8  (1) In preparing AMDAL documents, the proponent shall use a study approach:  a. single;  b. integrated; or  c. region.</p> <p>(3) The integrated study approach as referred to in paragraph (1) letter b shall be made if the proponent plans to conduct more than 1 (one) type of Business and / or Activity in which the planning and management are interrelated in a unity of ecosystems and their guidance and / or supervision is under more than 1 (one) ministry, non-ministerial government agency, provincial government work unit, or district / city government work unit.</p> <p>Article 13  (1) Business and / or Activity having significant impact on the environment shall be exempted from the obligation to prepare the AMDAL as referred to in Article 8 if:  a. the location of the business plan and / or its activity is located in an area that already has an EIA;  b. the location of the business plan and / or its activities is located in the districts / municipalities that already have detailed spatial plans for the regency / municipality and / or spatial plan of the regency / city strategic area; or  c. the business and / or activities are carried out in the context of emergency response.  (2) Business and / or Activity as referred to in paragraph (1) letter a and letter b, shall prepare UKL-UPL based on:  a. regional RKL-RPL documents; or  b. a detailed spatial plan of the regency / city and / or spatial plan of the district / municipality strategic area.  (3) Further provisions on exemption for Business and / or Activity as referred to in paragraph (1) letter b shall be regulated by Ministerial Regulation.</p> <p><b>Head of Bapedal Decree No. 56/1994 on the Guidelines on Important Impacts</b>  Attachment Part II.2  f. The Cumulative Nature of Impact  The cumulative contains an understanding of increasing, accumulated, or dumped. The impact of a business or activity is said to be cumulative if initially the impact is not visible or not considered important, but because the activity works repeatedly or continuously, then over time the impact is cumulative.</p>		

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	<p>Thus, the impact of a business or activity is important if:</p> <ol style="list-style-type: none"> <li>1. Environmental impacts are repeated and continuous, so that at any given time it cannot be assimilated by the natural or social environment that receives them;</li> <li>2. Various environmental impacts accumulate in a given space, so as not to be assimilated by the natural or social environment that receives it;</li> <li>3. Environmental impacts from various sources of activity have mutually reinforcing (synergetic) effects.</li> </ol> <p><b>Minister of Environment Regulation No. 23/2018 on Criteria for Changes in Business and/or Activity and Procedures for Revising Environmental Permit</b> Article 10</p> <p>(1) Based on the guidance for revising the Environmental Permit by revising the Decree of Environmental Feasibility or revising the UKL-UPL Recommendation as stipulated in Article 6 paragraph (5) letter a; Article 7 and Article 8, the Environmental Permit holder is obligated to prepare:</p> <ol style="list-style-type: none"> <li>a. A new AMDAL document;</li> <li>b. An addendum on Andal and RKL-RPL documents; or</li> <li>c. A new UKL-UPL form.</li> </ol> <p>(2) The new AMDAL document as referred in paragraph (1) letter a shall be compiled based on the list of contents in the guidelines for drafting the AMDAL documents in compliance with the prevailing regulations for preparing environmental documents.</p> <p>(3) The addendum of Andal and RKL-RPL document as referred to in paragraph (1) letter b consists of:</p> <ol style="list-style-type: none"> <li>a. Addendum of Andal and RKL-RPL type A;</li> <li>b. Addendum of Andal and RKL-RPL type B; and</li> <li>c. Addendum of Andal and RKL-RPL type C.</li> </ol> <p>(4) The addendum of Andal and RKL-RPL document type A as referred in paragraph (3) letter a shall consist of the following contents:</p> <ol style="list-style-type: none"> <li>a. Introduction;</li> <li>b. Description of the plan of Business and/or Activity;</li> <li>c. Description of environmental nature;</li> <li>d. E valuation of existing activities and DPH (?) selection which is in line with the revision of Business and/or Activity;</li> <li>e. Estimation and evaluation of the impact on environment;</li> <li>f. RKL – RPL</li> <li>g. References; and</li> <li>h. Appendix</li> </ol> <p>(5) The addendum of Andal and RKL-RPL document type B as referred to in paragraph (3) letter b shall consist of the following contents:</p> <ol style="list-style-type: none"> <li>a. Introduction;</li> <li>b. Description plan on Business and/or Activity;</li> <li>c. Description of environmental nature;</li> </ol>		

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	<p>d. Evaluation on existing activities and identification of environmental components which have been impacted;</p> <p>e. RKL-RPL;</p> <p>f. References; and</p> <p>g. Appendix.</p> <p>(6) The addendum of Andal and RKL-RPL document type C as referred to in paragraph (3) letter c shall consist of following contents:</p> <p>a. Introduction;</p> <p>b. Description plan on Business and/or Activity;</p> <p>c. RKL – RPL;</p> <p>d. References; and</p> <p>e. Appendix</p> <p>(7) The new UKL-UPL as referred to in paragraph (1) letter c shall consist of the contents listed in the guidelines for preparing the UKL-UPL in compliance with the regulations for preparing on environmental document preparation.</p> <p>(8) The Guidelines for development a new AMDAL, or an addendum of Andal and RKL-RPL and UKL-UPL development as referred to in paragraph (1) letter a, letter b and letter c is listed in Appendix III which is an integral part and inseparable from this Ministry Regulation.</p>		
<p><b>Key Element 2.4</b> Identify physical and biological impacts and risks.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Article 2 Environmental protection and management shall be executed based on principles of:</p> <p>h. Ecoregion;</p> <p>i. Biological diversity;</p> <p>Article 23 Criteria of business and/or activity with significant impacts requiring AMDAL consist:</p> <p>a. change of land topography and natural landscape;</p> <p>b. exploitation of natural resources, both renewable and non-renewable;</p> <p>c. process and activity which potentially may cause pollution and/or environmental deterioration and wastage and natural resource deterioration in the utilization;</p> <p>d. process and activity which results may affect natural environment, both human-made environment, and social and culture environment;</p> <p>e. process and activity which results will affect preservation of conservation area of natural resource and/or protection of cultural heritage;</p> <p>f. introduction of plants, animals, and microorganism;</p> <p>g. preparation and use of biological and non-biological materials;</p> <p>h. activity with high risk and/or affect State's defense; and/or</p> <p>i. application of technology which predicted to potentially significantly affect environment.</p>	<p><b>Partial equivalence:</b></p> <p>Law No. 32/2009 and MOEF Regulation No. 26/2018 explicitly require that EIA/AMDAL include assessment of physical and biological impacts. There is no requirement in the law or the regulation for UKL-UPL to identify physical and biological impacts and risks. The UKL-UPL matrix leaves it to the discretion of the proponent to list potential impacts.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>In UKL-UPL for proposed PLN projects, identify the physical and biological impacts and risks.</p>

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	<p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for on Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Annex I Management Guidelines for Reference Framework (KA) [ToR]</p> <p>2. Scoping Scoping load basically contains information about:</p> <p>g. Study area boundaries;</p> <p>2) Ecological boundaries, namely the space for the distribution of environmental impacts of a business plan and/or activities to be studied, following each other's environmental media (such as water and air), where the natural process that takes place in the space is expected to change fundamental. Ecological boundaries will direct the determination of the location of the initial environmental color data collection and analysis of the impact distribution. Determination of ecological boundaries must consider each component of the biogeophysical-chemical environment affected (from a list of important hypothetical impacts). For each impact, the distribution limit can be plotted on the map so that the ecological boundary has several boundary lines, according to the number of important hypothetical impacts.</p> <p>Annex II Guidelines for Preparing Andal Documents</p> <p>B. Objectives of the Andal Documents</p> <p>3. Detailed description of the environmental setting</p> <p>A detailed description of the initial environmental tone as intended, includes:</p> <p>a. geo-physical-chemical components, such as geological resources, soil, surface water, underground water, air, noise, vibration, smell and soon;</p> <p>b. biological components, such as vegetation / flora, fauna, ecosystem type, the presence of rare and / or endemic species and their habitat, etc.</p> <p>6. results of forecasting important impacts;</p> <p>b. The estimated impact is carried out carefully regarding the magnitude of the important impacts of the bio geophysical-chemical...aspects at the pre-construction, construction, operation, and post-operation stages of the business and / or activities according with the type of business plan and / or activities. Not all types of business plans and / or activities have all these stages.</p> <p>d. In conducting these studies, it is necessary to pay attention to the direct and / or indirect impacts. In this connection, it is necessary to pay attention to the impact flow mechanism on various environmental components, including the following:</p> <p>2) activities cause significant direct impacts on the geophysical-chemical-biological component;</p> <p>3) activities cause significant direct impacts on the social, economic, cultural and public health components, then lead to a series of successive impacts on the geophysical-</p>	<p>Nevertheless, MOEF Regulation No. 26/2018 specifies that review of UKL-UPL must determine whether a proposed activity will disturb the environment.</p>	

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	<p>chemical and biological components;</p> <p>4) activities cause important impacts that are direct to the geophysical-chemical-biological component, then lead to a series of successive impacts on the biological, social, economic, cultural and public health components;</p> <p>5) important impacts take place in chains between the social, economic, cultural and public health components and the geophysical-chemical and biology itself;</p> <p>Annex III Guidelines for Filling the UKL-UPL Form B. UKL-UPL Substance Examination 11. Checking the substance to determine the approval or rejection of UKL-UPL must at least consider:</p> <p>f. the business plan and / or activity will not affect and / or disturb the ecological entity which is:</p> <p>1) key entities and / or species;</p> <p>2) has ecological importance;</p> <p>3) has economic importance; and / or</p> <p>4) has important scientific value;</p> <p>g. the planned business and / or activity does not cause interference with the business and / or activity that has been around the planned location of the business and / or activity; and</p> <p>h. beyond the support and carrying capacity of the environment from the location of the planned business and / or activity, in the event that there is a calculation of the carrying capacity and capacity of said environment.</p> <p><b>Minister of Energy and Mineral Resource Regulation No. 18/2015 on Free Clearance and Minimum Free Clearance at High Voltage Air Transmission, Extra High Voltage Air Transmission, and Direct Current High Voltage Air Transmission for Power Distribution as amended by Regulation No. 2/2019</b> Article 2 (1) Free Clearance, Minimum Vertical Free Clearance from Conductor, and Minimum Horizontal Free Clearance from Tower/Pole Vertical Axis at SUTT, SUTET, and SUTTAS represents mandatory limit to be met by Permit Holder of Power Supply and Operation Permit Holder in:</p> <p>a. development, operation and maintenance of SUTT, SUTET, and SUTTAS to meet electricity safety; and</p> <p>b. determination of compensation object under free clearance of SUTT, SUTET, and SUTTAS.</p> <p>(2) Free clearance of SUTT, SUTET, dan SUTTAS as mentioned in Clause (1) covers:</p> <p>a. longitudinal section of free clearance of SUTT, SUTET, and SUTTAS;</p> <p>b. bird's view over free clearance of SUTT, SUTET, and SUTTAS;</p>		

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	<p>c. Free clearance of 66 kV (sixty-six kilovolt) SUTT and 150 kV (one hundred and fifty kilovolt) tower;</p> <p>d. Free clearance of 66 kV (sixty-six kilovolt) SUTT and 150 kV (one hundred and fifty kilovolt) steel or concrete pole;</p> <p>e. Free clearance of 275 kV (two hundred and seventy-five kilovolt) SUTET and 500 kV (five hundred kilovolt) double circuit;</p> <p>f. Free clearance of 500 kV (five hundred kilovolt) single circuit SUTET;</p> <p>g. Free clearance of 500 kV (five hundred kilovolt) 4 (four) vertical circuits SUTET;</p> <p>h. Free clearance of 500 kV (five hundred kilovolt) 4 (four) horizontal circuits SUTET; and</p> <p>i. Free clearance of 250 kV (two hundred and fifty kilovolt) and 500 kV (five hundred kilovolt) SUTTAS, as described in Appendix I which represents integral part of this Ministerial Regulation.</p> <p>(3) Minimum Vertical Free clearance from Conductor and Minimum Horizontal Free clearance from Tower/Pole Vertical Axis of SUTT, SUTET, and SUTTAS as mentioned in Clause (1) covers:</p> <p>a. minimum Vertical Free Clearance from Conductor of SUTT, SUTET, and SUTTAS; and</p> <p>b. Minimum Horizontal Free Clearance from Tower/Power Vertical Axis of SUTT, SUTET, and SUTTAS, as detailed in Appendix II which represents integral part of this Ministerial Regulation.</p>		
<p><b>Key Element 2.5</b> Identify socioeconomic impacts (including impacts on livelihood through environmental media, health and safety, vulnerable groups,<sup>8</sup> and gender issues).</p>	<p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for on Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Annex I Management Guidelines for Reference Framework (KA) [ToR]</p> <p>2. Scoping Scoping load basically contains information about:</p> <p>g. Study area boundaries;</p> <p>3) Social boundaries, namely the space around the business plan and / or activity which is the place where various social interactions take place which contain certain established norms and values (including social systems and structures), according to the process and social dynamics of a community group, which is estimated will experience fundamental changes due to a business plan and / or activity. This boundary is basically a space where people, who are affected by the environment such as waste, emissions or environmental damage, live or do activities. Social boundaries will influence the identification of community groups affected by socio-economic-community health and the determination of communities that need to be consulted (in</p>	<p><b>Partial equivalence</b></p> <p>MOEF Regulation No. 26/2018 requires assessment of social-economic-cultural components and public health issues generally but there is no specific requirement to identify Indigenous Peoples and other vulnerable groups. There is no requirement in the</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would require all relevant PLN divisions to comply with the following requirements:</p> <p>Define 'vulnerable groups' as being the poor, the disabled, the landless, the elderly, women and children;</p>

<sup>8</sup> The SPS defines "vulnerable groups", in the context of Involuntary Resettlement, to include "especially those below the poverty line, the landless, the elderly, women and children Indigenous Peoples, and those without legal title to land." SPS Table 2, Involuntary Resettlement, Policy Principle 2.

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	<p>the later stages of community involvement).</p> <p>Annex II Guidelines for Preparing Andal Documents            B. Objectives of the Andal Documents            3. Detailed description of the environmental setting            A detailed description of the initial environmental tone as intended, includes:            c. socio-economic-cultural components, such as income level, education level, demography, land use patterns, livelihoods, local culture, vulnerable social and community relations...and so on;</p> <p>6. results of forecasting important impacts;            b. The estimated impact is carried out carefully regarding the magnitude of the important impacts of the...social, economic, cultural,...and public health aspects at the pre-construction, construction, operation, and post-operation stages of the business and / or activities according with the type of business plan and / or activities. Not all types of business plans and / or activities have all these stages.            d. In conducting these studies, it is necessary to pay attention to the direct and / or indirect impacts...In this connection, it is necessary to pay attention to the impact flow mechanism on various environmental components, including the following:            1) activities cause important direct impacts on the social, economic, cultural and public health components;            3) activities cause significant direct impacts on the social, economic, cultural and public health components, then lead to a series of successive impacts on the geophysical-chemical and biological components;            5) important impacts take place in chains between the social, economic, cultural and public health components and the geophysical-chemical and biology itself;</p> <p>Annex III            Guidelines for Filling the UKL-UPL Form            B. UKL-UPL Substance Examination            11. Checking the substance to determine the approval or rejection of UKL-UPL must at least consider:            e. business plans and / or activities do not disturb social values or community views (emic view);</p> <p><b>Head of Bapedal Decree No. 299/1996 on Technical Guidelines on Social Aspect Assessment in AMDAL Preparation</b>            Article 1            The social aspect of the Environmental Impact Assessment (AMDAL) is a review of the demographic, economic, and cultural components and is an integral part of the other components in the preparation of the Environmental Impact Analysis.</p> <p>Appendix I</p>	<p>law or the regulation for UKL-UPL to identify socioeconomic impacts and risks. The UKL-UPL matrix leaves it to the discretion of the proponent to list potential impacts. Nevertheless, MOEF Regulation No. 26/2018 specifies that review of UKL-UPL must determine whether a proposed activity will disturb social values.</p> <p>Bapedal Decree No. 299/1996 requires a social and economic profile of affected communities during the first stage of an EIA/AMDAL study and Bapedal Decree No. 124/1997 requires assessment of public health impacts.</p> <p>Presidential Instruction No. 9/2000 and MOEF Regulation No. 31/2017 require gender mainstreaming in development generally and in the environmental and forestry sector.            Law No. 39/1999</p>	<p>and,</p> <p>Ensure that socio-economic impacts on vulnerable groups are identified as part of the environmental assessment process for each proposed PLN process.</p>

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	<p>B. Objectives                      Technical guidance is a guideline set up for the purpose of:</p> <ol style="list-style-type: none"> <li>4. Understand and conduct studies on social aspects in the preparation of AMDAL.</li> <li>5. Understand bio geophysical and social aspects of relevance in the AMDAL.</li> <li>6. Help facilitate the process of preparing social aspects in the AMDAL study.</li> </ol> <p>C. SCOPE</p> <ol style="list-style-type: none"> <li>1. The social components reviewed include:                             <ol style="list-style-type: none"> <li>1.1. Demographics</li> <li>1.2. Economics, and</li> <li>1.3. Culture.</li> </ol> </li> <li>2. Social aspects review is carried out for each document:                             <ol style="list-style-type: none"> <li>2.1. Terms of Reference (KA) Andal</li> <li>2.2. Environmental Impact Analysis (Andal)</li> <li>2.3. Environmental Management Plan (RKL)</li> <li>2.4. Environmental Monitoring Plan (RPL)</li> </ol> </li> </ol> <p>Appendix II                      2.2. Potential Impact Evaluation                      The evaluation of potential impacts aims at selecting and defining the potential impact components of the relevant social aspects to be examined. In determining the potential impact of the social aspects can be used with the following questions:</p> <ol style="list-style-type: none"> <li>a. Will a business or activity plan bring about a fundamental change in population structure (population density and composition), and population processes (population growth and mobility)?</li> <li>b. Will a business or activity plan bring about a fundamental change to the pattern of ownership and control of natural resources, the livelihood patterns of the population, or the household income/expenditures?</li> <li>c. Will a business or activity plan bring about a fundamental change to the norms and values of local communities, social institutions related to kinship (social cohesion), economic activity and property rights?</li> </ol> <p>The list of potential impacts derived from 2.2 is then evaluated for important social impacts.</p> <p>Table I: List of Components, Subcomponents, and Social Parameters                      environmental media, the public will be exposed, and the condition of public health and health resources.</p> <p><b>Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development</b>                      Considering:                      That in order to improve the position, role, and quality women, as well as efforts to realize gender equality and justice within family life, community, nation, and state, it is deemed necessary to undertake a gender mainstreaming strategy for the whole</p>	<p>states that vulnerable groups include children, the poor, and the disabled but does not include women, indigenous and tribal peoples, and the landless. At the level of SEA, Government Regulation No. 46/2016 requires identifying the poor and their communities and threats to indigenous and tribal peoples.</p> <p>But at project level, the PLN CSS does not explicitly require identifying vulnerable groups and assessing potential impacts on them.</p>	

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	<p>process of national development; That gender mainstreaming into the entire development process is an integral part of all functional activities government agencies and institutions at the central and regional levels;</p> <p>FIRST Implement gender mainstreaming for the implementation of planning, drafting, implementation, monitoring and evaluation of development policies and programs national gender perspective in accordance with the areas of duties and functions, as well as authority respectively.</p> <p>SECOND Pay careful attention to the Gender Mainstreaming Guidelines in National Development as enclosed in this Presidential Instruction as reference in implementing gender mainstreaming.</p> <p><b>Minister of Environment Regulation No. 31/2017 on Guidance of the Implementation of the Gender Mainstreaming in Environmental and Forestry Sector</b> Whereas... (b) That the implementation of Gender Mainstreaming is embodied to every unit of work in the Ministry of Environment and Forestry.</p> <p>Article 1 Guideline on Implementation of Gender Mainstreaming (PUG) for Environment and Forestry Sector as mentioned in Appendix which represents integral part of this Ministerial Regulation.</p> <p>Article 2 The Guidelines for the Implementation of Gender Mainstreaming shall be referred to in the Gender Mainstreaming in the environment and forestry sector.</p> <p>Appendix About: Gender Management Guidelines for Environmental And Forestry I. Introduction II. Gender Issues of the Environment and Forestry III. Gender Mainstreaming IV. Gender Integration in Planning and Budgeting V. Monitoring and Evaluation</p>		

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	<p><b>Law No. 39/1999 on Human Rights</b> Article 5 (3) All members of vulnerable groups in society, such as children, the poor, and the disabled, are entitled to greater protection of human rights.</p> <p><b>Government Regulation No. 46/2016 on Procedures for Implementation of Strategic Environmental Assessment [KLHS]</b> Article 9 (2) The results of identification of Sustainable Development issues as referred to in paragraph (1) shall contain a list related to, at least: h. the level and status of the number of the poor or the livelihood of a community and the threatened sustainability of the community; i. risks to public health and safety; and / or j. threats to the protection of certain areas traditionally committed by indigenous and tribal peoples.</p> <p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 1 (1) Environment shall be a totality of space with all materials, resources, situations and creatures, including human and their behavior that influence the nature, continuation of livelihood and human welfare as well as other creatures. (3) Sustainable Development shall be conscious and integrated efforts integrating environmental, social and economic aspects into a development strategy to assure the totality of environment as well as safety, capability, welfare and living standards of the present and future generations.</p> <p>Article 2 Environmental protection and management shall be executed on the basis of principles of justice; Elucidation of Article 2 Letter g The principle of justice means environmental management must reflect justice proportionally for every citizen, either inter-region, inter-generation or inter-gender.</p>		
<p><b>Key Element 2.6</b> Identify impacts on physical cultural resources.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 23 (1) Criteria for business and/or activity having substantial impact shall be furnished with AMDAL consisting of e. process and activity having result influencing the... protection of cultural reserves;</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for on Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p>	<p><b>Partial equivalence</b></p> <p>Law No. 32/2009 explicitly requires that EIA/AMDAL include assessment of impacts on physical cultural resources. MOEF Regulation No.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p>

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap-filling Measures
	<p>Annex II Guidelines for Preparing Andal Documents</p> <p>B. Objectives of the Andal Documents</p> <p>3. Detailed description of the environmental setting</p> <p>A detailed description of the initial environmental tone as intended, includes:...</p> <p>c. socio-economic-cultural components, such as...archaeological sites, cultural sites and so on;</p> <p>6. results of forecasting important impacts;</p> <p>b. The estimated impact is carried out carefully regarding the magnitude of the important impacts of the...cultural, aspects at the pre-construction, construction, operation, and post-operation stages of the business and / or activities according with the type of business plan and / or activities. Not all types of business plans and / or activities have all these stages.</p> <p>d. In conducting these studies, it is necessary to pay attention to the direct and / or indirect impacts...In this connection, it is necessary to pay attention to the impact flow mechanism on various environmental components, including the following:</p> <p>1) activities cause important direct impacts on the...cultural...components;</p> <p>3) activities cause significant direct impacts on the...cultural...components, then lead to a series of successive impacts on the geophysical-chemical and biological components;</p> <p>5) important impacts take place in chains between the...cultural...components and the geophysical-chemical and biology itself;</p>	<p>26/2018 requires describing archaeological and cultural sites and assessing cultural impacts but not impacts on physical cultural resources.</p> <p>There is no requirement in the law or the regulation for UKL-UPL to identify impacts on physical cultural resources.</p>	<p>For each proposed PLN project identify the impacts on physical cultural resources.</p>
<p><b>Key Element 2.7</b> Assess potential transboundary impacts.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Article 63 (1)</p> <p>In protecting and managing the environment, the government shall be assigned and authorized to:</p> <p>m. stipulate and implement policies protection and/or damage of inter-state border environment;</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for on Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Annex II Guidelines for Preparing Andal Documents</p> <p>B. Objectives of the Andal Documents</p> <p>7. the results of a holistic evaluation of environmental impacts;</p> <p>Some things that need to be considered in a holistic evaluation of environmental impacts are:</p> <p>b. Based on the results of a review of the interrelationships and interactions of important hypothetical impacts (DPH), information can be obtained as follows:</p> <ul style="list-style-type: none"> <li>• Areas that need to get important attention (area of concerns) along with their area (local, regional, national, or even international crossing national borders), for example:</li> </ul>	<p><b>Partial equivalence</b></p> <p>There is no requirement in the law or the regulation for UKL-UPL to identify potential transboundary impacts.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>For each proposed PLN project, assess the potential transboundary impacts.</p>

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<p><b>Key Element 2.8</b> Assess potential global impacts, including climate change.</p>	<p><b>No corresponding legal provision requiring assessment of potential global impacts, including climate change, in EIA/AMDAL or UKL-UPL</b></p>	<p><b>No equivalence</b></p> <p>Law No. 32/2009 stipulates generally that the government is responsible for anticipating global environmental issues, including climate change but does not refer to global impacts or climate change in its provisions governing EIA/AMDAL.</p> <p>MOEF Regulation No. 26/2018 refers to international transboundary impacts (Key Element 2.7) in the required descriptions of holistic evaluation of environmental impacts but does not require assessment of potential global or climate change impacts.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>ensure that potential global impacts, including climate change, are identified and assessed as part of the environmental assessment processes.</p>
<p><b>Key Element 2.9</b> Use strategic environmental assessment where appropriate.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Article 1. Referred to in this law as: 10. Strategic Environmental Assessment hereinafter abbreviated to KLHS shall be a series of systematic, comprehensive and participatory analyses to ascertain that the principles of sustainable development have become a basis and been integrated into the development of a region and/or policy, plan and/ or program.</p> <p>Article 15. (1) The National and Local Governments shall be obliged to conduct KLHS [Strategic Environmental Assessment] to ensure that sustainable development has been used as a basis of and integrated into the development of a region and/or policy, plan, and/or</p>	<p><b>Full equivalence</b></p>	<p><b>None required</b></p>

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	<p>program.</p> <p>(2) The National and Local Governments shall be obliged to implement KLHS...in the formulation or evaluation of...</p> <p>b. policies, plans, and/or programs with potential to cause environmental impacts and or risks.</p> <p>Article 17</p> <p>(1) The results of KLHS...shall become the basis for development policies, plans and/or programs in a region.</p> <p>(2) Should the results of KLHS...certify...that the policy, plan, and/or program exceed the carrying capacity of the environment:</p> <p>a. the development policies, plans and/or programs shall be improved in accordance with the recommendations of the KLHS; and</p> <p>b. all businesses and/or activities already surpassing the support and carrying capacities of the environment shall no longer be permitted.</p> <p><b>Government Regulation No. 46/2016 on Procedures for Implementation of Strategic Environmental Assessment [KLHS]</b></p> <p>Article 6</p> <p>The making and implementation of KLHS [SEA] is done through the following mechanism:</p> <p>a. assessment of the Influence of Policies, Plans, and / or Program on Environmental Conditions;</p> <p>b. formulation of alternative improvements to the Policies, Plans, and / or Program; and</p> <p>c. prepare recommendations for taking policy decisions, plans and / or programs for integration of sustainable development principles.</p>		
<p><b>Policy Principle 3:</b> Examine alternatives to the project's location, design, technology, and components and their potential environmental and social impacts and document the rationale for selecting the alternative proposed. Also consider the no project alternative.</p>			
<p><b>Key Element 3.1</b> Examine alternatives to the project's location, design, technology and components and their potential environmental and social impacts; document selection.</p>	<p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Article 20 (2)</p> <p>The preparation of ANDAL as referred to in paragraph (1) is carried out by compiling:</p> <p>b. description of business plan and/or activity along with alternatives;</p> <p>Annex II Guidelines for Preparing Andar Documents</p> <p>B. Objectives of the Andar Documents</p> <p>2. Description of the business plan and / or activities and their alternatives</p> <p>2) Businesses and / or activities that are around the proposed location of the business</p>	<p><b>Partial equivalence</b></p> <p>MOEF Regulation No. 26/2018 requires assessment of alternative locations in EIA/AMDAL but there is no requirement to identify and assess</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p>

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	<p>and / or activity proposed along with their environmental impacts. In the event that there are several alternative locations, then the description of the environmental hue must be carried out for each alternative location. The initial environmental tone definition can be presented in the form of spatial data and information.</p> <p>3. Detailed description of the environmental setting</p> <p>2) Detailed and in-depth detailed baseline of the initial environment basically outlines</p> <ul style="list-style-type: none"> <li>• in case there are several alternative locations, then the detailed description of the initial environmental hue is carried out for each alternative location.</li> </ul> <p>6. results of forecasting important impacts; In describing the forecast of these important impacts, it should also pay attention to the following matters:</p> <p>e. In the event that the business plan and / or activity is still at the stage of choosing an alternative component of the business plan and / or activity (for example: alternative location, use of production equipment, capacity, technical specifications, business facilities and / or activities, building layout, time and the duration of the operation, and / or other alternative forms), the study as done for each alternative.</p> <p>7. the results of a holistic evaluation of environmental impacts; In terms of studies Andal provides several alternative components of business plans and / or activities (e.g. alternative locations, use of production equipment, capacity, technical specifications, business facilities and / or activities, building layout, time and duration of operation), then in this section, the compiler of the AMDAL document has been able to describe and provide recommendations on the best alternative options and the basis for consideration of choosing the best alternative....</p> <p><b>Minister of Environment and Forestry Regulation No. 25/2018 on Guidelines for Determining Types of Businesses and/or Activities Requiring Environmental Management and Monitoring Measures and Commitment Statement on Environmental Management and Monitoring</b> Article 7 (1) The screening as referred to in article 6 is done with the following stages: b) Ensure that there is available technology to mitigate any potential impact from the business plan and/or activities of various sectors;</p>	<p>alternatives to the design of a project or to the technology the project will use. The regulation does not require assessment of alternatives of any kind for UKL-UPL. MOEF Regulation No. 25/2018 stipulates that, at the screening stage for UKL-UPL, local government authorities must determine whether technology is available to mitigate any potential impacts.</p>	<p>Conduct alternatives analysis, including analysis of alternatives to the project's location, design, technology, and components and their potential environmental and social impact, and the no-project alternative, and document the rationale for selecting the particular alternative proposed, for each proposed PLN project.</p>
<p><b>Key Element 3.2</b> Consider the no project alternative.</p>	<p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Annex II Guidelines for Preparing Andal Documents B. Objectives of the Andal Documents 6. results of forecasting important impacts; Some things that need to be considered in preparing the forecast for important impacts are: Differences in the magnitude of important impacts without projects and with projects</p>	<p><b>Partial equivalence</b>  MOEF Regulation No. 26/2018 specifies that the no-project alternative needs to be considered in EIA/AMDAL. There is no requirement for any</p>	<p><b>PLN:</b>  See Policy Principle 3, Key Element 1.</p>

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	<p>within a certain time limit are calculated according to scientific rules....            In describing the forecast of these important impacts, it should also pay attention to the following matters:</p> <p>c. The study is carried out by analyzing the differences between the conditions of environmental quality predicted by the existence of businesses and / or activities, and conditions of environmental quality predicted without the existence of businesses and / or activities within the prescribed time limit, using the method of impact estimation.</p>	type of alternatives assessment for UKL-UPL.	
<p><b>Policy Principle 4:</b> Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management. Prepare an environmental management plan (EMP) that includes the proposed mitigation measures, environmental monitoring and reporting requirements, related institutional or organizational arrangements, capacity development and training measures, implementation schedule, cost estimates, and performance indicators. Key considerations for EMP preparation include mitigation of potential adverse impacts to the level of no significant harm to third parties, and the polluter pays principle.</p>			
<p><b>Key Element 4.1</b>            Avoid, and where avoidance is not possible, minimize, mitigate, and/or offset adverse impacts and enhance positive impacts by means of environmental planning and management.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Article 13            (1) Pollution and/or environmental deterioration shall be controlled in the framework of preserving environmental functions.            (2) Control over pollution and/or environmental deterioration as referred to Clause (1) shall cover:            prevention;            mitigation; and            restoration.            (3) Control over pollution and/or environmental deterioration as referred to Clause (1) shall be undertaken by the [national] government, regional governments and personnel in charge of businesses and/or activities based on their respective scopes of authority, role, and responsibility.</p> <p>Article 43            (1) The instruments for development planning and economic activities as referred to Article 42 Clause (2) letter a cover:            a. natural resources and environment balance;            b. formulation of gross domestic product and regional gross domestic product which incorporate the depreciation of natural resources and environmental deterioration;            c. compensation/environmental services mechanism among regions; and            d. internalization of environmental costs.</p> <p>(2) The instrument of the environmental management shall include:            a. guarantee funds for environmental restoration;            b. funds for pollution and/or deterioration mitigation and environmental restoration;            and            c. conservation trust funds.</p>	<p><b>Partial equivalence</b></p> <p>There is no requirement for UKL-UPL to provide for avoiding, minimizing, mitigating, and/or offsetting adverse impacts and enhancing positive impacts</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:            Ensure that each proposed PLN project avoids, and where avoidance is not possible, minimizes, mitigates, and/or offsets adverse impacts and enhance positive impacts by means of environmental planning and management.</p>

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	<p>Article 53.                      (1) Anyone polluting or deteriorating the environment shall be obliged to mitigate the pollution and/or environmental deterioration.                      (2) The pollution and/or environmental deterioration shall be mitigated by:                      a. providing information about [the] pollution and/or environmental deterioration [to] communities                      b. isolating pollution and/or environmental deterioration;                      c. stopping [the] source of pollution and/or environmental deterioration; and/or                      d. other methods in accordance with advance of science and technology.</p> <p>(3) Further provisions on procedures for mitigating the pollution and/or environmental deterioration as referred to Clause (1) will be stipulated in government regulation.</p> <p>Article 54.                      (1) Anyone who pollutes or deteriorates the environment shall restore [its] environmental function.                      (2) The environmental function shall be restored in phases;                      a. Stopping of [the] source of pollution and cleaning of pollutants;                      b. remedy;                      c. rehabilitation                      d. restoration; and/or                      e. other methods in accordance with advance of science and technology.</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b>                      Annex II Guidelines for Preparing Andal Documents                      B. Objectives of the Andal Documents                      7. the results of a holistic evaluation of environmental impacts;                      f. The results of a holistic evaluation of all important impacts as a unit that are interrelated and influence each other so that the balance of important positive impacts with negative ones is known.</p> <p>Guidelines for RKL-RPL Documents                      A. General Explanation                      3. Scope of the environmental management plan                      The RKL contains efforts to prevent, control and cope with significant environmental impacts and other negative environmental impacts and increase the positive impacts that arise as a result of a business plan and / or activity. In this sense, efforts to manage the environment include the following groups of activities:                      a. Environmental management that aims to avoid or prevent negative environmental</p>		

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	<p>impacts;</p> <p>b. Environmental management which aims to overcome, minimize, or control the negative impacts that arise when the business and / or activity; and /or</p> <p>c. Environmental management that has a positive impact so that the impact can provide greater benefits to both the proponent and other parties, especially the people who have enjoyed the positive impact.</p> <p>2. Environmental Management Plan In this section, the compiler of the AMDAL document describes the forms of environmental management carried out on the impacts caused in order to avoid, prevent, minimize and / or control negative impacts and increase the positive impact.</p> <p>Annex III Guidelines for Filling the UKL-UPL Form B. UKL-UPL Substance Examination 11. Checking the substance to determine the approval or rejection of UKL-UPL must at least consider:</p> <p>d. the ability of the initiator who is responsible for responding to the negative impacts that will arise from the planned business and / or activity;</p>		
<p><b>Key Element 4.2</b> Prepare an environmental management plan (EMP) that includes the proposed mitigation measures that reduce potential adverse impacts to the level of no significant harm to third parties, and apply the polluter pays principle.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 2 Environmental protection and management shall be executed based on...</p> <p>j. polluter pays;</p> <p>Article 25 AMDAL document shall contain: f. environmental management and monitoring plan.</p> <p>Article 43 (2) The instrument of environmental funding shall include: a. guarantee funds of environmental restoration; b. funds of pollution and/or damage mitigation and environmental restoration. Elucidation Letter a Guarantee funds of environmental restoration mean a certain amount of funds prepared by a business and/or activity to restore the quality of damaging environment attributed to the activity.</p> <p>Article 54 (1) Anyone who pollutes or deteriorates the environment shall restore [its] environmental function. (2) The environmental function shall be restored in phases; a. Stopping of [the] source of pollution and cleaning of pollutants;</p>	<p><b>Partial equivalence</b></p> <p>There is no requirement for UKL-UPL to provide mitigation measures that reduce potential adverse impacts to the level of no significant harm to third parties, or to apply the polluter pays principle.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>Require that each EMP/RKL-RPL and UKL-UPL explicitly requires including proposed mitigation measures that reduce potential adverse impacts to the level of no significant harm to third parties, and applies the polluter pays principle</p>

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	<p>b. remedy;                      c. rehabilitation                      d. restoration; and/or                      e. other methods in accordance with advance of science and technology.</p> <p>Article 55                      (1) Holders of the environmental permits shall be obliged to provide guarantee funds for the restoration of environmental function.                      (2) The guarantee funds shall be [deposited in] state banks appointed the Minister, governors, or regents/mayors by their authority.                      (3) The Minister, governors or regents/mayors may [designate a] third party to restore the environmental function using guarantee funds.</p> <p>Article 82                      (1) The Minister, governors or regents/mayors shall be authorized to compel personnel in charge of businesses and/or activities to restore the environment attributed to pollution and/or deterioration committed by [them].                      (2) The Minister, governors or regents/mayors shall be authorized to appoint for [a] _ third party to restore the environment attributed to pollution and/or deterioration committed by personnel in charge of businesses and/or activities at the expense of said personnel _ .</p> <p>Article 87                      (1) Every person _ in charge of businesses and/or activities committing [a] legal violation in the form of pollution and /or deterioration incurring losses on other people or the environment shall be obligated to pay compensation for the losses and/or take certain [other] measures</p> <p>Article 88                      Everybody whose action, business and/or activity using B3 [hazardous substances], producing and/or managing B3 waste and/or causing serious threat to the environment shall be responsible absolutely for the incurred losses without the necessity to prove a substantive mistake.</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b>                      Article 21                      (1) Business Entity prepares RKL-RPL as referred to in Article 7 paragraph (1) letter d based on the approved KA Form as referred to in Article 19 and Andal as referred to in Article 20.</p>		

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	<p>(2) RKL-RPL preparation as referred to in paragraph (1) is done by compiling</p> <ol style="list-style-type: none"> <li>a. introduction;</li> <li>b. environmental management plan;</li> <li>c. environmental monitoring plan;</li> <li>d. requirements and obligations related to aspects of Relevant environmental protection and management among others, management of hazardous and toxic waste, processing and disposal of wastewater, utilization of wastewater for application to land, control of air pollution</li> <li>e. commitment statement of the proponent to implement the provisions stated in the RKL-RPL;</li> <li>f. bibliography; and appendixes.</li> </ol> <p>(3) Preparation of RKL-RPL as referred to in paragraph (1) is conducted in accordance with the RKL-RPL preparation guidelines listed in Appendix II as integral part of this Ministerial Regulation.</p> <p>Annex II Guidelines for RKL-RPL Documents</p> <p>A. General Explanation</p> <p>1. Definition</p> <p>The RKL-RPL must contain efforts to deal with the impact and monitor the environmental components affected by the overall impact, not only the impacts concluded as important impacts from the results of the holistic evaluation process in Andal.</p> <p>B. Objectives of the Andal Documents</p> <ol style="list-style-type: none"> <li>7. the results of a holistic evaluation of environmental impacts;</li> <li>d. Management directives are carried out on all components of activities that have an impact, both components of activities that provide the most derivative impacts (strategic impacts) and activities components that do not have much derivative effects. Monitoring directives are carried out on relevant environmental components to be used as indicators to evaluate compliance (trend) and trend level and critical level of an environmental management.</li> </ol> <p>Guidelines for RKL-RPL Documents</p> <p>A. General Explanation</p> <p>3. Scope of the environmental management plan</p> <p>The RKL contains efforts to prevent, control and cope with significant environmental impacts and other negative environmental impacts and increase the positive impacts that arise as a result of a business plan and / or activity. In this sense, efforts to manage the environment include the following groups of activities:</p> <ol style="list-style-type: none"> <li>a. Environmental management that aims to avoid or prevent negative environmental impacts;</li> </ol>		

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	<p>b. Environmental management which aims to overcome, minimize, or control the negative impacts that arise when the business and / or activity;</p> <p>Annex III Guidelines for Filling the UKL-UPL Form B. UKL-UPL Substance Examination 11. Checking the substance to determine the approval or rejection of UKL-UPL must at least consider: d. the ability of the initiator who is responsible for responding to the negative impacts that will arise from the planned business and / or activity;</p> <p><b>PLN Board of Directors Decree No. 59/2009 as amended by Decree No. 200/2009 on Evaluation System of Performance Level of PLN</b> ...environmental performance has been included as element of unit's performance, comprising of: (i) Study and Preparation of Environmental Document; (ii) Implementation of Environmental Management; (iii) Implementation of Environmental Monitoring; and (iv) Review/ Revision of Environmental Document.</p>		
<p><b>Key Element 4.3</b> Include environmental monitoring and reporting requirements in the environmental management plan (EMP).</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 25 AMDAL document shall contain: f. environmental management and monitoring plan.</p> <p>Article 48 The government shall encourage person in charge of businesses and/or activities to undertake environmental audits to improve environmental performance.</p> <p>Article 49 (1) The Minister shall require an environmental audit for: a. Certain business and/or activities highly risky to the environment and/or b. Personnel in charge of businesses and/or activities [demonstrating] disobedience to legislation. (3) The environmental audit of certain highly risky activities shall be executed periodically.</p> <p>Article 50 (1) In the case of personnel in charge of businesses and/or activities not executing the obligations as referred to in Article 49 paragraph (1), the Minister may implement or assign the independent third party to undertake environmental audit at expense of the said personnel in charge of businesses and/or activities. (2) The Minister shall announce the results of the environmental audit.</p>	<p><b>Full equivalence</b></p>	<p><b>None required</b></p>

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	<p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Article 21            (2) RKL-RPL preparation as referred to in paragraph (1) is done by compiling:                c. environmental monitoring plan;            (3) Preparation of RKL-RPL as referred to in paragraph (1) is conducted in accordance with the RKL-RPL preparation guidelines listed in Appendix II as integral part of this Ministerial Regulation.</p> <p>Annex II            Guidelines for RKL-RPL Documents            B. Objectives of the Andal Documents            7. the results of a holistic evaluation of environmental impacts;            d. ...Monitoring directives are carried out on relevant environmental components to be used as indicators to evaluate compliance (trend) and trend level and critical level of an environmental management.</p> <p>Guidelines for RKL-RPL Documents            B. Strengthening RKL-RPL Documents            2. Environmental Management Plan            In this section, the compiler of the AMDAL document describes the forms of environmental management carried out on the impacts caused in order to avoid, prevent, minimize and / or control negative impacts and increase the positive impact. The description is stated briefly and clearly in the form of a matrix or table that contains management of the impact, by conveying the following elements:            h. Environmental management institutions            Environmental management institutions that need to be addressed include:            3) Reporting on the results of environmental management            List the agencies that will receive reports on environmental management activities on a regular basis in accordance with the scope of work of the agencies concerned, and applicable laws and regulations.</p> <p>3. Environmental Monitoring Plan            In this section, the compiler of the AMDAL document describes briefly and clearly the monitoring plan in the form of a matrix or table for the impact caused. Mathematics or this table contains monitoring of the effects caused. The matrix or table is arranged by conveying the following elements:            c. Environmental monitoring institutions, which consist of monitoring implementers, monitoring supervisors and recipients of monitoring reports.</p> <p>Annex III</p>		

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	<p>Guidelines for Filling the UKL-UPL Form</p> <p>C. Environmental Impacts Caused and Environmental Management Efforts and Environmental Monitoring Efforts</p> <p>This section basically contains one table / matrix, which summarizes:</p> <p>3. Form of environmental monitoring efforts</p> <p>The Environmental Monitoring Efforts column consists of three sub-columns containing information:</p> <p>a. the form of Environmental Monitoring Efforts, which are filled with information on methods, methods, and / or techniques for monitoring environmental quality which are indicators of the success of environmental management (can include: methods for collecting and analyzing environmental quality data, etc.) so);</p> <p>b. location of Environmental Monitoring, which is filled with information about the location where the said environmental monitoring is carried out (can be supplemented by a narrative explaining that the location is presented more clearly in the environmental monitoring map in the UKL-UPL attachment); and</p> <p>c. period of environmental monitoring, which is filled with information about the time / period of the planned form of environmental monitoring efforts.</p> <p><b>Government Regulation No. 27/2012 on Environmental Permits</b> Article 53 (1) The Environmental License Holder shall be obliged to:</p> <p>a. comply with the requirements and obligations contained in the Environmental Permit and environmental protection and management permits;</p> <p>b. prepare and submit implementation reports on the requirements and obligations in the Environmental Permit to the Minister, governor or regent / mayor;</p> <p><b>Minister of Energy and Mineral Resources Regulation No. 35/2013 on Permitting Procedure of Electricity Business as amended by Minister of Energy and Mineral Resources Regulation No. 12/2016</b> Article 13 (1) The Holder of Power Business License shall report its business activities periodically every 6 (six) months to the Director General. (2) The report referred to in paragraph (1) at least contains the following:</p> <p>m. data on implementation of environmental management and monitoring;</p> <p>n. data on the implementation of corporate social responsibility, in accordance with the type of business.</p>		
<p><b>Key Element 4.4</b> Include institutional or organizational arrangements and capacity development in the</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 25 AMDAL document shall contain:</p> <p>f. environmental management and monitoring plan.</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for</b></p>	<p><b>Partial equivalence</b></p> <p>MOEF Regulation No. 26/2018 requires that an EMP provide for training but there is</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant</p>

<b>ADB Safeguard Policy Statement</b>	<b>Corresponding Legal Provisions<sup>7</sup></b>	<b>Extent of Equivalence with Explanation</b>	<b>Recommended Gap-filling Measures</b>
environmental management plan (EMP).	<p><b>Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Annex II Guidelines for RKL-RPL Documents</p> <p>A. General Explanation</p> <p>2. The basic principles of preparing an Environmental Management Plan are:</p> <p>g. Living environment management institutions are determined according to authority.</p> <p>3. Scope of the environmental management plan</p> <p>1. Scope of the environmental monitoring plan Environmental monitoring plans need to contain environmental monitoring institutions. The institution of environmental monitoring referred to here is an institution that is responsible for implementing monitoring, users of monitoring results, and supervisors of monitoring activities.</p> <p>B. Strengthening RKL-RPL Documents</p> <p>2. Environmental Management Plan</p> <p>h. Environmental management institutions In this column, the compiler of the AMDAL document must include the institutions and/or institutions that will be dealing with, concerned with, and related to environmental management activities, in accordance with the laws and regulations that apply at the level of national and regional levels for each environmental management plan. Environmental management institutions that need to be addressed include:</p> <p>1) Implementing environmental management List the implementing institutions responsible for implementation and as funders of environmental management activities. If in carrying out environmental management activities the initiator assigns or cooperates with other parties, then state the institution in question.</p> <p>2) Environmental management supervisor List the agencies that will act as supervisors for the implementation of the RKL. Agencies involved in supervision may be more than one agency in accordance with the scope of authority and responsibility, as well as applicable laws and regulations.</p> <p>3) Reporting on the results of environmental management List the agencies that will receive reports on environmental management activities on a regular basis in accordance with the scope of work of the agencies concerned, and applicable laws and regulations.</p> <p>3. Environmental Monitoring Plan In this section, the compiler of the AMDAL document describes briefly and clearly the monitoring plan in the form of a matrix or table for the impact caused. Mathematics or this table contains monitoring of the effects caused. The matrix or table is arranged by conveying the following elements:</p>	no similar requirement for UKL-UPL.	PLN divisions to comply with the following: Require that each EMP/RKL-RPL and UKL-UPL includes provisions for capacity development.

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	<p>c. Environmental monitoring institutions, which consist of monitoring implementers, monitoring supervisors and recipients of monitoring reports.</p> <p>Annex III Guidelines for Filling the UKL-UPL Form C. Environmental Impacts Caused and Environmental Management Efforts and Environmental Monitoring Efforts This section basically contains one table / matrix, which summarizes: 4. Environmental management and monitoring institutions Column of Environmental Management and Monitoring Institution, which is filled with information about various institutions related to environmental management and environmental monitoring which will: a. conduct / implement environmental management and environmental monitoring; b. supervise the implementation of environmental management and environmental monitoring; and In this section, the Proponent can supplement with maps, sketches or drawings with a scale that is sufficiently related to environmental management and monitoring programs. The included map must meet cartographic rules. c. receive periodic reporting on the results of implementation of environmental management commitments and environmental monitoring in accordance with the scope of work of the agencies concerned, and applicable laws and regulations.</p>		
<p><b>Key Element 4.5</b> Include the proposed implementation schedule, cost estimates and Performance indicators in the environmental management plan (EMP).</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 25 AMDAL document shall contain: f. environmental management and monitoring plan.</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Annex II Guidelines for RKL-RPL Documents A. General Explanation 2. The basic principles of preparing an Environmental Management Plan are: f. The environmental management period is determined according to the stages of implementation of activities.</p> <p>3. Scope of the environmental management plan Environmental monitoring must be economically feasible. Costs incurred for monitoring need to be considered considering activities monitoring continues throughout the life of the business and / or activity.</p>	<p><b>Partial equivalence</b></p> <p>Law No. 32/2009, and MOEF Regulation No. 26/2018 require an EMP/RKL-RPL and the regulations specify that it must include an implementation schedule and performance indicators but does not specify that a budget for implementing the EMP/RKL-RPL be provided. MOEF Regulation 26/2018</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>Include estimates of the full costs of implementation in each EMP/RKL-RPL and UKL-UPL.</p>

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	<p>B. Objectives of the Andam Documents</p> <p>7. the results of a holistic evaluation of environmental impacts;</p> <p>d. Management directives are carried out on all components of activities that have an impact, both components of activities that provide the most derivative impacts (strategic impacts) and activities components that do not have much derivative effects. Monitoring directives are carried out on relevant environmental components to be used as indicators to evaluate compliance (trend) and trend level and critical level of an environmental management.</p> <p>Guidelines for RKL-RPL Documents</p> <p>A. General Explanation</p> <p>2. The basic principles of preparing an Environmental Management Plan are:</p> <p>c. Indicators of the success of environmental management are determined according to environmental quality standards, standard criteria for damage, results of studies and other criteria.</p> <p>3. Scope of the environmental management plan</p> <p>1. Scope of the environmental monitoring plan</p> <p>...Monitoring is an activity that takes place continuously, systematically and planned. Monitoring is carried out on relevant environmental components to be used as indicators to evaluate compliance (trend) and trend level (critical level) of an environmental management.</p> <p>B. Strengthening RKL-RPL Documents</p> <p>2. Environmental Management Plan</p> <p>In this section, the compiler of the AMDAL document describes the forms of environmental management carried out on the impacts caused in order to avoid, prevent, minimize and / or control negative impacts and increase the positive impact. The description is stated briefly and clearly in the form of a matrix or table that contains management of the impact, by conveying the following elements:</p> <p>c. Indicator of the success of environmental management....</p> <p>f. Period of environmental management.</p> <p>3. Environmental Monitoring Plan</p> <p>In this section, the compiler of the AMDAL document describes briefly and clearly the monitoring plan in the form of a matrix or table for the impact caused. Mathematics or this table contains monitoring of the effects caused. The matrix or table is arranged by conveying the following elements:</p> <p>a. Impacts monitored, which consist of: types of impacts, components of the affected environment, and indicators / parameters monitored and sources of impact.</p>	<p>notes that monitoring costs must be economically feasible, but does not refer to the cost of implementing the EMP/RKL-RPL.</p> <p>The template for UKL-UPL in MOEF Regulation No. 26/2018 requires an implementation schedule but does not require cost estimates and performance indicators.</p>	

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<p><b>Policy Principle 5:</b> Carry out meaningful consultation with affected people and facilitate their informed participation. Ensure women's participation in consultation. Involve stakeholders, including affected people and concerned nongovernment organizations, early in the project preparation process and ensure that their views and concerns are made known to and understood by decision makers and considered. Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment. Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.</p>			
<p><b>Key Element 5.1</b> Carry out meaningful consultation<sup>9</sup> with affected people and facilitate their informed participation.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 2 (k) Environmental the protection and management shall be executed based on principles of k. participation; Elucidation of Article 2 Letter k The participatory principle means every community member is motivated to participate actively in decision making and implementing environmental protection and management directly and indirectly.</p> <p>Article 25 (c) An AMDAL document shall contain: public recommendation, input as well as response to proposed business and/or activity plan;</p> <p>Article 26 (1) The AMDAL document as referred to in Article 22 shall be formulated by initiators by involving communities. (2) The involvement of communities shall be based on principle of provision of information transparently and completely as well as shall be notified prior to the execution of the activity. (3) The communities as referred to in paragraph (1) shall include: a. the affected communities; b. environmental activists; and/or c. parties affected by all kinds of decision in AMDAL process. (4) The communities as referred to in paragraph (1) may raise objection to the AMDAL document.</p>	<p><b>Partial equivalence</b></p> <p>Law No. 32/2009 establishes the principle of participation and, together with MOEF Regulation No. 26/2018 and Government Regulation No. 27/2012, requires public participation in the EIA/AMDAL process beginning at the scoping stages.</p> <p>MOEF Regulation No. 26/2018 stipulates that vulnerable groups, indigenous people, and male and female groups, considering gender equality, participate in public consultations. The regulation also</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>(i) Require that the environmental assessment processes for each proposed PLN project include consultation; and (ii) facilitate the participation of affected people, women, and affected vulnerable groups in meaningful consultations throughout the project cycle.</p>

<sup>9</sup> The ADB SPS defines meaningful consultation as: A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

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	<p>Article 29 (1) EIA document shall be appraised by an EIA Appraising Commission set up by the Minister, governor, or bupati/mayor according to their respective authority.</p> <p>Article 30 (1) Membership of the EIA Appraising Commission as referred to in Section 29 shall comprise representatives from the following elements: e. representatives from the community that is likely to experience the impact; (2) In carrying out its task, the EIA Appraising Commission shall be assisted by a technical team comprising independent experts to carry out a technical study and by a secretariat formed to that end.</p> <p>Article 65 (2) Everybody shall be entitled to...information access, participation access and justice access in fulfilling the right to proper and healthy environment. (3) Everybody shall reserve a right to submit recommendation and/or objection against businesses and/ or activities predicted to affect the environment.</p> <p>Article 70 (1) Communities shall have the equal and broad right and opportunity to participate actively in environmental protection and management. (2) Public participation may be in the form of: a. asocial control; b. suggestion, opinion, recommendation, objection, complaint; and/or c. information and/ or report. (3) Public participation shall aim at: a. generating awareness in environmental protection and management; b. enhancing independence, capability of communities and partnership; c. develop capability and pioneer of communities; d. develop emergency response of communities to social control; and e. develop and preserve local culture and wisdom in the conservation of environmental functions.</p> <p><b>Government Regulation No. 27/2012 on Environmental Permits</b> Article 9 (1) Proponent, in preparing AMDAL documents as referred to in Article 8, involves the community: a. affected; b. environmentalists; and / or c. who are affected by any decision in the AMDAL process. (2) Community participation as referred to in paragraph (1) shall be conducted through: a. announcement of Business and / or Activity plan; and</p>	<p>requires that information be communicated in language that is clear and easy for all levels in a community to understand and that local languages be used, in addition to Bahasa, if necessary. Under MOEF Regulation 26/2018, proponents must use community opinions as input for the terms of reference (TOR) for the EIA/AMDAL.</p> <p>Law No. 32/2009 provides that a government authority sets up the AMDAL Assessment Commission and that representatives from the community that is likely to experience impact must be members. MOEF Regulation No. 26/2018 provides that affected communities choose their own representatives to be members of the AMDAL Assessment Commission at the stage of public consultations on the terms of reference for an EIA/AMDAL. It does not stipulate that</p>	

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	<p>b. public consultation.            (3) The participation of the community as referred to in paragraph (1) shall be conducted prior to the preparation of the Terms of Reference document.</p> <p>Article 46            (1) The announcement as referred to in Article 44 for Business and / or Activity that is required to have UKL-UPL shall be conducted by the Minister, Governor, or Regent / Mayor.            (2) The announcement as referred to in paragraph (1) shall be done through multimedia and bulletin board at the location of Business and / or Activity no later than 2 (two) working days since the submitted UKL-UPL form is declared complete administratively.            (3) The public may provide suggestions, opinions and responses to the announcement as referred to in paragraph (1) within a period of no more than 3 (three) working days since it is announced.            (4) The suggestions, opinions, and responses referred to in paragraph (3) may be submitted to the Minister, governor or regent / mayor in accordance with their authority.</p> <p><b>Government Regulation No. 24/2018 on Online Single Submission</b>            Article 55            (1) Business Entity in the preparation of AMDAL documents as referred to in Article 54, shall include the affected communities.            (2) Business Entity in addition to involving the affected community can also involve environmentalists.            (3) Community participation as referred to in paragraph (1) and / or observers of the environment as referred to in paragraph (2) is carried out through:            a. announcement of planned business and / or activity; and            b. public consultation            (4) Announcement of business and/or activity plan as referred to in paragraph (3) letter a is carried out through the OSS web page, mass media, and / or at the location of the business and / or activity.            (5) Community as referred to in paragraph (1), within a period of 5 (five) Days as of the announcement of the business and/or activity plan as referred to in paragraph (4), has the right to submit suggestions, opinions and responses to the business plan and / or activity.            (6) Suggestions, opinions, and responses as referred to in paragraph (5) are submitted in writing or through the OSS Institution to Business Entity and ministers who carry out government affairs on environmental protection and management, governors, or regents/mayors.            Further provisions regarding the procedures for community participation in the preparation of AMDAL are stipulated in Ministerial Regulation that organizes government affairs on environmental protection and management.</p>	<p>communities also nominate their own representatives to participate in the Assessment Commission when it reviews an EIA/AMDAL.</p> <p>The opportunity for public input on UKL-UPL as required under Government Regulation No. 27/2012 is limited to three working days and does not include consultations. MOEF Regulation No. 26/2018 has no requirement for consultation for UKL-UPL.</p> <p>Law No. 39/1999 establishes the entitlement to public participation generally and stipulates that vulnerable groups are entitled to special treatment and additional protection. The law indicates that the poor, elderly, disabled, pregnant women, and children are included in the meaning of 'vulnerable groups' and stipulates that the needs of</p>	

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	<p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b></p> <p>Article 7            (1) AMDAL document as mentioned in Article 6 completed through stages:            a. implementation of announcement to public on planned business and/or activity and public consultation;            (2) Time period for implementation of announcement on planned business and/or activity, public consultation... as mentioned in Clause (1) letter a... carried out no longer than 30 (thirty) working days after OSS Entity issued Environmental Permit based on commitment.</p> <p>Article 8            (1) Implementation of announcement of business and/or activity and public consultation as mentioned in Article 7 Clause (1) letter a carried out by Business Actor to involve affected community in preparation of AMDAL document.            (2) Affected community who are involved in AMDAL preparation as mentioned Clause (1) living within AMDAL study area which covers:            a. community who will enjoy benefit or positive impacts from the business and/or activity; and            b. community who will loss or negative impact from the business and/or activity            (3) Business Actor other than affected community as mentioned in Clause (1), may also involve environmental observers.            (4) Environmental observers as mentioned in Clause (3) living beyond AMDAL study and concern on the business and/or activity and environmental impacts may be resulted.</p> <p>Article 9            (1) Announcement of Business and/or Activity plan as referred to in Article 8 paragraph (1) is performed by Business Entity.            (2) Announcement of Business and/or Activity plan as referred to in paragraph (1) is performed before completing the term of reference (KA) Form.            (3) In announcing the Business and/or Activity plan as referred to in paragraph (1), Business Entity must submit the correct and precise information regarding:            a. name and address of Business Entity;            b. type of Business and/or Activity plan;            c. scale / magnitude of the Businesses and/or Activities plan; and            d. location of the planned Business and/or Activities;            e. potential impact on the environment that may arise and general concepts of environmental impact mitigation;            f. posting time of the announcement and the time frame to submit suggestions,</p>	<p>indigenous peoples must be taken into account, but does not include them as members of vulnerable groups.</p> <p>The PLN CSS specifies that the public may submit comments during the assessment process but does not stipulate that the views of the public must be taken into account in decision-making processes, mitigation measures, and benefit-sharing.</p>	

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	<p>opinions and responses from the community; and</p> <p>g. name and address of Business Entity and environmental agencies that reception advice, opinions and responses from the community.</p> <p>(4) Information in the announcement of the Business and/or Activity plan as referred to in paragraph (3) is conveyed in a proper and good Indonesian language, clear and easy to understand by all levels of community.</p> <p>(5) Besides using Indonesian language as it is referred to in paragraph (4), Information in the announcement of Business and/or Activity plan can be submitted by using regional or local languages according to the location where the announcement is conducted.</p> <p>(6) Announcement of the Business and/or Activity plan containing information as referred to in paragraph (3) must be submitted through:</p> <ol style="list-style-type: none"> <li>a. OSS webpage;</li> <li>b. mass media; and/or</li> <li>c. announcement at the location of the Business and/or Activity.</li> </ol> <p>(7) In addition to media that must be used for the announcement as referred to in paragraph (6), Business Entity may use other media to conduct an announcement, in the form of:</p> <ol style="list-style-type: none"> <li>a. print media such as brochures, flyers or banners;</li> <li>b. electronic media through television, websites, networks social, sms and/or radio;</li> <li>c. bulletin boards in environmental agencies and agencies in charge of Business and/or Activity at the central, provincial and/or district / city area; and</li> <li>d. other usable media.</li> </ol> <p>Article 10</p> <p>(1) Community as mentioned in Article 8, within time period of 5 (five) working days since the announcement of business and/or activity have right to submit suggestion, opinion and response to the business and/or activity.</p> <p>(2) Suggestion, opinion and response as mentioned in Clause (1) submitted in writing or through OSS Entity to Business Actor and Minister, governor or bupati/mayor as their authority.</p> <p>(3) In submission of suggestion, opinion and response as mentioned in Clause (2), community shall inform on personal identity as the citizenship document owned.</p> <p>(4) Suggestion, opinion and response as mentioned in Clause (2) may be in form:</p> <ol style="list-style-type: none"> <li>a. descriptive information on environmental condition within and around location/site of planned business and/or activity;</li> <li>b. local values to be affected by business and/or activity to be carried; and/or</li> <li>c. community aspiration and concern related to business and/or activity.</li> </ol> <p>(5) Suggestion, opinion and response as mentioned in Clause (2) submitted using Bahasa Indonesia and/or local dialect appropriate with the location of business and/or activity.</p> <p>(6) Based on suggestion, opinion and response received from community as</p>		

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	<p>mentioned in Clause (2), Business Actor and Minister, governor or bupati/mayor as their authority document and process the suggestion, opinion and response.            (7) Suggestion, opinion and response which have been processed as mentioned in Clause (6) shall be used by Business Actor in filling KA Form.</p> <p>Article 11            (1) Public consultation as mentioned in Article 8 Clause (1) carried out by Business Actor.            (2) Public consultation as mentioned in Clause (1) carried out by involving affected people.            (3) In addition to affected community as mentioned in Clause (2), public consultation may also involve environmental observers.            (4) Community who are involved in public consultation as mentioned in Clause (2) covers vulnerable group, indigenous people, male and female groups with consideration on gender equality.</p> <p>Article 12            (1) Public consultation as mentioned in Article 11 can be carried out:            a. Before Business Actor receives Environmental Permit based on commitment from OSS Entity; and/or            b. after Business Actor receives Environmental Permit based on commitment from OSS Entity.            (2) Public consultation carried out after Business Actor receives Environmental Permit based on commitment from OSS Entity as mentioned in Clause (1) letter b can be carried out before, simultaneous and/or after announcement of planned business and/or activity.</p> <p>Article 13            (1) Before conducting public consultations as referred to in Article 11, Business Entity:            a. coordinate with relevant agencies and community leaders who will be involved in the public consultation process; and            b. invite the community to be involved in public consultation.            (2) In the invitation of public consultation as referred to in paragraph (1) letter b, Business Entity convey information about:            a. the purpose of public consultation;            b. time and place for conducting public consultations;            c. forms, means and methods of executing public consultation;            d. where people can obtain additional information; and            e. scope of community suggestions, opinions and responses.            (3) Forms, means and methods of public consultation as referred to in paragraph (2) letter c contains:            a. workshop;</p>		

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	<p>b. seminar;  c. focus group discussion;  d. residents meeting;  e. hearing forum;  f. interactive dialogue; and/or  g. other forms, means and methods that can be used for bilateral communication.  (4) Business Entity may choose one or a combination of various forms, means and methods of public consultation as referred to in paragraph (2) which may effectively and efficiently capture public suggestions, opinions and responses.</p> <p>Article 14  (1) In executing public consultations as referred to in Article 11, Business Entity conveys information at least:  a. name and address of Business Entity;  b. type of Business and/or Activity plan;  c. scale / magnitude of the Business and/or Activity plan;  d. location of Business and/or Activity plan is completed with information on the smallest administrative boundary from project site locations and project site maps;  e. potential impacts that will arise from early identification of the Business Entity such as the potential of emerging of liquid waste, potential emissions from the chimney, potential community unrest, and others; and general concept of impact control; and  f. environmental components that will be affected by the Business and/or Activity plan.  (2) Based on the information submitted by the Business Entity as referred to in paragraph (1), the community has the right to submit suggestions, opinions and responses regarding Business and/or Activity plan  (3) Business Entity must document and process community suggestions, opinions and responses submissions as referred to in paragraph (2).  (4) Processed suggestions, opinions and responses from the community as referred to in paragraph (3) must be utilized by the proponent as inputs in the completion of the KA Form.</p> <p>Article 15  (1) The affected community chooses and appoints their own representatives to sit as KPA members during the public consultations execution as referred to in Article 11.  (2) Number of representatives of the affected community selected and appointed to sit as KPA members as referred to in paragraph (1) is stipulated proportionally and represent the aspirations of the community represented in environmental issues;  (3) Results of the community representatives decision as referred to in paragraph (2) shall be conveyed in the form of an approval letter / power of attorney signed by the affected communities involved in public consultations.  (4) The Business Entity communicates the results of the appointment of the</p>		

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	<p>community representative as referred to in paragraph (3) to KPA secretariat in accordance with its authority;</p> <p>(5) Representatives of the affected community as referred to in paragraph (3) must:</p> <ul style="list-style-type: none"> <li>a. conduct communication and regular consultation with the affected community they represent; and</li> <li>b. convey the aspirations of the affected community they represented at the KPA meeting.</li> </ul> <p>Article 18 Time period for implementation of announcement, public consultation and filling of KA Form which carried out by Business Actor and application for KA Form examination to environmental agency as their authority as mentioned in Article 8 to Article 17 carried out no longer than 20 (twenty) working days after OSS Entity issued Environmental Permit based on commitment.</p> <p>Annex II B. Objectives of the Andal Documents 4. results of community involvement; The implementation of community involvement through public announcements and consultations in the AMDAL process is part of the scoping process based on the basic principles of providing transparent and complete information, equality of positions between the parties involved, solving problems that are fair and wise, and cooperation among related parties. Things that must be fulfilled in community involvement, namely:</p> <ul style="list-style-type: none"> <li>a. The procedure for community involvement in the AMDAL process must refer to the laws and regulations.</li> <li>b. The results of community involvement in the form of suggestions, opinions and responses received from the community are processed before being used as input to the scoping process.</li> <li>c. Evidence of the announcement and the results of the implementation of the public consultation must be attached.</li> <li>d. Public consultation can be carried out before, concurrently or after the announcement of the business plan and / or activity and is carried out before the preparation of the KA document.</li> </ul> <p>The three community groups involved in the preparation of the AMDAL document included: (a) the community affected, (b) the community observing the environment; and (c) people affected by all forms of decisions in the AMDAL process. Affected communities are people who are within the boundaries of the EIA study area (which is a social boundary) who will feel the impact of the planned business and / or activity, consisting of people who will benefit and those who will suffer losses. The community observing the environment is a community that is not affected by a business plan and / or activity, but has attention to the plan of the business and / or</p>		

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	<p>activity, as well as the environmental impacts that it will cause.  The people affected by all decisions in the AMDAL process are people who are outside and / or directly adjacent to the AMDAL study area boundary related to the impact of the business plan and / or activity.  In detail, information that must be explained includes key things (key points) that must be a concern for decision makers, namely what information needed by decision makers related to the results of community involvement.</p> <p><b>Law No. 39/1999 on Human Rights</b>  Article 5 (3)  Any person who belongs to a vulnerable group of people is entitled to more treatment and protection with respect to its specificity.  Elucidation of Article 5 Paragraph (3)  The meaning of "vulnerable groups" includes elderly people, children, the poor, pregnant women, and people with disabilities.</p> <p>Article 6 (1)  In the interests of upholding human rights, the differences and needs of indigenous peoples must be taken into consideration and protected by the law, the public and the Government.</p> <p>Article 14  (1) Everyone has the right to communicate and obtain information they need to develop themselves as individuals and to develop their social environment.  (2) Everyone has the right to seek, obtain, own, store, process, and impart information using all available facilities.</p> <p>Article 25  Every citizen has the right to express his opinion in public...</p> <p>Article 41 (2)  The disabled, elderly, pregnant women and children have a right to special facilities and treatment.</p> <p>Article 44  Every citizen, both individually and collectively, has the right to submit orally or in writing requests, complaints and/or proposals to the government for the implementation of a clean, effective and efficient government, in line with prevailing legislation.</p>		

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<p><b>Key Element 5.2</b> Ensure women's participation in consultation.</p>	<p><b>Minister of Environment and Forestry Regulation No.26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Article 11 (1) Public consultation as mentioned in Article 8 Clause (1) carried out by Business Actor. (2) Public consultation as mentioned in Clause (1) carried out by involving affected people. (3) In addition to affected community as mentioned in Clause (2), public consultation may also involve environmental observers. (4) ) Community who are involved in public consultation as mentioned in Clause (2) covers vulnerable group, indigenous people, male and female groups with consideration on gender equality.</p> <p><b>Law No. 39/1999 on Human Rights</b> Article 45 Under this Act, women's rights are human rights.</p> <p><b>Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development</b> Considering: That in order to improve the position, role, and quality women, as well as efforts to realize gender equality and justice within family life, community, nation, and state, it is deemed necessary to undertake a gender mainstreaming strategy for the whole process of national development; That gender mainstreaming into the entire development process is an integral part of all functional activities government agencies and institutions at the central and regional levels;</p> <p>FIRST Implement gender mainstreaming for the implementation of planning, drafting, implementation, monitoring and evaluation of development policies and programs national gender perspective in accordance with the areas of duties and functions, as well as authority respectively.</p> <p>SECOND Pay careful attention to the Gender Mainstreaming Guidelines in National Development as enclosed in this Presidential Instruction as reference in implementing gender mainstreaming.</p> <p>Appendix Part I General 5. Gender Analysis is a systematic process for identifying and understanding the</p>	<p><b>Partial equivalence</b></p> <p>MOEF Regulation No. 26/2018 stipulates that female groups should participate in consultations. There is no requirement for consultation for UKL-UPL.</p>	<p><b>PLN:</b></p> <p>See the gap-filling measure for Policy Principle 5, Key Element 1.</p>

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	<p>division of labor / roles of men and women, access and control over development resources, participation in development processes and benefits they enjoy...patterns of relationships between men and the woman, which in practice observes other factors such as social class, race, and ethnicity.</p> <p><b>Minister of Environment Regulation No. 31/2017 on Guidance on the Implementation of the Gender Mainstreaming in Environmental and Forestry Sector</b> Whereas... (b) That the implementation of Gender Mainstreaming is embodied to every unit of work in the Ministry of Environment and Forestry.</p> <p>Article 1 Guideline on Implementation of Gender Mainstreaming (PUG) for Environment and Forestry Sector as mentioned in Appendix which represents integral part of this Ministerial Regulation.</p> <p>Article 2 The Guidelines for the Implementation of Gender Mainstreaming shall be referred to in the Gender Mainstreaming in the environment and forestry sector.</p> <p>Appendix About: Gender Management Guidelines for Environmental and Forestry I. Introduction II. Gender Issues of the Environment and Forestry III. Gender Mainstreaming IV. Gender Integration in Planning and Budgeting V. Monitoring and Evaluation</p> <p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 2 Environmental protection and management shall be executed based on principles: g. justice; Elucidation of Article 2 Letter g The principle of justice means environmental management must reflect justice proportionally for every citizen, either inter-region, inter-generation or inter-gender.</p> <p>Article 65 (2) Everybody shall be entitled to environmental... information access, participation access and justice access in fulfilling the right to proper and healthy environment. (3) Everybody shall reserve a right to submit recommendation and/or objection against businesses and/or activities predicted to affect the environment.</p>		

<b>ADB Safeguard Policy Statement</b>	<b>Corresponding Legal Provisions<sup>7</sup></b>	<b>Extent of Equivalence with Explanation</b>	<b>Recommended Gap-filling Measures</b>
<p><b>Key Element 5.3</b> Continue consultations with stakeholders throughout project implementation as necessary to address issues related to environmental assessment.</p>	<p><b>No corresponding legal provision requiring ongoing consultation throughout project implementation</b></p>	<p><b>No equivalence</b></p> <p>Neither the law nor the regulation requires that consultations continue on an ongoing basis throughout the project cycle.</p>	<p><b>PLN:</b></p> <p>See the gap-filling measure for Policy Principle 5, Key Element 1.</p>
<p><b>Key Element 5.4</b> Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding the project's environmental performance.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Article 63 (1) In protecting and managing the environment, the government shall be assigned and authorized to: q. coordinate and facilitate cooperation and settlement of inter-regional disputes as well as settlement of disputes; r. develops and implement policies on the management of public complaints; (2) In protecting and managing the environment, provincial governments shall be assigned and authorized to: k. coordinate and facilitate cooperation and settlement of inter-regency/ city disputes as well as settlement of disputes; (3) In protecting and managing the environment, regency/municipal governments shall be assigned and authorized to: h. facilitates the settlement of disputes;</p> <p>Article 84 (1) Every environmental dispute may be settled through the court or outside the court. (2) The mechanism of settlement of environmental dispute shall be chosen voluntarily by the parties in dispute. (3) Lawsuit through the court may only be done if the out-of-court settlement of dispute is declared unsuccessful by any of or the parties in dispute.</p> <p>Article 86 (1) Communities may establish independent and impartial institutes providing service for the settlement of environmental dispute. (2) The government and regional governments may facilitate the establishment of the independent and impartial institutes providing service for the settlement of environment dispute. (3) Further provision the institute providing service for the settlement of environmental dispute shall be governed by a government regulation.</p>	<p><b>Partial equivalence</b></p> <p>Law No. 32/2009 and regulations have provisions for grievance redress in the environment and forestry sector generally but there is no requirement for project-specific grievance redress mechanisms.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>Establish a grievance redress mechanism to receive and facilitate resolution of the affected people's concerns and grievances regarding each PLN project's environmental performance.</p>

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap- filling Measures
	<p><b>Minister of Environment and Forestry Regulation No. 22/2017 on the Procedures for Management of Complaints of Alleged Pollution and/or Destruction of Environment and/or Forest Destruction</b></p> <p>Article 5 (1) The object of the complaint includes:</p> <ul style="list-style-type: none"> <li>a. planning;</li> <li>b. implementation; and/or</li> <li>c. post implementation;</li> </ul> <p>of business and/or activities that have potential and/or impact on the environment and/or forestry.</p> <p><b>Minister of Environment Regulation No. 9/2010 on Guidelines on Community Grievances and Handling of Grievances Caused by Environmental Pollution and/or Degradation</b></p> <p>Article 2: This Ministerial Regulation aims to provide guidance for: a) community in making complaints; and b) agency responsible for handling complaint.</p> <p>Article 4 Complaints may be delivered orally and/or in writing.</p> <p>Article 7 (1) The complainant shall be entitled to submit the complaint to the relevant agency to be responsible. (2) The complaint referred to in paragraph (1) may be submitted through the village head/lurah or the local sub-district head. (3) Head of village/lurah or sub-district head deliver complaints as referred to in paragraph (2) to the agency to be responsible.</p> <p>Article 8: In case that the complaint referred to in Article 4 is not followed up within 10 (ten) working days, the complainant can submit a complaint to the responsible agency in higher levels of government.</p> <p>Article 19 (2): The follow up of the complaint handling as referred to in paragraph (1) may be:</p> <ul style="list-style-type: none"> <li>a. notification to the complainant and the complainant in case no violation of environmental permits and / or regulation on environmental protection and management;</li> <li>b. application of administrative sanctions;</li> </ul>		

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	<p>c. settlement of environmental disputes out of court or through court; and/or d. criminal law enforcement.</p> <p><b>Minister of Environment Regulation No. 24/2015 on Team for Handling Complaints of Environmental and Forestry Cases</b> ...The team referred to in the first paragraph has the duty:</p> <p>a. To accommodate and analyze environmental and forestry cases submitted by the community. b. Prepare steps to handle environmental and forestry cases. c. Communication from stakeholders related to environmental and forestry cases. d. Produce the formulation of work in the form of output steps, regulations, operations, action plans of handling cases...</p>		
<p><b>Policy Principle 6:</b> Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders. Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.</p>			
<p><b>Key Element 6.1</b> Disclose a draft environmental assessment (including the EMP) in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected people and other stakeholders.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 26 (2) The involvement of communities shall be based on principle of provision of information transparently and completely as well as shall be notified prior to the execution of the activity.</p> <p>Article 68 Everyone who oversees undertakings and/or activity shall do as follows: a. to provide information in regard of the protection and management of environment on a correct, accurate, transparent, and timely basis.</p> <p><b>Law No. 14/2008 on Public Information Disclosure</b> In this Law: ... 2. Public Information means information that is produced, stored, managed, sent and/or received by a Public Agency relating to the organizer and the organizing of the state and/or the organizer and the organizing of other Public Agencies pursuant to this law and other information pertaining to the interest of the public. 3. Public Agency means an executive, legislative, judicative and other agencies whose function and main duties are related to the organizing of the state, where part or all its funds originate from the state budget and/or the regional budget, or a non-governmental organization that part or all of its fund originate from the state budget and/or the regional budget, the contribution from the people and/or from overseas sources.</p>	<p><b>Partial equivalence</b></p> <p>Law No. 32/2009 provides generally that information about activities must be provided on a timely basis.</p> <p>Law No. 14/2008 provides that public information users may request public information that is not classified on grounds specified in the Law and that public agencies have an obligation to disclose, at most every six months, information they hold that is not classified.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following:</p> <p>Disclose all draft and final environmental assessment documents and all updates of any of these documents, on the PLN website and with ensuring that affected communities can access hard copies of the reports at the UIP, UPP, or <i>Wilayah</i> offices nearest to them.</p>

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	<p>Article 4</p> <p>(1) Every individual has the right to obtain Public Information pursuant to the provisions of this Law.</p> <p>(2) Every individual has the right:</p> <ul style="list-style-type: none"> <li>a. to see and to know about Public Information;</li> <li>b. to attend public meetings that are open to the public in order to obtain Public Information;</li> <li>c. to get a copy of the Public Information by applying for it pursuant to this Law; and/or</li> <li>d. to disseminate Public Information pursuant to the regulations of the laws.</li> </ul> <p>(3) Every Public Information Applicant has the right to request for Public Information, and has to state the reason for such request.</p> <p>(4) Every Public Information Applicant has the right to file a suit in court if he/she is obstructed from obtaining, or fails to obtain Public Information pursuant to the provision of this Law.</p> <p>Article 7</p> <p>(1) A Public Agency is obliged to supply, provide and/or publish the Public Information under its authority to the Public Information Applicant, except information that is classified in accordance with the provision.</p> <p>(2) A Public Agency is obliged to provide the Public Information accurately, correctly and not deceptive.</p> <p>(3) To implement the obligation as referred to in paragraph (2), the Public Agency shall establish and develop an information and documentation system to manage the Public Information properly and efficiently, so that it is easily accessible.</p> <p>(4) A Public Agency is obliged to write down its reasoning for every policy that it takes to comply with the right of every person to get Public Information.</p> <p>(5) The reasoning as referred to in paragraph (4) contains among other things political, economic, social, cultural considerations and/or state defense and security.</p> <p>(6) In the framework of complying with the obligations in paragraphs (1) up to (4), a Public Agency may utilize the electronic and non-electronic media and/or facilities.</p> <p>Article 9</p> <p>(1) Public Body shall publish Public Information periodically.</p> <p>(2) Public Information as referred to in paragraph (1) shall cover:</p> <ul style="list-style-type: none"> <li>a. information related to the Public Body;</li> <li>b. information concerning activities and performance of the Public Body;</li> <li>c. information concerning financial report; and/or</li> <li>d. other information deemed necessary by legislations.</li> </ul> <p>(3) The obligation to disclose and provide Public Information as referred to in paragraph (2) shall be carried out at most once every 6 (six) months.</p>	<p>Otherwise, there is no requirement to disclose a draft environmental assessment and EMP.</p>	

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	<p>(4) The obligation to disseminate Public Information as referred to in paragraph (1) shall be carried out in a manner that is easily accessible by the people and in the language easily understandable.</p> <p>(5) The manners as referred to in paragraph (4) shall be specified further by Information and Documentation Management Officer in the respective PublicBody.</p> <p>(6) Further provisions regarding Public Body's obligation to disclose and provide Public Information periodically as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be established in the Technical Guidance of Information Commission.</p> <p>Article 10 (2) The obligation to disseminate Public Information as referred to in paragraph (1) shall be carried out in a manner easily accessible by the people and in the language easily understandable.</p> <p>Article 11 (1) A Public Agency is obliged to supply Public Information at any time, covering:  a. a list of all of the Public Information to which it is authorized, excluding information that is classified;  b. the result of the decisions of the Public Agency and its considerations;  c. all of the existing policies, along with their supporting documents;  d. the project working plan, including the estimated annual expense of the Public Agency;  e. agreements between the Public Agency and a third party;  f. information and policies presented by the Public Officer in a meeting that is open to the public;  g. working procedures of the Public Agency personnel relating to public services; and/or  h. reports on access to Public Information services as regulated in this law.  (2) Public Information that has been stated as open to the public based on the mechanism of objections and/or the settlement of a dispute as referred to in Article 48, Article 49, and Article 50, are Public Information that are accessible by the Public Information User.</p> <p><b>Information Commission Regulation No. 1/2010 on Public Information Service Standard</b>  Article 1  In this Regulation the meaning of:  2. Public Information is information generated, stored, managed, transmitted, and / or received by a Public Agency relating to the organizers and the operation of the state and / or organizers and the administration of other Public Bodies in accordance with Law Number 14 Year 2008 regarding Transparency of Public Information as well as</p>		

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	<p>other information relating to the public interest.</p> <p>Article 20            (1) The Public Authority shall announce the information referred to in Article 11.            (2) The public authority of the country shall announce information which shall be periodically provided and announced as referred to in Article 11 at least through the official website and notice board in a manner that is easily accessible to the public.            (3) A non-state public entity shall announce information which shall be periodically provided and announced as referred to in Article 11 at least through notice boards in a manner that is easily accessible to the public.            (4) Announcement of information as referred to in paragraph (1), paragraph (2), and paragraph (3) by using good and correct Indonesian language, is easy to understand and may consider the use of the language used by the local population.</p>		
<p><b>Key Element 6.2</b>            Disclose the final environmental assessment, and its updates if any, to affected people and other stakeholders.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b>            Article 26 (2)            The involvement of communities shall be based on principle of provision of information transparently and completely as well as shall be notified prior to the execution of the activity.</p> <p>Article 68            Everyone who oversees undertakings and/or activity shall do as follows:            a. to provide information in regard of the protection and management of environment on a correct, accurate, transparent, and timely basis.</p> <p><b>Law No. 14/2008 on Public Information Disclosure</b>            In this Law: ...            2. Public Information means information that is produced, stored, managed, sent and/or received by a Public Agency relating to the organizer and the organizing of the state and/or the organizer and the organizing of other Public Agencies pursuant to this law and other information pertaining to the interest of the public.            3. Public Agency means an executive, legislative, judicative and other agencies whose function and main duties are related to the organizing of the state, where part or all its funds originate from the state budget and/or the regional budget, or a non-governmental organization that part or all of its fund originate from the state budget and/or the regional budget, the contribution from the people and/or from overseas sources.</p> <p>Article 4            (1) Every individual has the right to obtain Public Information pursuant to the provisions of this Law.</p>	<p><b>Partial equivalence</b></p> <p>Law No. 32/2009 provides generally that information about activities must be provided on a timely basis.</p> <p>Law No. 14/2008 provides that public information users may request public information that is not classified on grounds specified in the Law and that public agencies have an obligation to disclose, at most every six months, information they hold that is not classified.</p> <p>Otherwise, there is no requirement to disclose a final environmental assessment or its</p>	<p><b>PLN:</b></p> <p>See the gap-filling measure for Policy Principle 6, Key element 1.</p>

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	<p>(2) Every individual has the right:</p> <ul style="list-style-type: none"> <li>a. to see and to know about Public Information;</li> <li>b. to attend public meetings that are open to the public in order to obtain Public Information;</li> <li>c. to get a copy of the Public Information by applying for it pursuant to this Law; and/or</li> <li>d. to disseminate Public Information pursuant to the regulations of the laws.</li> </ul> <p>(3) Every Public Information Applicant has the right to request for Public Information, and has to state the reason for such request.</p> <p>(4) Every Public Information Applicant has the right to file a suit in court if he/she is obstructed from obtaining, or fails to obtain Public Information pursuant to the provision of this Law.</p> <p>Article 7</p> <p>(1) A Public Agency is obliged to supply, provide and/or publish the Public Information under its authority to the Public Information Applicant, except information that is classified in accordance with the provision.</p> <p>(2) A Public Agency is obliged to provide the Public Information accurately, correctly and not deceptive.</p> <p>(3) To implement the obligation as referred to in paragraph (2), the Public Agency shall establish and develop an information and documentation system to manage the Public Information properly and efficiently, so that it is easily accessible.</p> <p>(4) A Public Agency is obliged to write down its reasoning for every policy that it takes to comply with the right of every person to get Public Information.</p> <p>(5) The reasoning as referred to in paragraph (4) contains among other things political, economic, social, cultural considerations and/or state defense and security.</p> <p>(6) In the framework of complying with the obligations in paragraphs (1) up to (4), a Public Agency may utilize the electronic and non-electronic media and/or facilities.</p> <p>Article 9</p> <p>(1) Public Body shall publish Public Information periodically.</p> <p>(2) Public Information as referred to in paragraph (1) shall cover:</p> <ul style="list-style-type: none"> <li>a. information related to the Public Body;</li> <li>b. information concerning activities and performance of the Public Body;</li> <li>c. information concerning financial report; and/or</li> <li>d. other information deemed necessary by legislations.</li> </ul> <p>(3) The obligation to disclose and provide Public Information as referred to in paragraph (2) shall be carried out at most once every 6 (six) months.</p> <p>(4) The obligation to disseminate Public Information as referred to in paragraph (1) shall be carried out in a manner that is easily accessible by the people and in the language easily understandable.</p>	<p>updates.</p>	

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	<p>(5) The manners as referred to in paragraph (4) shall be specified further by Information and Documentation Management Officer in the respective PublicBody.</p> <p>(6) Further provisions regarding Public Body's obligation to disclose and provide Public Information periodically as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be established in the Technical Guidance of Information Commission.</p> <p>Article 10 (2) The obligation to disseminate Public Information as referred to in paragraph (1) shall be carried out in a manner easily accessible by the people and in the language easily understandable.</p> <p>Article 11 (1) A Public Agency is obliged to supply Public Information at any time, covering: a. a list of all of the Public Information to which it is authorized, excluding information that is classified; b. the result of the decisions of the Public Agency and its considerations; c. all of the existing policies, along with their supporting documents; d. the project working plan, including the estimated annual expense of the Public Agency; e. agreements between the Public Agency and a third party; f. information and policies presented by the Public Officer in a meeting that is open to the public; g. working procedures of the Public Agency personnel relating to public services; and/or h. reports on access to Public Information services as regulated in thislaw. (2) Public Information that has been stated as open to the public based on the mechanism of objections and/or the settlement of a dispute as referred to in Article 48, Article 49, and Article 50, are Public Information that are accessible by the Public Information User.</p> <p><b>Information Commission Regulation No. 1/2010 on Public Information Service Standard</b> Article 1 In this Regulation the meaning of: 2. Public Information is information generated, stored, managed, transmitted, and / or received by a Public Agency relating to the organizers and the operation of the state and / or organizers and the administration of other Public Bodies in accordance with Law Number 14 Year 2008 regarding Transparency of Public Information as well as other information relating to the public interest.</p> <p>Article 20</p>		

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	<p>(1) The Public Authority shall announce the information referred to in Article 11.</p> <p>(2) The public authority of the country shall announce information which shall be periodically provided and announced as referred to in Article 11 at least through the official website and notice board in a manner that is easily accessible to the public.</p> <p>(3) A non-state public entity shall announce information which shall be periodically provided and announced as referred to in Article 11 at least through notice boards in a manner that is easily accessible to the public.</p> <p>(4) Announcement of information as referred to in paragraph (1), paragraph (2), and paragraph (3) by using good and correct Indonesian language, is easy to understand and may consider the use of the language used by the local population.</p>		
<p><b>Policy Principle 7:</b> Implement the EMP and monitor its effectiveness. Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</p>			
<p><b>Key Element 7.1</b> Implement the EMP and monitor its effectiveness.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 63 (2) In protecting and managing the environment, provincial governments shall be assigned and authorized to: i. foster and supervise compliance of personnel in charge of businesses and/or activities to the provisions of environmental licensing and legislation; (3) In protecting and managing the environment, regency/municipal governments shall be assigned and authorized to: i. foster and supervise compliance of personnel in charge of businesses and/or activities to the provisions of environmental licensing and legislation;</p> <p><b>Government Regulation No. 27/2012 on Environmental Permits</b> Article 53 (1) The Environmental License Holder shall be obliged to: a. comply with the requirements and obligations contained in the Environmental Permit and environmental protection and management permits; b. prepare and submit implementation reports on the requirements and obligations in the Environmental Permit to the Minister, governor or regent / mayor; and c. provides a guarantee fund for the restoration of environmental functions in accordance with the laws and regulations. (2) The report referred to in paragraph (1) letter b shall be submitted periodically every 6 (six) months.</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Article 57</p>	<p><b>Full equivalence</b></p>	<p><b>None required</b></p>

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap-filling Measures
	<p>(1) The central environmental agency conducts the management of AMDAL, Addendum of Andal and RKL-RPL, UKL-UPL and SPPL on:</p> <ul style="list-style-type: none"> <li>a. provincial environmental agencies; and</li> <li>b. district / city regional environmental agency.</li> </ul> <p>(2) Provincial environmental agencies carry out guidance on the management of AMDAL, Addendum of Andal and RKL-RPL, UKL-UPL and SPPL to district / city regional environmental agencies. The central environmental agency conducts guidance on the management of Addendum of Andal and RKL-RPL, UKL-UPL and SPPL to:</p> <ul style="list-style-type: none"> <li>a. provincial environmental agencies; and</li> <li>b. district / city regional environmental agency.</li> </ul> <p>(2) Provincial environmental agencies carry out guidance on the management of Addendum of Andal and RKL-RPL, UKL-UPL and SPPL to district / city regional environmental agencies.</p> <p>(3) Central environmental agency, provincial regional environmental agency, or district / city regional environmental agency in accordance with their respective authority conducts management of Addendum of Andal and RKL-RPL, UKL-UPL and SPPL to:</p> <ul style="list-style-type: none"> <li>a. business entities;</li> <li>b. AMDAL preparation service provider agencies; and / or</li> <li>c. compiler of AMDAL, Addendum of Andal and RKL-RPL, UKL-UPL and SPPL documents.</li> </ul> <p>(4) Guidance as referred to in Paragraph (1), Paragraph (2) and Paragraph (3) is conducted in the form of:</p> <ul style="list-style-type: none"> <li>a. technical guidance;</li> <li>b. provision of relevant and up-to-date information related to AMDAL, Andal and RKL-RPL addendum, UKL-UPL and SPPL; and / or</li> <li>c. provision of technical guidelines containing procedures and technical explanations for AMDAL, Addendum of Andal and RKL-RPL, UKL-UPL and SPPL.</li> </ul> <p>Article 58</p> <p>(1) The central environmental agency conducts performance evaluations on the management of AMDAL, Andal and Addendum of Andal and RKL-RPL, UKL-UPL and SPPL that are conducted by:</p> <ul style="list-style-type: none"> <li>a. provincial environmental agencies; and</li> <li>b. district / city regional environmental agency.</li> </ul> <p>(2) Provincial environmental agencies conduct performance evaluations on the management of AMDAL, Andal and Addendum of Andal and RKL-RPL, UKL-UPL and SPPL conducted by district / city regional environmental agencies.</p> <p>(3) The performance evaluation referred to in Paragraph (1) and Paragraph (2) is conducted at least on:</p> <ul style="list-style-type: none"> <li>a. implementation of norms, standards, procedures and criteria related to the management of AMDAL, Addendum of Andal and RKL-RPL, UKL-UPL and SPPL;</li> </ul>		

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	<p>b. performance of the provincial and district / city AMDAL Assessment Commissions related to the management of AMDAL and the Addendum of Andal and RKL-RPL for businesses and / or activities that are required to have AMDAL;</p> <p>c. performance of the provincial and regency / city environmental agencies related to the management of UKL-UPL and SPPL for businesses and / or activities that are required to have UKL-UPL and SPPL; and</p> <p>d. performance of AMDAL, UKL-UPL and SPPL document compilers.</p> <p>(4) performance evaluation referred to in Paragraph (3) is conducted periodically and/or at any time.</p> <p>(5) mechanism and follow-up of performance evaluation are carried out in accordance with the provisions stipulated in the Ministerial Regulation concerning the development and performance evaluation of the AMDAL Assessment Commission and regional UKL-UPL examiners.</p> <p>Annex II Guidelines for RKL-RPL Documents B. Strengthening RKL-RPL Documents 1. Introduction In this section, the compiler of the AMDAL document explains or describes the following:</p> <p>a. Statement about the purpose and objectives of implementing the RKL-RPL in general and clearly. This statement must be stated systematically, briefly and clearly.</p> <p>b. Environmental policy statement from the initiator. Briefly describe the commitment of the business initiator and / or activity to fulfill (implement) the relevant provisions of legislation in the environmental field, as well as the commitment to improve environmental management and monitoring in a sustainable manner in the form of preventing, overcoming and controlling environmental impacts caused by activities - activities and training for employees in the field of environmental management.</p> <p><b>Minister of Energy and Mineral Resources Regulation No. 35/2013 on Permitting Procedure of Electricity Business as amended by Minister of Energy and Mineral Resources Regulation No. 12/2016</b> Article 13 (1) The Holder of Power Business License shall report its business activities periodically every 6 (six) months to the Director General. (2) The report referred to in paragraph (1) at least contains the following:</p> <p>m. data on implementation of environmental management and monitoring;</p> <p>n. data on the implementation of corporate social responsibility, in accordance with the type of business</p>		

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<p><b>Key Element 7.2</b> Document monitoring results, including the development and implementation of corrective actions, and disclose monitoring reports.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 49 (1) The Minister shall require environmental audit for: a. certain businesses and/or activities highly risky to the environment; and/or b. person in charge of businesses and/ or activities showing disobedience to legislation. (2) Person in charge of businesses and/or activities shall be obliged to implement environmental audit. (3) The. environmental audit of the certain highly risky activities shall be executed periodically.</p> <p>Article. 50 (1) In the case of personnel in charge of businesses and/or activities not executing the obligations as referred to in Article 49 paragraph (1), the Minister may implement or assign the independent third party to undertake environmental audit at expense of the said personnel in charge of businesses and/ or activities. (2) The Minister shall announce result of environmental audit.</p> <p>Article 65 (2) Everybody shall be entitled to environmental information Elucidation Paragraph (2) The environmental information as referred to in this paragraph may be in the form of reports and documents of results of evaluation of environmental monitoring, either the monitoring of compliance or monitoring of change in the quality of environment.</p> <p>Article 68 Everyone who oversees undertakings and/or activity shall do as follows: a. to provide information in regard of the protection and management of environment on a correct, accurate, transparent, and timely basis.</p> <p><b>Minister of Environment Regulation No. 18/2018 on Public Information Service in the Ministry of Environment and Forestry</b> Article 4 (1) Public Information provided and announced periodically shall include: a. Report of Monitoring and/or technical supervision result in Environment and Forestry Sector;</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Article 59 (1) The process of requesting and issuing Environmental Permits, AMDAL documents preparation, addendum of Andal and RKL-RPL and UKL-UPL are carried out through</p>	<p><b>Partial equivalence</b></p> <p>Law No. 32/2009 requires environmental audits and MOEF Regulations No. 18/2018 and 26/2018 require monitoring reports but there is no requirement to develop and implement corrective actions. MOEF Regulation No. 87/2016 provides for disclosing environmental reporting status and environmental management performance status. Otherwise there is no requirement to disclose monitoring reports.</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: (i) Document monitoring results, including the development and implementation of corrective actions; (ii) disclose monitoring reports on the PLN website; and ensure that affected communities can access hard copies of the reports at the UIP, UPP, or <i>Wilayah</i> offices nearest to them.</p>

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	<p>the OSS system.</p> <p>(2) The Minister establishes and develops an environmental documents information system and Environmental Permit to support the implementation of the OSS system as referred to in Paragraph (1).</p> <p>(3) The Minister, governor or regent/mayor operates and maintains an environmental document information system and Environmental Permit as referred to in Paragraph (2).</p> <p>(4) Environmental documents information systems and Environmental Permits as referred to in Paragraph (2) and Paragraph (3) are integrated with:</p> <ol style="list-style-type: none"> <li>a. Ministry of Environment and Forestry information system;</li> <li>b. OSS system; and</li> <li>c. Integrated service system in the center and region.</li> </ol> <p>(5) Environmental documents information systems and Environmental Permits as referred to in Paragraph (2) are used in the implementation of the process of preparing and evaluating AMDAL documents, addendum of Andal and RKL-RPL as well as UKL-UPL examinations at the Central and regional levels.</p> <p>(6) The environmental documents information system and Environmental Permit referred to in Paragraph (2) include:</p> <ol style="list-style-type: none"> <li>a. public service system of the KPA secretariat and environmental documents;</li> <li>b. environmental documents assessment system; and</li> <li>c. Environmental Permit reporting system.</li> </ol> <p>Article 62</p> <p>(1) Environmental Permit reporting system as referred to in Article 59 Paragraph (6) letter c includes:</p> <ol style="list-style-type: none"> <li>b. reporting on the implementation of the AMDAL assessment;</li> <li>d. reporting on the implementation of the AMDAL preparation.</li> </ol> <p>(2) The reporting system for environmental permits implementation as referred to in Paragraph (1) letter a contains data and information on the report on the implementation of the RKL RPL and UKL-UPL commitments, which at least includes the implementation of:</p> <ol style="list-style-type: none"> <li>a. water quality management and monitoring;</li> <li>b. air quality management and monitoring;</li> <li>c. Management of B3 waste;</li> <li>d. management and monitoring of environmental damage; and</li> <li>e. other commitments listed in the RKL RPL and UKL-UPL.</li> </ol> <p>(3) The reporting system for implementing environmental permits as referred to in Paragraph (2) contains data and information related to:</p> <ol style="list-style-type: none"> <li>a. environmental impact trend analysis;</li> <li>b. critical level analysis of environmental impacts; and</li> <li>c. analysis of the level of compliance with environmental impacts.</li> </ol> <p>(5) The reporting system for the implementation of UKL-UPL inspection as referred to</p>		

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	<p>in Paragraph (1) letter c contains data and information on the performance of regional UKL-UPL examiners, among others, related to:</p> <ol style="list-style-type: none"> <li>a. inspection implementation procedures;</li> <li>b. number of UKL-UPLs examined;</li> <li>c. identity of the UKL UPL inspection team; and</li> <li>d. number of recommendations for UKL-UPL approval issued.</li> </ol> <p><b>Government Regulation No. 27/2012 on Environmental Permits</b> Article 53: (1) The Environmental License Holder shall be obliged to:</p> <ol style="list-style-type: none"> <li>a. comply with the requirements and obligations contained in the Environmental Permit and environmental protection and management permits;</li> <li>b. prepare and submit implementation reports on the requirements and obligations in the Environmental Permit to the Minister, governor or regent / mayor; and</li> <li>c. provides a guarantee fund for the restoration of environmental functions in accordance with the laws and regulations.</li> </ol> <p>(2) The report referred to in paragraph (1) letter b shall be submitted periodically every 6 (six) months.</p> <p><b>Minister of Environment Regulation No. 45/2005 on Guidelines for Preparation of the Report of the Implementation of Environmental Management Plan (RKL) and Environmental Monitoring Plan (RPL)</b> Appendix III. Purpose and objectives The purpose of guiding the preparation of RKL and RPL implementation reports are: 3. Encourage proponents to utilize environmental monitoring data in implementing environmental management systems based on the principles of continual improvement.</p> <p>Part IV. Reporting Mechanism ...In addition to report on RKL-RPL implementation which submitted to Government, proponent is strongly recommended to disclosure information on RKL-RPL implementation to public, both in form of report book or other electronic information system such as internet website.</p> <p>Chapter II Implementation and Evaluation B. Evaluation Evaluation is intended to:</p> <ul style="list-style-type: none"> <li>• Encouraging proponent to evaluate environmental management and monitoring performance as a continuous improvement effort,</li> </ul>		

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	<p>Chapter III Conclusion Describe in this chapter important matters resulting from the implementation of environmental management and monitoring. In this chapter, explain the findings and suggestions for further improvements in environmental management and monitoring:</p> <ol style="list-style-type: none"> <li>1. Conclusions on the effectiveness of environmental management and the constraints faced;</li> <li>2. Conclusions on the conformity of environmental management and environmental monitoring results with management and monitoring plans in RKL and RPL documents.</li> </ol> <p>In the event there are proposal for amendment to the plan for improvement of the implementation of environmental management and monitoring, the proposal shall be based on monitoring data. The proposal shall be communicated to obtain approval from the agency assigned to manage the environment.</p> <p><b>Minister of Environment and Forestry Regulation No. 87/2016 on Electronic Reporting System for Environmental Licensing of Businesses and/or Activities</b> Article 1 In this Ministerial Regulation the meaning of:</p> <ol style="list-style-type: none"> <li>1. Electronic Licensing Reporting System for Environment Sector, hereinafter referred to as SIMPEL, is a system that regulates the reporting mechanism for the implementation of environmental management plan, environmental monitoring plan, implementation of environmental and environmental protection permit, and electronic standard application.</li> </ol> <p>Article 8 (2) The Data Administrator as referred to in paragraph (1) has the duty:</p> <ol style="list-style-type: none"> <li>g. to publish the environmental reporting status and environmental management performance status conducted by the license holder.</li> </ol>		
<p><b>Policy Principle 8:</b> Do not implement project activities in areas of critical habitats, unless (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated. If a project is located within a legally protected area, implement additional programs to promote and enhance the conservation aims of the protected area. In an area of natural habitats, there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated. Use a precautionary approach to the use, development, and management of renewable natural resources.</p>			
<p><b>Key Element 8.1</b> Do not implement project activities in areas of</p>	<p><b>Law No. 5/1994 on Ratification of the Convention on Biological Diversity</b></p> <p><b>Law No. 5/1990 on Conservation of Living Resources and Their Ecosystems</b> Article 1 As defined under this Act:</p> <ol style="list-style-type: none"> <li>8. A habitat is an environment in which plants and animals are able to live and develop naturally.</li> </ol>	<p><b>Partial equivalence</b></p> <p>National law and regulations require protecting critical habitats in legally-protected areas,</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant PLN divisions to</p>

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<p>critical habitats<sup>10</sup> unless: (i) there are no measurable adverse impacts on the critical habitat that could impair its ability to function, (ii) there is no reduction in the population of any recognized endangered or critically endangered species, and (iii) any lesser impacts are mitigated.</p>	<p>9. A sanctuary reserve shall be a specific terrestrial or aquatic area having sanctuary as its main function preserving biodiversity plant and animal as well as an ecosystem which also acts as a life support system.</p> <p>10. A strict nature reserve shall be a sanctuary reserve area having a characteristic set of plants, animals and ecosystems, which must be protected and allowed to develop naturally.</p> <p>11. A wildlife sanctuary shall be a sanctuary reserve area having a high value of species diversity and/or a unique animal species, in which habitat management may be conducted, in order to assure their continue [sic] and existence.</p> <p>Article 13 (1) The preservation of plant and animal species shall be implemented both inside and outside natural sanctuary areas. (2) The preservation of plant and animal species within sanctuary reserves shall be conducted without interference so that the plant and animal population shall be in natural balance within their habitats.</p> <p>Article 14 Sanctuary reserves, pertaining to article 12, shall consists [sic] of: a. Strict nature reserve h. Wildlife sanctuaries</p> <p>Article 16 The management of sanctuary reserves shall be implemented by the Government as an effort to preserve plant and animal species diversity and their ecosystems</p> <p>Article 19 (1) All persons are prohibited from doing any activity which leads to the change of natural integrity of a sanctuary reserve. (3) A change of nature integrity of a sanctuary reserve includes decreasing or deteriorating of functions and area of a sanctuary reserve as well an introduction of exotic plant and animal species.</p>	<p>which are only a percentage of critical habitats that may be impacted by development of electricity infrastructure.</p> <p>Law No.5/1009 defines 'habitat' and prohibits and restricts activities that would degrade habitats that are within legally-designated protected areas. Law No. 5/1990 stipulates that species must be preserved outside as well as within natural sanctuaries, but does not otherwise provide for preserving critical habitats that are not part of legally-designated protected areas. Presidential Instruction No.</p>	<p>comply with the following:</p> <p>Project activity planned in areas of biodiversity sensitivity (critical habitat and natural habitat) which are not declared as legally protected should require an EIA/AMDAL. In such areas, project activity should not be undertaken unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs (iii) there are no measurable adverse impacts on the habitat that could impair its ability to function, (iv) there is no reduction in the population of any recognized endangered or critically endangered species, and (v) any</p>

<sup>10</sup> ADB SPS defines 'critical habitat' to include "areas with high biodiversity value, including habitat required for the survival of critically endangered or endangered species; areas having special significance for endemic or restricted-range species; sites that are critical for the survival of migratory species; areas supporting globally significant concentrations or numbers of individuals of congregatory species; areas with unique assemblages of species or that are associated with key evolutionary processes or provide key ecosystem services; and areas having biodiversity of significant social, economic, or cultural importance to local communities.

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	<p>Article 33            (1) Any and all persons are prohibited to do activities which may modify the natural integrity of the National Park's Core Zone.            (2) Activities considered as modifying the natural integrity of the Core Zone pertaining to Paragraph (1) include to diminish or to degrade, the function and area of the Core Zone, as well as introduce exotic species of plants and animals.            (3) Any and all persons are prohibited to do activities which are inconsistent with the function of utilization and other zones of the National Park, Grand Forest Park and Natural Recreation Park.</p> <p>Article 35            Under certain conditions and when clearly necessary for the purposes of maintaining or rehabilitating nature resources and their ecosystems] the government may halt utilization activities and close Nature Conservation Areas.</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b>            Annex II            B. Objectives of the Andal Documents            5. the results of hypothetical important impact assessments (DPH) reviewed, study area boundaries and study deadlines;            4) Some screening criteria to determine whether a potential impact can be a DPH [hypothetical significant impact] or not is to test:            ● whether the potential impacts will affect the components of important environmental ecosystems, such as rare and / or endemic species along with their habitat, etc....</p> <p><b>Presidential Instruction No. 10/2011 on the Postponement of the New Permit and Perfection of Primary Natural Forest and Peatland Governance</b>            _ Postponement in the granting of new licenses apply to the use of primary natural forest and peatland areas, with the exception of:            a. Application which has been approved principally by the Minister of Forestry;            b. Implementation of vital national development, namely: geothermal, oil and gas, electricity, land for rice and sugar cane;            c. Extension of forest utilization permit and / or use of existing forest area as long as the license in its business field is still valid; and            d. Ecosystem restoration.</p> <p><b>Minister of Environment Regulation No. 5/2012 on Types of Business Plans and/or Activities Requiring AMDAL</b></p>	<p>10/2011 provides for restricting activities in specified types of habitats, and MOEF Regulation No. 5/2012 lists types of protected areas that would trigger EIA/AMDAL if a proposed project would impact them, but there is no similar requirement for EIA/AMDAL for projects that would impact critical habitats outside of legally-designated protected areas. MOEF Regulation No. 26/2018 notes that potential impact on critical habitats is a screening criterion for the EIA/AMDAL process.</p> <p>MOEF Regulation No. 20/2018 lists protected species but does not indicate which protected species are critically endangered or endangered, which would mean that</p>	<p>conversion or degradation is appropriately mitigated.</p>

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	<p>Article 3            (1) Business and/or activities carried out:            a. in protected areas; and/or            b. directly adjacent to a protected area,            shall be required to conduct AMDAL.            (2) Protected areas are listed in Annex III, which is an integral part of this regulation            (3) Types of business plans and/or activities whose direct boundary with protected area includes:            a. boundary of project site is directly adjacent to the protected area; and or            b. potential impacts of business and/or activity are predicted to affect nearby protected area            18. wildlife refuge area;            19. coral reefs; and            20. corridor areas for protected species of marine animals or biotas</p> <p><b>Minister of Environment and Forestry Regulation No. 20/2018 on Types of Protected Flora and Fauna</b>            Article 1            Determine types of protected flora and fauna as mentioned in Appendix which represents integral part of this Ministerial Regulation.            [The Appendix is a list of species]</p> <p><b>Minister of Environment and Forestry Regulation No. 27/2018 on Guidelines on Borrowing Forest Area</b>            Article 4            (1) Use of forest area for development purpose other than forestry activities only can be carried out for unavoidable strategic purpose activities.            (2) Development purpose other than forestry activities as mentioned in Clause (1), covering:            c. electricity covering power plant installation, transmission, distribution, and powerhouse and new and renewable energy;            d. geothermal;</p> <p>Article 5            (1) Use of forest area for development purpose beyond forestry activities as mentioned in Article 4 Clause (2) carried out based on IPPKH.            (2) IPPKH as mentioned in Clause (1) carried out with the provisions:            a. at province with forest area equal to or less than 30% (thirty percent) width of watershed, island, and/or province, with compensation:            1) land for commercial utilization of forest area, with ratio 1:2 (one compares to two);            2) conduct plantation in order to rehabilitate watershed, especially at forest area for noncommercial forest area utilization, with ratio 1:1 (one compares one);</p>	<p>their habitats are critical habitats.</p>	

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	<p>b. at province with forest area greater than 30% (thirty percent) width of watershed, island, and/or province, with compensation:</p> <ol style="list-style-type: none"> <li>1) pay PNBP on Forest Area Utilization and conduct plantation in order to rehabilitate watershed, especially at forest area for commercial purpose, with ratio 1:1 (one compares one);</li> <li>2) conduct plantation in order to rehabilitate watershed, especially at forest area for noncommercial purpose, with ratio 1: 1 (one compared one);</li> </ol> <p>Article 6</p> <p>c. Submit the baseline in utilizing the forest zone and the baseline map with at least a scale of 1:50.000 or higher in the location that is requested by the IPPKH application for applicants that must pay a compensation of a PNBP for using the forest zone;</p> <p>d. Finalize the AMDAL or UKL-UPL; and/or</p> <p>e. Submit a commitment statement to reimburse the costs of forest management/ forest utilization to the management/ business permit holders of forest product utilization.</p> <p>The commitment statement as referred to in paragraph (1), is one of the requirements in applying for the IPPKH.</p> <p>Article 32</p> <p>(1) IPPKH holders are prohibited from conducting activities in the field before finalizing the commitments.</p> <p>(3) The commitment to finalize AMDAL or to fulfil the UKL-UPL, in this case the activities can be carried out in the field, to:</p> <ol style="list-style-type: none"> <li>b. execute fundamental national development activities, such as geothermal... electricity...; and</li> <li>c. execute national strategic project activities designated by the Government.</li> </ol> <p>Article 33</p> <p>Holders of IPPKH in no later than 1 (one) year after the issuance of IPPKH, fulfil the following commitments:</p> <p>d. Finalize the AMDAL or UKL-UPL in accordance with the provisions of the legislation;</p> <p>Article 35</p> <p>(1) Finalization of the commitment to provide compensation land as referred to in Article 33 letter b can be extended:</p> <ol style="list-style-type: none"> <li>a. no later than 2 (two) years for state-owned enterprises...; and</li> <li>b. no later than 1 (one) year for other than those elaborated in letter a.</li> </ol> <p>(2) In the case that the IPPKH holder has fulfilled part of the compensation land, the designation of the IPPKH working area may be issued according to the extent of compensation land fulfilment.</p>		

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	<p>Article 49 (8) Approval for the prospective of compensation land as referred to paragraph (2) letter b, was applicable within time frame: a. 3 (three) years for IPPKH holder, state-owned enterprise...</p> <p><b>Head of National Land Agency Regulation No. 15/2018 on Technical Response Considerations</b></p> <p>Article 10 Use and utilization of land that meets the sustainability principle as referred to in Article 7 letter c, provided that: c. the use and use of land in protected areas must pay attention to the limitations of carrying capacity, ecosystem linkages, biodiversity and sustainability of environmental functions, for example: 1) the use and use of land in protected areas does not disturb the function of nature, does not change natural landscapes and ecosystems; and 2) the use and utilization of land in protected areas is limited to the interests of education, research and development of science and technology, and ecotourism in accordance with the provisions of the legislation; d. use and use of land in the area around the historical site must not interfere / damage / change / eliminate the existence of the site;</p> <p><b>Head of National Land Agency Regulation No. 9/1999 on Procedures for Granting and Revoking Rights on State Land</b></p> <p>Article 4 (4) Certain lands for conservation purposes stipulated by the minister may be requested for any rights to land.</p>		

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<p><b>Key Element 8.2</b> If a project is located within a legally protected area implement additional programs to promote and enhance the conservation aims of the protected area.</p>	<p><b>Minister of Forestry Regulation No. 85/2014 on The Cooperation Procedure for the Implementation of Nature Reserve Zone and Nature Conservation Zone</b> Article 18 In implementing the cooperation as referred to in Article 6 and Article 13, the partner shall:</p> <ol style="list-style-type: none"> <li>a. Provide and maintain the supporting facilities for the cooperated activities;</li> <li>b. Protect and secure the area around the construction site from the possibility of forest fires, encroachment/ illegal settlements;</li> <li>c. Avoid construction that causes fragmentation of the habitat and thus disrupting the wildlife migration;</li> <li>d. Avoid the use of living or dead organisms which may change the vegetation structure and diversity which may cause the emergence of invasive species as well as induce changes in the regional function of the zone;</li> <li>e. Preserve and protect the existence of wildlife around the zone;</li> <li>f. Provide data and information that is required;</li> <li>g. Provide aides and supervisory staff;</li> <li>h. Rehabilitate the areas that are damaged caused by the development cooperation;</li> <li>i. Involve the local management unit officer at each activity;</li> <li>j. Not affect the natural landscape, nor the structure also the colors of the structure that is adapted to the conditions around.</li> </ol> <p>Article 31</p> <ol style="list-style-type: none"> <li>1) The provisions that are required to be included in the cooperation agreement are: <ol style="list-style-type: none"> <li>a. Title of the cooperation agreement</li> <li>b. The parties involved in the cooperation agreement</li> <li>c. The objective of cooperation agreement</li> <li>d. The scope of the cooperation agreement</li> <li>e. The location and the area of cooperation</li> <li>f. Program/ activity implementation plan</li> <li>g. The rights and obligations of the parties</li> <li>h. Intellectual property rights</li> <li>i. Asset status and cooperation results handover</li> <li>j. The cooperation period and extension</li> <li>k. Termination of cooperation</li> <li>l. Force Majeure</li> <li>m. Dispute settlement</li> <li>n. Financing</li> <li>o. Correspondence</li> <li>p. Monitoring, Evaluation, and Reporting</li> <li>q. Cooperation Amendment</li> <li>r. Rules for transition</li> <li>s. Closing</li> </ol> </li> <li>2) Deleted</li> </ol>	<p><b>Partial equivalence</b> MOEF Regulation No. 85/2014 provides for mitigating impacts on a conservation area when an agency has entered into a cooperation agreement to use land in one, but there is no requirement to enhance the conservation aims of a legally protected area when a project is located inside one.</p> <p>Minister of Environment Decree No. 5/2012 requires EIA/AMDAL for any activity in or on the border of a protected area, but does not require additional measures to enhance the conservation aims of a protected area if a project is located within one.</p> <p>Law No. 5/1990 generally requires continuous rehabilitation efforts if any 'life support system' is degraded, but does not specifically require activities that impact protected areas to implement additional</p>	<p><b>PLN:</b> Adopt an agency-specific decree that would effectively require all relevant PLN divisions to comply with the following: Project activity planned within a legally protected area must include implementing additional programs to promote and enhance the conservation aims of the protected area.</p>

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	<p>3) The content of the cooperation agreement as referred to in paragraph (1), shall be adjusted to the subject and the type of the cooperation agreement, with additional obligations as follows:</p> <ol style="list-style-type: none"> <li>a. The obligation for transfer knowledge and skills</li> <li>b. The prohibitions, such as trafficking resources and specimens from the area</li> <li>c. Patent ownership arrangements and collaboration publication</li> <li>d. Profit sharing for the utilization of intellectual property rights and patent rights</li> <li>e. The submission of data and information baseline</li> <li>f. The utilization of cooperation infrastructure</li> <li>g. Asset ownership</li> </ol> <p>The text format for the cooperation agreement as referred to in paragraph (1) is listed in Appendix II which is an integral part of this Ministerial Regulation.</p> <p><b>Head of National Land Agency Regulation No. 15/2018 on Technical Response Considerations</b></p> <p>Article 10</p> <p>Use and utilization of land that meets the sustainability principle as referred to in Article 7 letter c, provided that:</p> <ol style="list-style-type: none"> <li>c. the use and use of land in protected areas must pay attention to the limitations of carrying capacity, ecosystem linkages, biodiversity and sustainability of environmental functions, for example: <ol style="list-style-type: none"> <li>1) the use and use of land in protected areas does not disturb the function of nature, does not change natural landscapes and ecosystems; and</li> <li>2) the use and utilization of land in protected areas is limited to the interests of education, research and development of science and technology, and ecotourism in accordance with the provisions of the legislation;</li> </ol> </li> <li>d. use and use of land in the area around the historical site must not interfere / damage / change / eliminate the existence of the site;</li> </ol> <p><b>Law No. 5/1990 on Conservation of Living Resources and Their Ecosystems</b></p> <p>Article 1</p> <p>As defined under this Act:</p> <p>13. A nature conservation area shall be a specific terrestrial or aquatic area whose main function are to preserve diversity of plant and animal species, as well as to provide a sustainable utilization of living resources and their ecosystems.</p> <p>Article 5</p> <p>Conservation of living resources and their ecosystems shall be brought about through the following activities:</p> <ol style="list-style-type: none"> <li>a. Protection of life support systems;</li> </ol>	<p>measures to enhance the conservation aims of a protected area in which a project is carried out.</p> <p>Presidential Decree No. 32/1990 on Management of Protected Areas requires rehabilitation of any part of a protected area that has been degraded by cultivation only.</p>	

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	<p>Article 6 A life support system is a natural process of various elements of both living and non-living resources which ensures the continued existence of living organisms.</p> <p>Article 7 The protection of life support systems is intended to maintain ecological processes which support continued existence of living organisms for enhancing human welfare and the quality of human life.</p> <p>Article 8 (1) To realize the objective pertaining to Article 7, the government shall enact : a. certain areas as a life support system protection area. b. basic guidelines for regulating a life support system protection area. c. procedures for utilization of life support system protection areas.</p> <p>Article 30 The function of a Nature Conservation Area is the protection of life support systems, preservation of species diversity, and sustainable utilization of living resources and their ecosystems.</p> <p>Article 29 (1) Nature Conservation Areas as defined as in Article 1 Recital 13 consist of...: a. National Park b. Grand Forest Park c. Natural Recreation Park</p> <p>Article 10. Degradation within a life support system area due to natural processes or unwise utilization or other causes shall be followed by planning and continuous rehabilitation efforts.</p> <p>Article 32 A National Park is managed through a zoning system which may consist of a Core Zone, Utilization Zone, and other zones, depending on necessity. Elucidation</p> <p>Article 32 What is meant by a core zone is a part of a national park which has to be strictly protected and any changes due to human activities are not permitted. What is meant by utilization zone is a part of a national park which can be developed as a recreation center and a tourist destination. What is meant by other zones are zones other than these two which due to their</p>		

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	<p>function and condition may be assigned as wilderness zone, traditional use zone rehabilitation zone, and so on.</p> <p><b>Article 33</b>            (1) Any and all persons are prohibited do activities which may modify the natural integrity of the National Park's Core Zone.            (2) Activities considered as modifying the natural integrity of the Core Zone pertaining to Paragraph (1) include to diminish or to degrade, the function and area of the Core Zone, as well as introduce exotic species of plants and animals.            (3) Any and all persons are prohibited to do activities which are inconsistent with the function of utilization and other zones of the National Park, Grand Forest Park and Natural Recreation Park.</p> <p><b>Presidential Decree No. 32/1990 on Management of Protected Areas</b>  <b>Article 37</b>            (1) In a preservation area, it is prohibited to undertake cultivation, except that which does not disturb... environmental functions.            (2) Within wildlife and culture reserves, it is prohibited to undertake cultivation, except that that which does not change environmental functions, geographical structure, site utility conditions, or natural existing ecosystems.            14. geological reserve area;            15. groundwater affix area;            16. border of springs;            17. germplasm protection areas;            18. wildlife refuge area;            19. coral reefs; and            20. corridor areas for protected species of marine animals or biotas</p> <p><b>Minister of Environment and Forestry Regulation No. 46/2016 on the Utilization of Environmental Service for Geothermal in National Park, Grand Forest Parks and Forest Recreation Park</b>  <b>Article 7</b>            The area of business activity as referred to in Article 5 paragraph (6) for the utilization of environmental services for Geothermal is on the utilization zone that is already approved in the National Parks, Grand Forest Parks and Forest Recreation Park, and are outside of areas that have been granted permission previously.</p>		
<p><b>Key Element 8.3</b>            In an area of natural</p>	<p><b>Government Regulation No. 27/2012 on Environmental Permits</b>  <b>Article 29</b>            (3) Recommendation of result of assessment of Andal and RKL-RPL as intended in paragraph (2) can be:            a. environmentally feasible recommendations; or            b. environmentally not feasible recommendations.</p>	<p><b>Partial equivalence</b></p> <p>The PLN CSS requires EIA/AMDAL for projects adjacent to a legally-</p>	<p><b>PLN:</b></p> <p>Adopt an agency-specific decree that would effectively require all relevant</p>

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<p>habitats,<sup>11</sup> there must be no significant conversion or degradation, unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs, and (iii) any conversion or degradation is appropriately mitigated.</p>	<p>(4) The recommendations as referred to in paragraph (3) shall be stipulated based on the following considerations:</p> <p>a. careful forecasts of the magnitude and significance of the bio geophysical, social, economic, cultural, spatial, and public health aspects of the preconstruction, construction, operation and post-operational activities of the Business and/or Activities;</p> <p>b. the results of a holistic evaluation of all the Hypothetical Important Impacts as an interrelated and mutually influential entity, so as to know the balance of Significant Impacts that are positive and negative; and</p> <p>c. the capability of the proponent and / or stakeholder responsible for mitigating the negative impact that will be generated from the planned Business and / or Activity with a technological, social, and institutional approach.</p> <p><b>Minister of Environment Regulation No. 8/2013 on Procedure for Review and Examination of Environmental Document and Issuance of Environmental Permit</b></p> <p>Appendix VI. E Guidance to Review EIA Guidance to Review EIA TOR</p> <p>_ c. A description of a planned business and / or activity focusing on components of activity that could potentially cause environmental impacts based on the stages of the activity, including alternatives (if there are alternatives to planned business and / or activity) and environmental management that have been prepared / planned from the beginning as part of the activity plan (integrated in the design of the planned business and / or activity).</p> <p>Review of Environmental Impact Analysis</p> <p>_ .Is the impact forecasts necessary for each alternative, if the planned business and / or activity is still at the stage of selecting alternative components of the business plan and / or activity? (some examples of alternative that may exist e.g. location alternatives, use of production equipment, capacity, technical specifications, business and / or activity facilities, building layout, time and duration of operation, and / or other alternative forms)</p> <p><b>Head of Bapedal Decree No. 299/1996 on Technical Guidelines on Social Aspect Assessment in AMDAL Preparation</b></p> <p>Appendix III 1.5</p>	<p>designated protected area.</p> <p>Law No. 5/1990 specifies that species must be preserved outside as well as inside legally protected areas.</p> <p>There is, however, no requirement to assess potential impacts on natural habitats that are not part of or adjacent to legally-designated protected areas and mitigate any degradation caused.</p>	<p>PLN divisions to comply with the following: Project activity planned in areas of biodiversity sensitivity (critical habitat and natural habitat) which are not declared as legally protected should require an EIA/AMDAL. In such areas, project activity should not be undertaken unless (i) alternatives are not available, (ii) the overall benefits from the project substantially outweigh the environmental costs (iii) there are no measurable adverse impacts on the habitat that could impair its ability to function, (iv) there is no reduction in the population of any recognized endangered or critically endangered species, and (v) any conversion or degradation is appropriately mitigated.</p>

<sup>11</sup> ADB SPS defines 'natural habitat' as "land and water areas where the biological communities are formed largely by native plant and animal species, and where human activity has not essentially modified the area's primary ecological functions."

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	<p>Economic data should be given monetary value (valuation) as most of the economic indicators can be quantified. In relation thereto, there are three (3) methods of monetary valuation namely:</p> <p>a. Direct use based on market price or marketability (market-based Methods). This method consists of three (3) approaches: 1) Approach to change of productivity. 2) Approach to loss of learning approach. 3) A defensive expenditure approach.</p> <p>b. The use of surrogate market value. This method consists of four (4) approaches: 1) Property value approach (property value approach). 2) Wage differences approach. 3) Travel cost approach. 4) Approach associated with the value of certain goods / commodities as a predictor (hedonic pricing).</p> <p>c. The method of a constructed market based on the potential expenditures willingness to pay or to accept, consisting of three (3) approaches: 1) The replacement cost approach. 2) Shadow approach. 3) Contingent valuation approach.</p> <p>For economic indicators whose monetary value cannot be analyzed accurately, the value is required a judgment of the AMDAL compilers. This includes using an analogy to important impact phenomena that arise according to similar AMDAL documents. Other aspects of social data that may be given monetary value should also be valued.</p> <p>(2) Report any endangered species of flora and fauna in to the Natural Resources Conservation Bureau/BKSDA</p> <p>(3) Implement socialization to the surrounding community about the existence of plants and endangered species.</p> <p>(4) Document if there is any unanticipated incident involving endangered species i.e. Elephant, tiger, rhino and the handling of any such those incidents.</p> <p><b>Law No. 18/2013 on Prevention and Eradication of Forest Destruction</b> Article 8. (1) The government and regional governments have the obligation to eradicate forest destruction.</p> <p><b>Law No. 27/2007 on the Management of Coastal Areas and Small Islands as amended by Law No. 1/2014</b> Article 1 Definitions 19. Conservation of coastal areas and small islands means an effort to protect, conserve and use coastal areas and small islands and their ecosystems to ensure the presence, availability and continuation of their resources by maintaining and improving the quality of their value and diversity.</p> <p>Article 23 (3) Except for conservation, education and training, and research and development purposes, the use of small islands and surrounding waters shall: a. meets the requirements of. environmental management;</p>		

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	<p>b. considers the capacity and conservation of the local water management system; and c. use environmentally friendly technology.</p> <p>27A. Significant Impact and Broad Coverage and Strategic Values are changes that affect biophysical conditions such as climate change, ecosystems, and socioeconomic impacts of society for the lives of present and future generations.</p> <p>Article 51 (1) The Minister, Governors, Regents and Mayors have the authority to: a. issue and revoke permits to use small islands and surround waters that have a significant impact with wide scope and strategic value and result in environmental change. b. stipulates a change in the status of the core zone in the national conservation area</p>		
<p><b>Key Element 8.4</b> Use a precautionary approach to the use, development, and management of renewable natural resources</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 2. Environmental protection in management shall be executed based on the following principles; f. Prudence<sup>12</sup> ... Elucidation Article 2 Letter f The principle of prudence means uncertainty about impact of a business and/ or activity due to limited mastery of science and technology is not a reason for delaying measures to minimize or avoid threat against environmental pollution and/ or damage.</p>	Full equivalence	None required
<p><b>Policy Principle 9:</b> Apply pollution prevention and control technologies and practices consistent with international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines. Adopt cleaner production processes and good energy efficiency practices. Avoid pollution, or, when avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges, including direct and indirect greenhouse gases emissions, waste generation, and release of hazardous materials from their production, transportation, handling, and storage. Avoid the use of hazardous materials subject to international bans or phaseouts. Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p>			
<p><b>Key Element 9.1</b> Apply pollution prevention and control technologies and practices consistent with</p>	<p><b>Minister of Environment Regulation No. 21/2008 on Emission Standard of Stationary Sources for Thermal Powerplants</b> [Appendices I-V contain multiple tables with standards for specified parameters.]</p> <p><b>Minister of Environment Regulation No. 12/2010 on Air Pollution Control</b> Chapter II Determination of Ambient Air Quality Standards</p>	<p>Partial equivalence</p> <p>National standards are consistent in most respects with the World Bank Group's</p>	<p>PLN:</p> <p>Adopt an agency-specific decree that would effectively require all relevant</p>

<sup>12</sup> The English translation of Law No. 32/2009 available for this assessment translates 'precaution' as 'prudence'. The Elucidation for Article 2, Letter f, re-states the precautionary principle as set out in Principle 15 of the Rio Declaration on Environment and Development (June 1992): In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

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<p>international good practices as reflected in internationally recognized standards such as the World Bank Group's Environmental, Health and Safety Guidelines.</p>	<p>Article 4            (1) The Governor shall determine the regional ambient air quality standard based on consideration:            a. the status of ambient air quality in the area concerned; and            b. the national ambient air quality standard.            (2) Regional ambient air quality standards as referred to in paragraph (1) shall be stipulated on condition equal to or more stringent than the national ambient air quality standard.            (3) Determination of regional ambient air quality standard as intended in paragraph (1) shall be made in accordance with the technical guidelines of stipulation the ambient air quality standard as set forth in Appendix I....</p> <p>Appendix I, Section II contains multiple tables with standards for specified parameters.]</p> <p><b>Minister of Environment Decree No. 48/1996 on Noise Level Ranges</b></p> <p>Article 2            Noise Level, measurement method, noise level calculation and evaluation are as mentioned in Appendix I of this Decree.</p> <p>Article 3            The Minister shall stipulate the noise level standard for business or activity outside the designation of the area / activity environment as referred to in the Attachment of this Decision after considering the input from the relevant technical institution.</p> <p>Article 4            1. The Governor may establish a more stringent standard of noise level than the provisions of Annex I.            2. If the Governor has not set the standard of noise level, then the provisions as mentioned in the attachment of this decree shall apply.</p> <p>Article 5            If an environmental impact assessment for a business or activity requires a noise level standard to be stricter than the provisions of this Decree, then for such business or activity apply the standard noise level as required by an environmental impact assessment.</p> <p>Appendix I</p>	<p>Environmental, Health and Safety Guidelines with the exception of ambient noise and emissions from thermal power plants. Law No. 20/2014 requires that Indonesian national standards (SNI) are formulated with due attention to availability of resources, national interests, research results, innovation, and/or experience. SNI takes into account international standards and domestic needs and capacities.</p> <p>MOEF Regulation No. 26/2018 requires assessing possible options for environmental impact management, in view of the availability of best available technology, the initiator's ability to perform best achievable technology and relevance management options available with local conditions.</p>	<p>PLN divisions to comply with the following:            environmental assessment for power generation projects must apply pollution prevention and control technologies and practices consistent with the standards for emissions from power generation plants, ambient standards for noise, and sectoral guidelines for the power sector (thermal power, geothermal power, electric power transmission and distribution, and wind energy) in the World Bank Group's Environmental, Health and Safety Guidelines.</p>

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	<table border="1"> <thead> <tr> <th data-bbox="583 272 646 305">No.</th> <th data-bbox="646 272 1060 305">Area/Activity/Environment</th> <th data-bbox="1060 272 1314 305">Noise Level dbA</th> </tr> </thead> <tbody> <tr> <td data-bbox="583 305 646 337">A</td> <td data-bbox="646 305 1060 337">Area</td> <td data-bbox="1060 305 1314 337"></td> </tr> <tr> <td data-bbox="583 337 646 370">1</td> <td data-bbox="646 337 1060 370">Residential and Settlements</td> <td data-bbox="1060 337 1314 370">55</td> </tr> <tr> <td data-bbox="583 370 646 402">2</td> <td data-bbox="646 370 1060 402">Commercial and Service</td> <td data-bbox="1060 370 1314 402">70</td> </tr> <tr> <td data-bbox="583 402 646 435">3</td> <td data-bbox="646 402 1060 435">Office and Trade</td> <td data-bbox="1060 402 1314 435">65</td> </tr> <tr> <td data-bbox="583 435 646 467">4</td> <td data-bbox="646 435 1060 467">Green Open Space</td> <td data-bbox="1060 435 1314 467">50</td> </tr> <tr> <td data-bbox="583 467 646 500">5</td> <td data-bbox="646 467 1060 500">Industries</td> <td data-bbox="1060 467 1314 500">70</td> </tr> <tr> <td data-bbox="583 500 646 532">6</td> <td data-bbox="646 500 1060 532">Government and Public Facilities</td> <td data-bbox="1060 500 1314 532">60</td> </tr> <tr> <td data-bbox="583 532 646 565">7</td> <td data-bbox="646 532 1060 565">Recreation Area</td> <td data-bbox="1060 532 1314 565">70</td> </tr> <tr> <td data-bbox="583 565 646 597">8</td> <td data-bbox="646 565 1060 597">Special Areas:</td> <td data-bbox="1060 565 1314 597"></td> </tr> <tr> <td data-bbox="583 597 646 630"></td> <td data-bbox="646 597 1060 630">- Airport, Train Station, Port</td> <td data-bbox="1060 597 1314 630">70</td> </tr> <tr> <td data-bbox="583 630 646 662"></td> <td data-bbox="646 630 1060 662">- Cultural Heritage</td> <td data-bbox="1060 630 1314 662">60</td> </tr> <tr> <td data-bbox="583 662 646 695">B.</td> <td data-bbox="646 662 1060 695">Activity/Environment</td> <td data-bbox="1060 662 1314 695"></td> </tr> <tr> <td data-bbox="583 695 646 727">1</td> <td data-bbox="646 695 1060 727">Hospital or similar facilities</td> <td data-bbox="1060 695 1314 727">55</td> </tr> <tr> <td data-bbox="583 727 646 760">2</td> <td data-bbox="646 727 1060 760">School or similar facilities</td> <td data-bbox="1060 727 1314 760">55</td> </tr> <tr> <td data-bbox="583 760 646 792">3</td> <td data-bbox="646 760 1060 792">Worship or similar facilities</td> <td data-bbox="1060 760 1314 792">55</td> </tr> </tbody> </table>	No.	Area/Activity/Environment	Noise Level dbA	A	Area		1	Residential and Settlements	55	2	Commercial and Service	70	3	Office and Trade	65	4	Green Open Space	50	5	Industries	70	6	Government and Public Facilities	60	7	Recreation Area	70	8	Special Areas:			- Airport, Train Station, Port	70		- Cultural Heritage	60	B.	Activity/Environment		1	Hospital or similar facilities	55	2	School or similar facilities	55	3	Worship or similar facilities	55	<p data-bbox="485 797 1213 824"><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p data-bbox="485 852 1354 933">Article 1 (13) Quality Standard of the Environment _ is the indicator or limit of substances and/or pollutants that are deemed tolerable in a specified resource _ .</p> <p data-bbox="485 961 1354 1096">Article 20 (1) Environmental pollution shall be measured through the quality standard of the environment. (2) The quality standard of the environment shall include: a. quality standard of water; Elucidation</p> <p data-bbox="485 1123 1333 1258">Letter a The quality standard of water means the limit or content of creature, substance, energy or component which exist or must exist and/or pollutants having content tolerable in water. b. quality standard of wastewater; Elucidation</p> <p data-bbox="485 1286 1396 1404">Letter b The quality standard of waste water is the tolerable limit or content of pollutants which may be inserted into water media. c. quality standard of sea water; Elucidation</p>		
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	<p>Letter c The quality standard of sea water is the limit or content of creature, substance, energy or component which exist or must exist and/or pollutants having content tolerable in sea water. d. quality standard of ambient air; Elucidation</p> <p>Letter d The quality standard of ambient air is the limit or content of creature, substance, energy or component which exist or must exist and/or pollutants having content tolerable in ambient air. e. quality standard of emission; Elucidation</p> <p>Letter e The quality standard of emission is the tolerable limit or content of pollutants which may be inserted into air media. (tolerable limit or content of pollutants which may be inserted into air media); f. quality standard of nuisance; and Elucidation</p> <p>Letter f The quality standard of nuisance is the tolerable limit of pollutants, such as vibration, noisiness and smelt. g. other quality standards of science and technology. (3) Everybody shall be permitted to dispose waste into environmental media with the requirements: a. complying with the quality standard of the environment; and b. securing license from the Minister, governors or regents/mayors...</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Annex II B. Objectives of the Andal Documents 7. the results of a holistic evaluation of environmental impacts; c. Based on the information from the results of the above review, the following are carried out on various possible environmental impact management options, in terms of the availability of the best management technology, the ability of the initiator to carry out the best achievable options and the relevance of management options available at local conditions.</p> <p><b>Government Regulation No. 82/2001 on Water Quality Management and Water Pollution Control</b> Article 37</p>		

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	<p>Every person in charge of business and or activity that discharges wastewater to water or water source shall prevent and overcome the occurrence of water pollution.</p> <p><b>Government Regulation No. 27/2012 on Environmental Permits</b>  Article 28 (4)  The AMDAL Appraisal Commission assigns a technical team to assess the Andal documents and RKL-RPL that have been declared complete administratively by the secretariat of the AMDAL Appraisal Commission as referred to in paragraph (2).  Elucidation of Article 28 Paragraph (4)  The scope of assessment by the technical team includes:  e. feasibility of design, technology, and / or production process used from the aspect of environmental protection and management;</p> <p><b>Law No. 19/2009 on Ratification of the Stockholm Convention on Persistent Organic Pollutants<sup>13</sup></b>  Elucidation  Part I general  3. Basic Material  c. Measures to reduce and / or stop the release of unintentional products (Article 5), namely by:  4) promote the use of Best Available Techniques (BAT) for sources in Appendix C Section II. States Parties shall promote the use of Best Environmental Practices (BEP);  5) promote the use of BAT and BEP for existing sources in Appendix C Section II and new sources in Appendix C Section III. In implementing such BAT and BEP, States parties should consider general guidance on the prevention and reduction of release of POPs material in Annex C.</p> <p><b>Law No. 20/2014 on Standardization and Conformity Assessment</b>  Article 1  - 3. Standard is a technical requirement or something that standardized, including arranged procedures and methods based on the consensus of all parties / Government /related international decisions pay attention to safety, security, health, environment, development of science knowledge and technology, experience, as well current and future developments to get the most benefit.  -  7. Indonesian National Standard hereinafter abbreviated SNI is a Standard established by BSN and apply in the territory of the Unitary State of the Republic of Indonesia. -</p>		

<sup>13</sup> The text of the convention is translated into Bahasa and annexed to the law, indicating that Indonesia intends to be bound by the obligations in the convention without enacting implementing legislation

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	<p>19. The National Program of Further Standard Formulation abbreviated to PNPS is the proposed draft of SNI Stakeholders to be formulated on a regular basis planned, integrated, and systematic.</p> <p>Article 2 Standardization and Conformity Assessment are implemented based on the principle: - e. coherent; Elucidation of Article 2 Letter e What is meant by "coherent principle" is implementation of the activities of Standardization and Conformity Assessment follow international development for harmonious results.</p> <p>Article 3 Standardization and Conformity Assessment aims: a. to improve quality assurance, production efficiency, power national competitiveness, fair business competition and transparent in trading, business certainty, and the ability of Business Actors, and the ability of innovation technology; b. to improve protection to consumers, enterprises, labour, and other communities, as well countries, both from aspects of safety, security, health, as well as the preservation of environmental functions; and c. to improve certainty, fluency, and efficiency of goods and / or servicetrade transactions inside country and abroad.</p> <p>Article 10 (1) SNI formulation planning is arranged in a PNPS. (2) The PNPS as referred to in paragraph (1) shall contain SNI formulation program with the title of SNI that will be formulated with its consideration. (3) The PNPS as referred to in paragraph (1) shall be drawn up with regard to: a. national policies of Standardization and Assessment Conformity; b. consumer protection; c. market needs; d. the development of international standardization; e. regional and international agreements; f. ability of science and technology; g. condition of flora, fauna, and environment; h. capabilities and needs of domestic industry; i. religious beliefs; and j. culture and local wisdom. (4) Preparation of PNPS as referred to in paragraph (3) shall be done annually by BSN together with Stakeholders. (5) In order to improve the quality of Goods and / or Excellent service area, Local</p>		

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	<p>Government can submit the plan of SNI formulation to BSN.  (6) The PNPS as referred to in paragraph (1) shall be stipulated with the Head of BSN Decree.</p> <p>Article 13  (1) SNI is formulated with due attention to availability resources, national interests, research results, innovation, and / or experience.  (2) In the case of international standards, SNI formulated in line with international standards through:  a. adoption of international standard with consider the national interest for face global trade; or  b. international standard modifications tailored to differences in climate, environment, geology, geography, technological capabilities, and other specific conditions.  (3) For the national interest, SNI can be formulated not in line with international standards.</p> <p><b>Government Regulation No. 102/2000 on National Standardization</b>  Article 1  In this Government Regulation the meaning of:  1. Standards are technical or standard specifications including procedures and methods drawn up by the consensus of all concerned parties concerned with the requirements of safety, security, health, the environment, the development of science and technology, as well as experience, current developments and the future to gain the greatest benefit.</p> <p>Article 2  The scope of national standardization covers all activities related to technical metrology, standards, testing and quality.</p> <p>Article 3  National Standardization aims to:  1. To improve the protection to consumers, business actors, workers and other communities for safety, security, health and the preservation of environmental functions;  2. To help smooth trade;  3. To achieve healthy business competition in trading.</p> <p><b>Presidential Decree No. 13/1997 on National Standardization Agency (BSN)</b>  Article 3  To carry out the tasks as referred to in Article 2, BSN performs the functions of:  a. formulation of policies in the field of standardization;  b. preparation of national plans and programs in the field of standardization;</p>		

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	<p>c. guidance and implementation of coordination of standardization activities with technical agencies and other agencies;</p> <p>d. implementation of international cooperation, documentation and information as well as socialization in the field of standardization;</p> <p>e. stipulation of accreditation and certification requirements in the field of standardization;</p> <p>f. conducting research and development in the field of standardization;</p> <p>g. the stipulation of Indonesian National Standard (SNI);</p> <p>h. the implementation of the administration of the National Standardization Body;</p> <p>i. providing education and training in the field of standardization and quality assurance;</p> <p>j. the implementation of other duties granted by the President.</p>		
<p><b>Key Element 9.2</b> Adopt cleaner production processes and good energy efficiency practices.</p>	<p><b>Presidential Regulation No. 4/2016 on Accelerating Implementation of the Development of Electricity Infrastructure as amended by Presidential Regulation No. 14/2017</b> Article 14 1) PIK shall be implemented by prioritizing the use of new and renewable energy in order to achieve the target of new and renewable energy proportions in energy mix in accordance with the provisions of the energy laws and regulations.</p> <p><b>Minister of Environment Regulation No. 31/2009 on Directions and Control of Implementation of Environmental Management, Ecolabelling, Clean Production, and Local Environmental Technology Systems</b> Article 1 (4) Clean production is a strategy of preventive, integrated, and continuously implemented conservation from upstream to downstream, related to production processes, products and services to increase efficiency of natural resource use, prevent environmental pollution prevention and reduce the formation of waste at source thus minimizing risks to the health and safety of humans and the environment.</p> <p>Article 3 The Minister determines the form of environmental management system implementation, ecolabelling, clean production, and environmental technology, taking into consideration the views of national stakeholders. Provincial and Regional Governments develop and supervise implementation of environmental management systems including, ecolabelling, clean production, and environmental technology in [their respective areas [of jurisdiction] consistent with the policy set forth by the Minister as referred to in paragraph (1).</p>	Full equivalence	None required

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	<p><b>Law No. 30/2007 on Energy</b></p> <p>Article I In this Law, what's meant by...</p> <p>23. Energy conservation is a systematic, planned and integrated effort to preserve the domestic energy resources as well as Improving the efficiency on its utilization.</p> <p>Article 3 In the frame of supporting the sustainable national development and improving the national energy tenacity, the objectives of energy management are:...</p> <p>e. the efficient utilization of energy in all sectors...</p> <p>Article 20 (1) The provision of energy can be done through:...</p> <p>(d) diversification, conservation, and intensification of energy resources and energy;...</p> <p>Article 21 Individuals, business entities and permanent establishments shall be obliged to implement energy conservation in the supply of energy. The implementation of energy conservation in the supply of energy covers:</p> <ul style="list-style-type: none"> <li>a. planning the utilization of energy efficient technology;</li> <li>b. selection of infrastructure, facility, material and process using efficient energy directly or indirectly; and</li> <li>operation of energy efficient systems</li> </ul> <p>Article 18. The government and/or regional governments shall grant incentives to: Energy users using energy bigger or equal to 6,000 (six thousand) equivalent tons of oil per annum as referred to in Article 12 paragraph (2); and Producers of energy saver equipment In the country, that are successful to undertake energy conservation In a specified period</p> <p>Article 20. (1) The incentives granted to the energy users as referred to in Article 18 letter a may be in the format:</p> <ul style="list-style-type: none"> <li>a. taxation facility for energy saver equipment.</li> <li>b. the granting of regional tax deduction, relief and exemption to energy saver equipment;</li> <li>c. import duty facility for energy saver equipment;</li> <li>d. low interest-rate funds for the need of investment in energy conservation in accordance with the legislation; and/or</li> <li>e. energy audit in the partnership scheme financed by the government.</li> </ul>		

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	<p><b>Minister of Energy and Mineral Resources Regulation No. 14/2012 on Energy Management</b> Article 3 User of Energy Resource and User of Energy using energy Resource and/or Energy above or equivalent to 6.000 (six thousand) equivalent ton oil per year shall be obliged to exercise Energy Management.</p> <p>Article 4 User of Energy Resource and User of Energy using Energy resources and/or Energy less than 6.000 (six thousand) equivalent ton oil per year, shall be obliged to exercise Energy Management and/or exercise saving energy.</p> <p>Article 5 Energy Management referred to in Article 3 and Article 4 shall be exercised by: a. Appointing Energy Manager; b. Preparing Energy preservation program; c. Carrying out energy audit periodically; d. Implementing the recommendation on the result of energy audit; and e. Reporting implementation of energy management each year to the Minister, Governor or regent/Mayor based on their respective authority.</p>		
<p><b>Key Element 9.3</b> Avoid pollution. When avoidance is not possible, minimize or control the intensity or load of pollutant emissions and discharges.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 13 (1) Environmental pollution and/or damage shall be controlled in the framework of preserving _ environmental functions. (2) Control of environmental pollution and/or damage shall cover: a. prevention; b. mitigation; and c. restoration.</p> <p>Article 21 (1) Criteria for environmental damage shall be stipulated to determine the occurrence of environmental damage.</p> <p><b>Minister of Environment and Forestry Regulation No. 26/2018 on Guidelines for Preparing Reviewing and Examining Environmental Documents in Implementation of Online Single Submission</b> Article 6 (3) AMDAL documents as referred to in paragraph (1) shall integrate: a. relevant environmental management and protection requirements and obligations such as management of hazardous and toxic waste materials (LB3), disposal of waste</p>	Full equivalence	None required

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	<p>water into the sea, disposal of waste water to water sources and/or utilization of waste water for ground application, air pollution control;</p> <p>Article 21 (2) RKL-RPL preparation as referred to in paragraph (1) is conducted by preparing: d. requirements and obligations related to aspects of Relevant environmental protection and management among others, management of hazardous and toxic waste, processing and disposal of wastewater, utilization of wastewater for application to land, control of air pollution</p> <p>Article 27 (4) Environmental acceptability decisions referred to in Paragraph (1) letter a, at least shall contain: d. business Entity requirements, consisting of: 1. requirements as stated in RKL-RPL; 2. detailed requirements or obtaining detailed requirements related to the relevant environmental protection and management or needed, among others, those related to the hazardous and toxic materials (LB3) management, processing and disposal of wastewater into rivers and seas, utilizing waste water for applications to land, air pollution control;</p> <p><b>Government Regulation No. 82/2001 on Water Quality Management and Water Pollution Control</b> Article 37 Every person in charge of business and or activity that discharges wastewater to water or water source shall prevent and overcome the occurrence of water pollution. Article 38 (1) Every person in charge of a business or activity that discharges wastewater into water or water sources shall comply with the conditions stipulated in the license.</p> <p><b>Minister of Environment Regulation No. 1/2010 on Water Pollution Control Procedure</b> Article 1 In this Ministerial Regulation the meaning of: . 7. The target of water quality shall be achieved within a certain period through implementation of a work program of water pollution control. 19. Water pollution control is prevention and control of water pollution and water quality restoration to ensure water quality to be in accordance with water quality standard.</p> <p>Article 12 The regent / mayor must reject the location permit application submitted by the party</p>		

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	<p>responsible for the business and / or activity if based on the analysis of the determination of the capacity of the water pollution load indicates that the proposed location of business and / or activity is the factor causing the exceedance of load capacity of the water contamination.</p> <p>Article 24 (1) The regent / mayor shall stipulate the requirements and procedures for environmental licensing related to the disposal of wastewater to the water source.</p>		
<p><b>Key Element 9.4</b> When avoidance is not possible, minimize or control the intensity or load of direct and indirect greenhouse gases emissions.</p>	<p><b>Law No. 6/1994 on Ratification of United Nations Framework Convention on Climate Change</b></p> <p><b>Law No. 17/2004 on Ratification of Kyoto Protocol to the United Nations Framework Convention on Climate Change</b></p> <p><b>Law No. 16/2016 on Ratification of Paris Agreement to the United Nations Framework Convention on Climate Change</b></p> <p>Elucidation I.B.1 Paris Agreement The Paris Agreement contains the subject matter of substance as follows: a. The purpose of the Paris Agreement is to limit global temperature rise below 2 ° C from the pre-industrialization level and attempt to limit it to below 1.5 ° C. b. The obligation of each State to submit a Nationally Determined Contributions. The contribution of the decline should increase every period, and developing countries need to gain support to increase that ambition. c. The Commitment of the Parties to reach the peak of greenhouse gas emissions as quickly as possible and make rapid emission reduction efforts through mitigation actions. d. Positive policy and incentive approaches for emission reduction activities from deforestation and forest degradation and sustainable forest management, conservation and enhancement of forest carbon stocks, including through outcome- based payments.</p> <p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 57 (4) The conservation of atmosphere function shall include: a. mitigation and adaptation to climate change; Elucidation Letter a Mitigation of climate change is a series of activities which are taken to lower greenhouse emission as a model of efforts to mitigate impacts of climate change. Adaptation to climate change is an efforts [sic] which are taken to enhance adaptability to climate change, including climate diversity and extreme climate so as to reduce potential of damage attributed to climate change, utilize opportunities arising from</p>	Full equivalence	None required

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	<p>climate change and overcome consequences arising from climate change.</p> <p>Article 63            (1) In protecting and managing the environment, the government shall be assigned and authorized to:            j. stipulate and implement policies on control over impacts of climate change;            (2) In protecting and managing the environment, provincial governments shall be assigned and authorized to:            e. Inventory greenhouse gas emissions the provincial level;</p> <p><b>Law No. 31/2009 on Meteorology, Climatology, And Geophysics</b>            Article 1 (19)            Mitigation is a control effort to reduce the risk of climate change through activities that can reduce emissions / increase greenhouse gas absorption from various sources of emissions.</p> <p>Article 10 (3)            b. greenhouse gases that include the elements:            1. carbon dioxide (CO<sub>2</sub>);            2. methane (CH<sub>4</sub>);            3. nitrous oxide (N<sub>2</sub>O);            4. hydrofluorocarbons (HFCs);            5. perfluorocarbons (PFCs); and            6. sulfur hexafluoride (SF<sub>6</sub>).</p> <p>Article 65 (1)            The Government is obliged to mitigate and adapt to climate change.</p> <p><b>Presidential Regulation No. 61/2011 on National Action Plan for Greenhouse Gas Emission Reduction</b>            Article 1            1. The National Action Plan for Greenhouse Gas Emission Reduction hereinafter called RAN-GRK is the document a work plan for the implementation of the various activities that are <i>directly and indirectly</i> decrease the greenhouse gas emissions in accordance with national development targets. (emphasis added)            8. Core activities are activities that have a direct impact on GHG emission reduction and absorption of greenhouse gases.            9. Supporting activities are activities that do not have a direct impact on the reduction in GHG emissions but support the implementation of the core activities.</p> <p>Article 2            (1) RAN-GRK consists of core activities and support activities.</p>		

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	<p>(2) The RAN-GRK covers:</p> <ul style="list-style-type: none"> <li>a. Agriculture;</li> <li>b. Forestry and peat;</li> <li>c. Energy and transport;</li> <li>d. Industry;</li> <li>e. Waste management;</li> <li>f. Other supporting activities.</li> </ul> <p>Article 4. RAN-GRK is reference for the public and businesses in the planning and implementation of GHG emission reduction</p> <p><b>Presidential Regulation No. 71/2011 on Implementation of the National Greenhouse Gas Inventory</b> Article 2 Implementation of the National Greenhouse Gas Inventory aims to provide:</p> <ul style="list-style-type: none"> <li>a. Periodic information about the level, status and trends change, including GHG emissions and uptake of carbon deposits at the national, provincial and district/ city levels;</li> <li>b. Information on the attainment of GHG emission reduction of national climate change mitigation activities</li> </ul> <p>Article 15 (1) All business operators of activities that potentially cause emissions and/or absorb GHG are obliged to report data related to GHG inventories to the Governor and Regent/Mayor in accordance authority once a year.</p> <p><b>Minister of Environment Regulation No. 15/2013 on Measuring, Reporting, and Verifying Mitigation Action of Climate Change</b> Article 2 This Regulation aims to provide guidelines for the implementation of measurement, reporting and verification of Climate Change Mitigation actions that are accurate, transparent, and accountable to Responsible Authorities.</p> <p>Article 5 (3) The procedure for verification of the achievements of the action as the Climate Change Mitigation _ is contained in the Attachment (1) as an integral part of this regulation.</p> <p>Article 7 (1) Verification is carried out by the verifier _ who: (2) shall be appointed by the Insurer for Responsible action.</p>		

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	<p>(3) designated verifier must:</p> <p>(a) not directly involved in the implementation of the Climate Change Mitigation actions; and</p> <p>(b) holds a certificate of competency as a verifier of the achievement of Climate change mitigation actions.</p> <p>(4) The provisions concerning the procedures and requirements for obtaining a certificate of competence as referred to in paragraph (3) letter b is set in forth in Regulation 5/ 2014</p> <p><b>Minister of Environment Regulation No. 3/2014 on Rating Program for Business Performance in Environmental Management</b> Article 6 (3): Performance evaluation that beyond compliance...is carried out on activities: e. reduction of air pollutants and greenhouse gas emissions;</p> <p><b>PLN Board of Directors Decree No. 134/2007 on Working environment, Occupational Health and Safety Policy</b> - Participate in government programs aimed at reducing greenhouse gas emissions</p>		
<p><b>Key Element 9.5</b> When avoidance is not possible, minimize or control the intensity or load of waste generation.</p>	<p><b>Law No. 18/2008 on Waste Management</b> Article 1 (1) In this Law the meaning of: Waste is the residual of human daily activity and / or natural process in the form of solid.</p> <p>Article 2 (1) Waste managed under this Law consists of: a. household waste; b. household like waste; and c. specific waste.</p> <p>(2) Household waste as referred to in paragraph (1) letter a comes from daily household activities, excluding feces and specific waste.</p> <p>(3) Household like waste as referred to in paragraph (1) letter b comes from commercial areas, industrial estates, special areas, social facilities, public facilities and / or other facilities.</p> <p>(4) The specific waste referred to in paragraph (1) letter c shall include: a. waste containing hazardous and toxic substances; b. waste containing hazardous and toxic waste; c. waste generated by the disaster; d. building dismantling debris;</p>	Full equivalence	None required

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	<p>e. waste that is technologically un-processable; and / or  f. waste that occurs periodically.  (5) Further provisions on specific types of waste outside the provisions referred to in paragraph (4) shall be regulated by a ministerial regulation that carries out governmental affairs in the environmental field.</p> <p>Article 12  (1) Every person in the management of household waste and similar household waste shall be obliged to reduce and handle waste in an environmentally sound manner.  (2) Further provisions on the procedures for the implementation of obligations of household waste management and similar household waste as referred to in paragraph (1) shall be regulated by local regulations.</p> <p>Article 19  The management of household waste and similar household waste consists of:  a. waste reduction; and  b. waste handling.</p> <p>Article 20  (1) Waste reduction as referred to in Article 19 letter a shall cover activities:  a. limitation of waste generation;  b. recycling waste; and / or  c. reuse of waste.</p> <p>(3) The business actor in carrying out the activities as meant in paragraph (1) shall use the production materials that generate as little waste as possible, can be reused, recyclable, and / or easily decomposed by natural processes.</p> <p><b>Government Regulation No. 82/2001 on Water Quality Management and Water Pollution Control</b>  Article 2  (1) Management of water quality and control of water pollution shall be executed by integrated ecosystem.  (2) Integration per Art. (1) is executed by planning, executing, supervising, and evaluation.</p> <p>Article 37  Every business entity discharging wastewater into a water body must prevent and mitigate water pollution.</p>		

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	<p>Article 38</p> <p>(1) Every business/event holder discharge wastewater into a water body must comply with requirements set forth in the environmental assessment.</p> <p>(2) The Permit-holder as referred to Article 38 Clause (1). is obliged to comply with:</p> <ul style="list-style-type: none"> <li>a. Required criteria of quality and quantity of wastewater eligible to be discharged to environmental media;</li> <li>b. Authorized methods for discharging waste water;</li> <li>c. Required procedures to mitigate emergency situations;</li> <li>d. Requirement to supervise wastewater quantity and quality;</li> <li>e. Other requirements as set forth in the Environmental Impact Analysis in relation to water pollution control for work and/or activities subject to Environmental Impact Analysis;</li> <li>f. Prohibitions on simultaneous discharges;</li> <li>g. Prohibitions to dilution of waste water as a means of complying with maximum discharge sleeves;</li> <li>h. The obligation to supervise and results of supervision.</li> </ul>		
<p><b>Key Element 9.6</b> When avoidance is not possible minimize or control the intensity or load of hazardous materials from their production, transportation, handling, and storage.</p>	<p><b>Presidential Decree No. 61/1993 on Ratification of Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal</b></p> <p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Article 1</p> <p>21. Hazardous and Toxic Materials, hereinafter abbreviated to B3, are substances and/or components which may pollute and/or destroy directly or indirectly the environment and/or endanger the environment, health as well as the continuation of human life and other creatures because of their characteristics, concentration and/or quantity.</p> <p>22. Waste of Hazardous and Toxic Materials [B3 Waste] are the residuals of a business or activity containing B3.</p> <p>23. Waste Management is an activity covering the reduction, storage, collection, transportation, utilization, treatment and or/ disposal of waste.</p> <p>Article 59</p> <p>(1) All persons producing B3 waste are be obliged to manage such produced waste.</p> <p>Elucidation</p> <p>Paragraph (1)</p> <p>Management of B3 waste constitutes a series of activities covering the reduction, storage, collection, transportation, utilization and/or processing, including the hoarding of B3 waste.</p> <p>(3) In the case of a party being unable to manage directly B3 waste _ such management _ may be entrusted to another party.</p> <p>(4) Management of B3 waste shall require issuance of a Permit from the Minister,</p>	Full equivalence	None required

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	<p>Governors, Regents/Mayors by their authority.            (5) The Minister, governors, or regents/mayors _ shall specify the environmental requirements that shall be fulfilled _ by managers of B3 waste in their Permit.</p> <p>Article 60            All persons are prohibited from dumping waste and/or materials into environmental media without a permit.</p> <p><b>Government Regulation No. 101/2014 on Hazardous and Toxic Waste Management</b>            Article 1. [Definitions]            7. A B3 Label is a written description of the B3 that contains information about the producer B3, B3 waste producers address, packing time, number and characteristics of the B3 waste.            8. B3 Labelling is the process of marking or labeling attached or affixed on the packaging directly B3.            11. B3 Waste Management is an activity that includes reduction, storage, collection, transport, use, processing, and/or landfill.</p> <p>2) In the case of Every Person as referred to in paragraph (1) is not capable of performing its own, B3 waste utilization shall be submitted to B3 waste utilization entity.</p> <p><b>Government Regulation No. 74/2001 on Hazardous and Toxic Materials Management (B3)</b>            Article 4            Any person conducting B3 management activities shall be obligated to prevent pollution and / or environmental damage.</p> <p>Article 13 (1)            The transport of B3 shall use the appropriate means of transportation and its implementation in accordance with the transportation procedures regulated in the prevailing laws and regulations.</p> <p>Article 14            Any B3 produced, transported, circulated, stored shall be packed in accordance with its classification.</p> <p>Article 15 (1)            Every packing of B3 shall be given symbols and labels and completed with Material Safety Data Sheet.</p>		

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	<p>Article 20 Expired B3 and/or not fulfilling the specifications and / or used packaging, shall be managed in accordance with laws and regulations in the field of hazardous and toxic waste material management.</p> <p><b>Minister of Environment and Forestry Regulation No. 36/2017 on Registration and Notification Procedure for Hazardous Materials</b> Article 3 (1) Everyone who produce B3 (hazardous materials) and/or introduce B3 into NKRI (Indonesia) shall apply B3 Registration to Directorate General. (2) Application of B3 Registration as mentioned in Clause (1) carried out through PTSP online system with address <a href="http://ptsp.menlhk.go.id">http://ptsp.menlhk.go.id</a>. (3) Application of B3 Registration as mentioned in Clause (2) can be carried out manually in term: a. online system through PTSP cannot function due to natural disaster, malfunction at one of systems, failure of application, and/or address cannot be accessed; and/or b. no adequate internet network available for applicants.</p>		
<p><b>Key Element 9.7</b> Avoid the use of hazardous materials subject to international bans or phase outs.</p>	<p><b>Presidential Decree No. 23/1992 on Ratification of Vienna Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer as Adjusted and Amended by the Second Meeting of the Parties London, 1990</b></p> <p><b>Presidential Decree No. 92/1998 on Ratification of Montreal Protocol on Substances that Deplete the Ozone Layer, Copenhagen, 1992</b></p> <p><b>Presidential Decree No. 46/2005 on Ratification of Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer</b></p> <p><b>Law No. 19/2009 on Ratification of the Stockholm Convention on Persistent Organic Pollutants<sup>14</sup></b></p> <p><b>Law No. 10/2013 on Ratification of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade</b></p>	Full equivalence	None required

<sup>14</sup> The text of the convention is translated into Bahasa as an annex to the law, indicating that Indonesia intends to be bound by the obligations in the ratified convention without the enactment of implementing legislation.

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	<p><b>Law No. 32/2009 on Environmental Protection and Management</b></p> <p>Article 1 21 Hazardous and Toxic Materials, hereinafter abbreviated to B3, are Substances and/or components which may pollute and/or destroy directly or indirectly the environment and/or endanger the environment, health as well as the continuation of human life and other creatures because of their characteristics, concentration and/or quantity.</p> <p>Article 57 (4) The conservation of the atmosphere function _ shall include _ . b. protection of the ozone layer...</p> <p>Section 58 (1) Any person who introduces B3 into the Republic of Indonesia Unitary Stat territory, produces, transports, circulates, keeps, makes use of, disposes of, processes, and/or piles up B3 shall carry out B3 management.</p> <p>Article 63. (1) In protecting and managing the environment, the government shall be assigned and authorized to: j. stipulate and implement policies on _ protection of the ozone layer _ (2) The reduction of B3 waste as referred to in paragraph (1) shall be conducted in the following manner: a. avoiding the use of materials containing Hazardous and Toxic Materials if there are other options; b. undertake good governance of any material or material that has the potential to cause health problems and / or environmental pollution; c. undertake good governance in the procurement of chemicals and pharmaceutical substances to avoid the occurrence of stacking and expiration; and d. periodic preventive and maintenance of equipment on schedule. (3) The separation of B3 waste as referred to in paragraph (1) shall be conducted in the following manner: a. separating B3 waste by type, group and / or characteristics of B3 waste; and b. accommodate B3 Waste according to B3 Waste group. (4) The procedures for the reduction and segregation of B3 Waste as referred to in paragraph (2) and paragraph (3) are contained in Appendix I which is an inseparable part of this Ministerial Regulation.</p> <p><b>Government Regulation No. 101/2014 on Hazardous and Toxic Waste Management</b></p> <p>Article 10 (1) Every Person producing B3 Wastes shall be obliged to reduce B3 Waste.</p>		

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	<p>(2) The reduction of B3 waste as referred to in paragraph (1) shall be done through:</p> <ol style="list-style-type: none"> <li>a. substitution of materials;</li> <li>b. process modification; and / or</li> <li>c. use of environmentally friendly technologies.</li> </ol> <p>(3) Substitution of materials as intended in paragraph (2) a can be done through the selection of raw materials and / or auxiliary materials originally containing B3 replaced with raw materials and / or auxiliary materials not containing B3.</p> <p>(4) Modification of the process as referred to in paragraph (2) letter b can be done through the selection and application of a more efficient production process.</p> <p><b>Minister of Industry Regulation No. 33/2007 on Prohibition of Producing ODS (Ozone Depleting Substances) and Producing Goods Using ODS</b></p> <p>Article 1 (1) Ozone Layer Depleting Substances (ODS) is a chemical compound that can potentially react with ozone molecules in the stratospheric layer as contained in Attachment I of this Ministerial Regulation.</p> <p>Article 2 ODS as meant in Article 1 number 1 is prohibited to be produced</p> <p>Article 3 ODS as referred to in Article 1 Number 1 is prohibited to be used in the production of air conditioning machines used in the room and motor vehicles, household refrigerators and fire extinguishers.</p> <p>Article 4 ODS as referred to in Article 1 Number 1 is still allowed to be used in the production of foams, cooling machines and aerosols as of June 30, 2008</p> <p><b>Minister of Industry Regulation No. 41/2014 on Prohibition on the Use of Hydrochlorofluorocarbons (HCFC) in the Field of Industry</b></p> <p>Article 1 (1) Hydrochlorofluorocarbons, hereinafter called HCFC, are chemicals that can potentially damage ozone molecules in the stratosphere.</p> <p>Article 3 Starting January 1, 2015 HCFC type HCFC-22 and HCFC-141b are prohibited for use on:</p> <ol style="list-style-type: none"> <li>a. charging in the production process of air conditioning machines, air conditioning machines, and refrigeration tools / machines;</li> <li>b. rigid foam production process for freezer, domestic refrigerator, board stock / laminated, refrigerated trucks; and</li> </ol>		

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	c. integral skin production process for use in the automotive and furniture sectors.		
<p><b>Key Element 9.8</b> Purchase, use, and manage pesticides based on integrated pest management approaches and reduce reliance on synthetic chemical pesticides.</p>	<p><b>Law No. 10/2013 on Ratification of Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade</b></p> <p><b>Law No. 12/1992 on Cultivation of Plants</b> Article 20 1. Plant protection is implemented with integrated pest management system. 2. The implementation of crop protection as referred to in paragraph (1) shall be the responsibility of the community and the Government.</p> <p>Elucidation of Article 20 Paragraph (1) Integrated pest management system is the effort of controlling the population or the level of attack of plant pest organism by using one or more of various control techniques developed in a unity, to prevent the occurrence of economic losses and environmental damage. In this system the use of pesticides is the last alternative. Control of plant pest organisms is dynamic.</p> <p>Paragraph (2) Basically, crop protection is the responsibility of the community. In certain cases, the implementation of crop protection is carried out by the community with the Government, for example in handling the source area of attack and explosive plant pest organisms.</p> <p>Article 38 1. Pesticides to be circulated within the territory of the Republic of Indonesia shall be registered, meet quality standards, guaranteed effectiveness, safe for humans and the environment, and labeled. 2. The Government shall stipulate the quality standard of pesticides as referred to in paragraph (1), and the types of pesticides that may be imported.</p> <p>Article 39 The government registers and oversees the procurement, distribution, and use of pesticides.</p> <p>Article 40 The Government may prohibit or restrict the circulation and / or use of certain pesticides.</p> <p><b>Government Regulation No. 6/1995 on the Protection of Plants</b> Article 3 (1) Plants protection is implemented through an integrated pest management system.</p>	Full equivalence	None required

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	<p>(2) The plants protection as meant in paragraph (1) is carried out through:</p> <ul style="list-style-type: none"> <li>a. prevention of entry of plant pest organisms into and spreading from one area to another within the territory of the Republic of Indonesia.</li> <li>b. Control of plant pest organisms;</li> <li>c. Eradication of plant-disturbing organisms.</li> </ul> <p>Elucidation of Article 3 Paragraph (1)  Integrated pest management system is the effort of controlling the population or level of attack of plant pest organism by using one or more control techniques developed in a unity, to prevent and reduce the occurrence of economic losses and environmental damage.</p> <p>Article 10  (1) Control measures as referred to in Article 8 shall be conducted both in the context of prevention and control of plant pest organisms.  (2) Control measures of plant pest organisms shall be carried out by:</p> <ul style="list-style-type: none"> <li>a. physical way, through the utilization of certain physical elements;</li> <li>b. mechanical means, through the use of human means and / or physical capabilities;</li> <li>c. how to cultivate, through the arrangement of cultivation activities;</li> <li>d. biological means, through the utilization of natural enemies of plant pest organisms;</li> <li>e. genetic means, through genetic manipulation of both plant-disturbing organisms and of plants;</li> <li>f. chemical means, through the use of pesticides; and or</li> <li>g. other ways as technology develops.</li> </ul> <p><b>Minister of Agriculture Regulation No. 1/2007 on List of Active Materials of Prohibited and Restricted Pesticides</b></p> <p>Article 1  (1) Stipulating active materials of prohibited pesticides as set forth in Attachment I to this Regulation.  (2) Stipulating active materials of restricted pesticides as set forth in Attachment II to this Regulation.</p> <p>Article 2  Pesticides containing active materials as referred to in Article 1 paragraph (1) shall not be imported or produced domestically.</p> <p><b>Minister of Agriculture Regulation No. 107/2014 on Pesticide Monitoring</b>  Article 12.  The Pesticide Supervisor has the duty to:...</p> <ul style="list-style-type: none"> <li>d. supervise negative impacts on the environment, as a result of pesticide management;</li> </ul>		

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	<p><b>Minister of Agriculture Regulation No. 64/2013 on Organic Agriculture System</b> Article 1 1.Organic Agriculture System is a holistic production management system to improve and develop agro-ecosystem health, including biodiversity, biological cycle, and soil biological activity. Organic agriculture emphasizes the application of management practices that prioritize the use of inputs from waste of cultivation activities on the land, taking into account the adaptability to local conditions. Where feasible it can be achieved by the use of cultural, biological and mechanical methods, which do not use synthetic materials to meet specific needs in the system. (3) The cultivation of organic agriculture for certain products shall meet the following requirements: Mushrooms and organic mushroom products: d. in the management of pest organisms is not allowed to use synthetic chemicals...</p>		
<p><b>Policy Principle 10:</b> Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease. Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize, adverse impacts and risks to the health and safety of local communities.</p>			
<p><b>Key Element 10.1</b> Provide workers with safe and healthy working conditions and prevent accidents, injuries, and disease.</p>	<p><b>Law No. 13/2003 on Labour</b> Article 35 (3) Employers must provide workers physically and mentally with safe and healthy working environments.  Article 86 Every worker has the right to have protection with respect to work safety and health.  Article 87 (1) Every industry must implement a work health and safety management system integrated into its industrial management system.  <b>Law No. 30/2009 on Electricity</b> Article 2 (1) Electricity development shall embrace the principles of: g. security and safety; Article 44 (1) Any electricity business activities must meet the electricity safety requirements. (2) The electricity safety requirements as intended by section (1) shall aim at achieving condition that is: a. reliable and safe for installations; b. safe from any danger for humans and other living things; and c. environment-friendly.</p>	<p><b>Full equivalence</b></p>	<p><b>None required</b></p>

ADB Safeguard Policy Statement	Corresponding Legal Provisions <sup>7</sup>	Extent of Equivalence with Explanation	Recommended Gap-filling Measures
	<p>(3) The electricity safety requirements as intended by section (1) shall include:</p> <ul style="list-style-type: none"> <li>a. to meet power tool and equipment standardization;</li> <li>b. to secure power installations; and</li> <li>c. to secure power equipment.</li> </ul> <p>(4) Any power installation in operation must hold a commissioning certificate. (5) Any power tool and equipment must meet the Indonesian national standard requirements. (6) Any technician with electricity business must hold a competency certificate. (7) Provisions on electricity safety, commissioning certificates, Indonesian national standard, and competency certificates as intended by section (1) through section (6) shall be governed by Regulation of the Government.</p> <p><b>PLN Board of Directors Decree No. 250/2016 on Guidelines for Work Safety</b> Article 3 The scope of the work safety guidelines within PT PLN (Persero) is the safety and health regulations for employees and workers in all workplaces within the company, by providing prevention, protection and settlement of occupational accidents, Occupational Diseases / Diseases Due to Employment.</p> <p><b>PLN Board of Directors No. 252/2016 on Guidelines for Public Safety</b> Article 3 The scope of public safety guidelines within PT PLN (Persero) is a safety regulation for the general public living around the plant, the general public who are guests of the company and the general public conducting activities around the company's installation, by providing prevention, protection, security and settlement of public accidents.</p> <p><b>PLN Board of Directors Decree No. 134/2007 on Working Environment, Occupational Health and Safety Policy</b> The Company's Commitments ... are as follows: 1. .... protect the safety and health of employees around the company's work area.</p>		
<p><b>Key Element 10.2</b> Establish preventive and emergency preparedness and response measures to avoid, and where avoidance is not possible, to minimize adverse impacts and risks to the health and safety of local communities.</p>	<p><b>Law No. 24/2007 on Disaster Management</b> Article 4 The use of Disaster Management shall be to achieve the objectives:</p> <ul style="list-style-type: none"> <li>a. provide protection for community against disaster threat;</li> <li>b. harmonizes the existing legislation;</li> <li>c. guarantee a well-planned, integrated, coordinated, and comprehensive disaster management;</li> <li>d. respect local culture;</li> <li>e. encourages participation and partnership of both public and private sector;</li> <li>f. encourages the spirit of cooperation, loyalty, and philanthropy; and</li> <li>g. creates peace in social and national lives.</li> </ul>	Full equivalence	None required

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	<p>Article 5 Governments and local governments are responsible for disaster management. Elucidation of Article 5 The meaning of the responsibility of the Government and regional governments in the implementation of disaster management includes natural disasters, non-natural disasters, and social disasters.</p> <p>Article 6 Government's responsibility of the government for disaster management shall include: a. disaster risk reduction and integration thereof into the development program; b. protection for community against disaster impact; c. guarantee of fulfilment of disaster-affected communities members' and refugees' rights in a fair manner and in accordance with minimum service standard; d. recovery from disaster impact; e. sufficient disaster management budget allocation in National Budget; f. disaster management budget allocation in the form of ready fund; and g. safeguard of authentic files/documents against disaster threat and impact.</p> <p>Article 44 Implementation of disaster management in the event of a potential disaster occurring as referred to in Article 34 letter b covers: a. preparedness; b. early warning; and c. disaster mitigation.</p> <p>Article 47 (1) Disaster Mitigation as referred to in Article 44 letter c shall be undertaken to reduce disaster risk for people in disaster prone areas. (2) Mitigation activities as referred to in paragraph (1) shall be conducted through: a. implementation of spatial arrangement; b. development arrangements, infrastructure development, building arrangement; and c. organizing education, counseling and training both conventionally and modernly;</p> <p><b>Government Regulation No. 21/2008 on Disaster Management</b> Article 1 1. Disaster means an event or a series of events threatening and disturbing the community life and livelihood, caused by natural and/or non-natural as well as human factors resulting in human fatalities, environmental damage, loss of material possessions, and psychological impact. 2. Disaster management means a series of efforts encompassing policies on</p>		

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	<p>development with disaster risk, disaster prevention, emergency response, and rehabilitation.</p> <p>3. Disaster prevention means a series of activities to alleviate or eliminate disaster risk, either by reducing disaster threat or the vulnerability of people in disaster-prone areas.</p> <p>6. Mitigation means a series of efforts to reduce disaster risk, through physical development as well as awareness and improved capability to encounter a disaster threat.</p> <p>8. Disaster emergency response means a series of prompt actions during the disaster to deal with negative impacts, such as rescuing and evacuating victims and material possessions, providing necessities and protection, taking care of refugees, salvaging and recovering infrastructure and facilities.</p> <p>15. Vulnerable groups are infants, children under the age of five, children, pregnant or lactating women, the disabled and the elderly.</p> <p>Article 217 Any Person who produces B3 Waste, B3 Waste Collector, B3 Waste Users, B3 Waste Carrier, B3 Waste Processor and / or B3 Waste Landfill must have an Emergency Response System.</p> <p>Article 218 Emergency Response System in B3 Waste Management consists of: a. preparation of the B3 Waste Management emergency program; b. training and emergency rehearsal of B3 Waste Management; and c. Emergency Management of B3 Waste Management.</p> <p><b>Government Regulation No. 74/2001 on Hazardous and Toxic Materials Management (B3)</b> Article 24 Every person conducting B3 management activities is required to cope with accidents and / or emergency caused by B3.</p> <p>Article 25 In the event of an accident and / or emergency caused by B3, any person conducting B3 management activities as referred to in Article 24 shall take the following steps: a. securing (isolating) the place of accident; b. tackling accidents in accordance with the accidents handling procedures; c. report an accident and / or an emergency condition to the local District / City Government apparatus; and d. provide information, assistance, and evacuate people around the location of the incident.</p>		

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	<p><b>Government Regulation No. 82/2001 on Water Quality Management and Water Pollution Control</b>                      Article 25                      Every business and or activity shall be obliged to prepare a plan for the prevention of water contamination in emergencies and / or other unforeseen circumstances.</p> <p>Article 26                      In the event of an emergency as referred to in Article 25, then the party responsible for the business and or activity shall be responsible for handling and restoring.</p> <p><b>Minister of Environment Regulation No. 21/2008 Regarding Emission Quality Standard of Stationary Sources for Business and/or Activity of Thermal Power Plant</b>                      Article 9                      (1) The party responsible for the business and / or activities of thermal power plants except PLTP shall:                      k. to report the occurrence of abnormal or emergency condition within 7 x 24 hours to the Minister and related technical institution;                      l. handling abnormal conditions or emergency conditions as referred to in letter k by carrying out the prescribed handling procedures, so as not to endanger human health and safety, nor to cause pollution and / or environmental damage.                      (2) The party responsible for the business and / or geothermal activities shall:                      f. to report the occurrence of abnormal or emergency condition within 7 x 24 hours to the Minister and related technical institution;                      g. handling abnormal conditions or emergency conditions as referred to in letter f by carrying out the prescribed handling procedures, so as not to endanger human health and safety, nor to cause pollution and / or environmental damage.</p> <p><b>PLN Board of Directors Decree No. 252/2016 on Guidelines for Public Safety</b>                      Article 3                      The scope of public safety guidelines within PT PLN (Persero) is a safety regulation for the general public living around the plant, the general public who are guests of the company and the general public conducting activities around the company's installation, by providing prevention, protection, security and settlement of public accidents.</p>		
<p><b>Policy Principle 11:</b> Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys that employ qualified and experienced experts during environmental assessment. Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.</p>			

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<p><b>Key Element 11.1</b> Conserve physical cultural resources and avoid destroying or damaging them by using field-based surveys.</p>	<p><b>Law No. 32/2009 on Environmental Protection and Management</b> Article 23 (1) Criteria for business and/or activity having substantial impact shall be furnished with AMDAL consisting of: e. process and activity having result influencing the... protection of cultural reserves;</p> <p><b>Law No. 11/2010 on Cultural Heritage</b> Article 58 (1) Physical cultural resource conservation is undertaken to: a. Prevent damage due to human and/or natural factors which result in to change of originality and values and b. Prevent transfer and change of ownership of cultural resources contrary to law and regulation.</p> <p>Article 59. Physical cultural resources at risk of being destroyed, eliminated, or damaged should be relocated to a safer location. (1) Relocation of Cultural Physical Resources as mentioned in Art. (1) is done by procedure guaranteeing wholeness and safety under the supervision of conservation experts. (2) Governments and persons engaged in conservation of physical cultural resources are obliged to protect such resources from theft, decomposition or damage.</p> <p><b>Law No. 26/2007 on Spatial Planning</b> Article 5 (5) Spatial planning based on the main function of the area consists of protected area and cultivation area. Elucidation of Article 5 (2) - Those included in protected areas are: ... c. nature reserve areas and cultural heritages, among others, nature reserve areas, marine nature reserve areas and other waters, mangrove forested areas, national parks, forest parks, nature parks, nature reserves, wildlife reserves, and cultural and scientific heritage areas;</p> <p><b>Head of Bapedal Decree No. 299/1996 on Technical Guidelines on Social Aspect Assessment in AMDAL Preparation</b></p> <p>Appendix II List of Components, Sub-Components, and Social Parameters 4. Cultural Heritage</p>	Full equivalence	None required

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	a. archaeological sites b. cultural heritage  Appendix III 1 .2. Some data collection methods that can be used include: a. Field observation / observation;		
<b>Key Element 11.2</b> Provide for the use of “chance find” procedures that include a pre-approved management and conservation approach for materials that may be discovered during project implementation.	<b>Law No. 11/2010 on Cultural Heritage</b> Article 29 (1) Everyone who owns and / or controls the Cultural Heritage shall register it to the district / city government free of charge.  Article. 23 (1) Anyone who finds an object, building or site suspected to be of cultural value must report such a finding to an authorized cultural institution, the police, and/or related institutions within 30 days. (2) The invention as referred to in paragraph (1) failed to report by the inventor may be subjected to taking over by the Government and/or Regional Government. (3) Based on the report as referred to in paragraph (1), the agency competent in the cultural sector shall carry out study on the invention.  Article 24 (1) Anyone shall be entitled to obtain the compensation if the object building, structure or location he found is stipulated as Cultural Conservation. (2) If the invention already stipulated as Cultural Conservation as referred to in paragraph (1) is extremely rare species unique design, and few in number in Indonesia, it shall be controlled by the state. (3) If the invention already stipulated as cultural conservation as referred to in paragraph (1) is not a rare type, not unique design, and the number has fulfilled the state’s need, it can be owned by the inventor.  Article 118 At the time when this Law comes into force, all laws and regulations which are the implementing regulations of Law Number 5 of 1992 concerning Cultural Heritage (State Gazette of the Republic of Indonesia of 1992 Number 27, Supplement to the State Gazette of the Republic of Indonesia Number 3470) remains in force as long as it does not conflict with the provisions of this Act.  <b>Government Regulation No. 10/1993 on Implementation of Law No. 5/1992 on the Cultural Heritage Objects</b> Article 13 (1) Anyone who finds or knows the discovery of cultural heritage objects, objects presumed to be cultural heritage objects, valuables unknown to the owner, or the site	Full equivalence	None required

<b>ADB Safeguard Policy Statement</b>	<b>Corresponding Legal Provisions<sup>7</sup></b>	<b>Extent of Equivalence with Explanation</b>	<b>Recommended Gap-filling Measures</b>
	<p>shall report them to the agency responsible for the protection of cultural heritage objects, the Police of the Republic of Indonesia; or the nearest local government apparatus, within a period not later than 14 (fourteen) days of the invention.</p> <p>(2) In the event that the discovery report as referred to in paragraph (1) is submitted to the regional government apparatus or the State Police of the Republic of Indonesia, the report shall be immediately forwarded to the agency responsible for the protection of cultural heritage objects or directly to the Minister.</p> <p>(3) Since the report is received, the agency referred to in paragraph (1) shall immediately safeguard against cultural heritage objects or presumably safeguarding cultural heritage objects, or valuable objects unknown to the owner, or the site.</p> <p>(4) To determine the findings as objects of cultural heritage or the site, a study shall be conducted.</p> <p>(5) The research referred to in paragraph (4) includes the type, material, form, size, historical value and cultural value carried out by the team and / or experts established by the Minister.</p>		