The Minister of Natural Resources, in the exercise of his powers and functions under Law No. 22 of 2007 and pursuant in particular to Articles 6, 7, 8, 53 and 60 of the said Law, has issued the following Instructions.

**Purpose of these Instructions**

1. These Instructions set out the Ministry’s requirements and processes for the Environmental Impact Assessment (EIA) of Petroleum Operations and are aimed at ensuring that such Operations are designed, managed and terminated in a manner that minimises damage to the environment.

**Definitions**

2. In these Instructions:
   
   (a) “commenced” for the purposes of Articles 4 and 13(a) includes the commencement of any building, preparatory or other facilitative or supplementary work, undertaken in connection with the Operations, which may affect the environment.

   (b) “EA Report” is a document or set of documents which:
(i) is submitted to the Ministry in accordance with these Instructions and guidelines issued hereunder; and

(ii) contains the information required under these Instructions or such other information as required by the Ministry including any Environmental Management Plan (EMP) or other plans for monitoring, mitigating, and managing the environmental impacts of the Operations and protecting the health and safety of workers and the public.

(c) “effect”, except where the context otherwise requires, includes any direct, indirect, secondary, cumulative, short, medium or long-term, permanent or temporary, or positive or negative effect and “affect” and “effects” shall be construed accordingly.

(d) “EIA Report” means a document or set of documents which:

(i) is submitted to the Ministry in accordance with these Instructions and guidelines issued hereunder; and

(ii) contains the information required under these Instructions or such other information as required by the Ministry including any EMP or other plans for monitoring, mitigating, and managing the environmental impacts of the Operations and protecting the health and safety of workers and the public.

(e) “environment” includes all components of the biosphere, including air, land, water, plant and animal life, social, economic and cultural conditions and assets, any man-made development, any natural resources, any other aspects of the human and natural environment, and any part or combination of the forgoing and the interrelation between them, and “environmental” shall be construed accordingly.

(f) “Environmental Audit” or “EA” is:

(i) an assessment of the positive and negative environmental effects of existing Petroleum Operations;
(ii) the determination of appropriate measures to mitigate and manage any adverse environmental effects;

(iii) an assessment of the Operations’ compliance with applicable environmental policies, laws, conditions of authorisation, norms and standards;

(iv) the collation of the information necessary to enable the steps in sub-paragraphs (i) to (iii).

(g) “Environmental Impact Assessment” or “EIA” is a process that involves:

(i) the identification, prediction and assessment of the positive and negative effects of proposed Operations on the environment;

(ii) the determination of appropriate measures to mitigate and manage any adverse environmental effects of the Operations; and

(iii) the collation of the information necessary to enable the steps in sub-paragraphs (i) and (ii).

(h) “Environmental Management Plan” or “EMP” means a plan containing the information set out at Paragraph 7 of Schedule 1 to these Instructions and such other information as may be specified in guidelines issued hereunder.

(i) “impact” has the same meaning as “effect” and “impacts” shall be construed accordingly.

(j) “material changes” for the purpose of Article 13(d) mean any notable changes in the magnitude, duration, intensity or probability of occurrence of any effects that the Operations have on the environment.

(k) “Minister” means the Minister of Natural Resources of the Kurdistan Regional Government.

(l) “Ministry” in these Instructions means the Ministry of Natural Resources of the Kurdistan Regional Government.

(m) “Operations” mean “Petroleum Operations”.
(n) “Operator” has the meaning given to it in Law No. 22 of 2007, shall mean “Operators” in respect of any Operations of which there are more than one Operator and may be an individual or an entity or a combination thereof, and “it” when used in these Instructions to refer to an Operator shall mean “he”, “she” or “they” as applicable.

(o) “person” may be a natural person or a legal entity and “persons” shall be construed accordingly.

(p) “Petroleum Operations” have the definition given to them in Law No. 22 of 2007 and, for the avoidance of doubt, include any building, preparatory or other facilitative or supplementary work undertaken in connection with the Operations.

(q) Unless otherwise specified, any reference to an “Article” or “Paragraph” is to an Article or Paragraph of these Instructions.

3. Any other word or expression used in these Instructions which is assigned a meaning in Law No. 22 of 2007 shall have the same meaning as in the said Law.

The obligation to submit an acceptable EIA Report

4. Subject to Articles 17 and 20, no Petroleum Operations shall be commenced or carried on unless the Operator:

(a) has submitted an EIA Report to the Ministry in respect of those Operations, in accordance with guidelines issued hereunder; and

(b) holds a valid Certificate of Acceptance in respect of that Report.

5. An EIA Report submitted under Article 4:

(a) must include:

   (i) such of the information referred to in Schedule 1 to these Instructions as is specified in guidelines issues under Article 26; and
(ii) such other information as may be specified in guidelines issued hereunder or otherwise required by the Ministry in order properly to assess the environmental effects of the Operations.

(b) must be an accurate, complete and objective presentation of the information required, and must not contain any fabricated or misleading information.

(c) may be required to be submitted in stages, such that one or more aspects of the Report need to be submitted to the Ministry separately from and at an earlier stage than other aspects of the Report.

(d) must be corrected or withdrawn by the Operator forthwith and in any event within five days if the Operator becomes aware at any point following the submission of the EIA Report that it does not comply with Paragraphs (a) to (c) of this Article (whether or not the Report so complied at the time of its submission).

6. An EIA Report may only be prepared, and any related study or assessment may only be carried out, by an individual or individuals with appropriate expertise to be able to prepare the report or carry out the study or assessment in a manner that is competent, professional and compliant with the requirements of these Instructions and guidelines issued hereunder.

7. Subject to any exceptions set out in guidelines issued hereunder, any entity that prepares an EIA Report, or carries out any related studies or assessments, for the purpose of an Operator’s compliance with these Instructions must be registered with the Ministry in accordance with the said guidelines.

The Ministry’s review of EIA Reports

8. The Ministry will review every EIA Report submitted to it and send a response to the Operator.

9. The Ministry may respond to an EIA Report by issuing:
(a) a Certificate of Acceptance;
(b) a Letter of Rejection; or
(c) a Supplemental Information Request (SIR), requiring the Operator to provide, within such time as may be specified by the Ministry, further information which may, for the avoidance of doubt, necessitate the undertaking of further assessments or the proposal of new mitigating, management or monitoring measures.

10. Every Certificate of Acceptance issued pursuant to these Instructions is subject to the condition that the Operations will be carried out in accordance with the information provided in the EIA Report and any further information submitted by the Operator, and in compliance with any mitigating, management, monitoring and other environmental measures specified therein.

11. The Ministry may issue a Letter of Rejection if it considers that:
   (a) the EIA Report does not comply with these Instructions or guidelines issued hereunder;
   (b) the Operator has not complied, or fully complied, with an SIR by the due date; or
   (c) inadequate measures will be in place to satisfactorily mitigate, monitor or manage the environmental impacts of the Operations.

12. A Certificate of Acceptance expires and becomes invalid:
   (a) three years after its issuance in respect of any proposed Operations if the Ministry has not received notification of the commencement of the Operations under Article 13(a).
   (b) upon termination of the Operations to which the Certificate relates.
Follow-up and monitoring

13. In respect of any Petroleum Operations in relation to which a Certificate of Acceptance has been issued under these Instructions, the Operator must:

(a) inform the Ministry in writing when it has commenced the Operations (unless they had already commenced at the time of the issuance of the Certificate and the Operator had made the Ministry aware of this at the said time).

(b) ensure that it implements and maintains any mitigatory, management, monitoring or other measures proposed in its EIA Report or any supplemental information provided to the Ministry.

(c) monitor and manage the environmental impacts of the Petroleum Operations in accordance with best international practice and any plans or other measures contained in the EIA Report.

(d) inform the Ministry of any material changes in the likely or actual environmental impacts of the Petroleum Operations (including as a result of any changes in the Operations or their surroundings) as soon as the Operator becomes aware, or should reasonably have become aware, of them.

(e) periodically (and at least as frequently as may be specified in guidelines issued hereunder) review any Environmental Management Plan (EMP) and other plans submitted to the Ministry in accordance with these Instructions and guidelines issued hereunder, and inform the Ministry, in writing, of any changes to the said plans.

(f) fully cooperate with the Ministry’s regulatory, supervisory and auditing activities undertaken pursuant to Law No. 22 of 2007, any legislation or decisions thereunder, or these Instructions.

14. The Ministry may:

(a) undertake appropriate monitoring, supervisory and auditing activities in respect of any Petroleum Operations; and
(b) at any time require an Operator to provide the Ministry with such information as it considers necessary;

in order to assess and ensure compliance with these Instructions (including guidelines issued hereunder) and the environmental provisions of Law No. 22 of 2007.

15. In respect of any Operations for which the Ministry has issued a Certificate of Acceptance under these Instructions, if the Ministry considers that a material change in the Operations (including in their surroundings or environmental impacts) renders or may have rendered the existing EIA Report inadequate, it may require the Operator to revise any aspect of the EIA Report so as to address that inadequacy.

16. At any time, the Ministry may withdraw a Certificate of Acceptance issued in respect of any Petroleum Operations (whereupon the Certificate shall become invalid), if it is satisfied that:

(a) the Operator has failed to comply with the condition specified in Article 10, or the obligations in Articles 5(d) or 13;

(b) the grounds in Article 11(a) to (c) apply; or

(c) the EIA Report to which the Certificate relates does not comply with Article 5(b); or

(d) any further information submitted by the Operator under Article 9(c) is inaccurate or misleading.

17. Where the Ministry withdraws a Certificate of Acceptance under Article 16 in respect of ongoing Petroleum Operations, the Operator may continue to carry on the Operations without being in breach of Article 4:

(a) for sixty days from the date of the withdrawal; or

(b) pending the outcome of any application for reconsideration made under Article 23 in respect of the withdrawal;
whichever is the latest, but the Operator must stop the Operations within thirty days of a final decision under Paragraph (b) of this Article unless that decision results in the issuance of a Certificate of Acceptance in respect of the Operations.

**Transitional provisions**

18. Subject to Articles 19 and 20, these Instructions apply to all Petroleum Operations in the Kurdistan Region whether or not they were active at the time of the promulgation of these Instructions.

19. In respect of any Petroleum Operations that are active at the time of the promulgation of these Instructions:

   (a) Where the Operator has already submitted an EIA Report to the Ministry and the Ministry is satisfied that the Report contains an adequate assessment of the Operations’ environmental impacts and adequate mitigating, monitoring and management provisions, the Ministry will issue a Certificate of Acceptance in respect of that Report within sixty days of the date on which these Instructions are promulgated.

   (b) Where the Operator has already submitted an EIA Report to the Ministry but the Ministry is not satisfied that the Report contains an adequate assessment of the Operations’ environmental impacts or adequate mitigating, monitoring and management provisions, it will notify the Operator of that fact within sixty days of the date on which these Instructions are promulgated and the Operator shall submit an EA Report to the Ministry within sixty days of that notification.

   (c) Where the Operator has not submitted an EIA Report to the Ministry in respect of the Operations, it shall submit an EA Report to the Ministry within sixty days of the date on which these Instructions were promulgated.

20. Operations to which Article 19 applies may continue without breaching Article 4:
(a) during the period in which:

   (i) the Ministry may issue a Certificate of Acceptance under Article 19(a), or notify the Operator of the need for an EA Report under Article 19(b).

   (ii) the Operator must submit an EA Report under Article 19(b) or (c).

(b) pending the Ministry’s response to the EA Report, subject to Article 22.

Environmental Audits

21. In respect of any Operations which are required to submit an EA Report under these Instructions, Articles 4 to 17, 26 to 33 and Schedule 1 of these Instructions apply as if:

   (a) all references in these Instructions to “EIA Report” were to an EA Report; and

   (b) all references in Schedule 1 to “likely”, “envisaged” or “proposed” effects, measures or actions were to both current and future effects, measures or actions;

   (c) any references to the commencement of Operations were to the continuance of the Operations.

22. If the Ministry issues a Letter of Rejection in respect of an EA Report, the Operations to which it relates must cease:

   (a) on the expiry of the period for submitting an application for reconsideration under Article 23; or

   (b) within thirty days of the Ministry’s decision under Article 25 to uphold the Letter of Rejection;

whichever is the latest.
Reconsideration of the Ministry’s responses and decisions

23. An Operator who has received:

(a) a Letter of Rejection under Article 9;

(b) a notice requiring a revised EIA Report under Article 15;

(c) a notice of withdrawal under Article 16;

(d) a notice requiring an EA Report under Article 19(b);

may apply to the Ministry for a reconsideration of its decision to issue that letter or notice.

24. Any application under Article 23 must:

(a) be made within thirty days of the date on which the letter or notice was received by the Operator;

(b) contain a clear statement of the reasons for the application; and

(c) include any supporting documentation, which documentation may include a revised EIA Report or an EA Report addressing the issues which led to the decision being reconsidered.

25. The Ministry will consider the application and make a determination on it within thirty days, which determination shall be final.

Supplementary provisions

26. The Ministry:

(a) will issue guidelines setting out its requirements and procedures for the submission of EIA Reports, including requirements as to the content of such Reports and the form and manner in which they are submitted;
(b) will issue guidelines regarding the registration (including the de-registration) of entities for the purpose of compliance with Article 7 of these Instructions; and

(c) may issue guidelines in respect of any other aspect of these Instructions.

27. Guidelines issued under Article 26:

(a) may impose different requirements on different types of Petroleum Operations.

(b) may in particular impose requirements on the basis of a screening process differentiating between Operations on the basis of their nature or environmental impact.

(c) may make such transitional and transitory provisions as the Ministry considers appropriate.

(d) are binding and their breach would constitute a breach of these Instructions.

28. Unless the Ministry considers that to do so would be harmful to the public interest or unjustifiably detrimental to legitimate private interests, it may:

(a) publish any responses that it issues in respect of EIA Reports provided that a Letter of Rejection under Article 9 or a notice of withdrawal under Article 16 shall not be published until after the right to apply for reconsideration under Article 23 has expired or any application under that Article has been dismissed.

(b) make available to any member of the public, or to any public body, any EIA Reports or related information that it has received.

29. Any breach of these Instructions will constitute a breach of Law No. 22 of 2007 under which these Instructions have been issued, and will attract liability under relevant laws.

30. In respect of any given Operations, the Operator:

(a) is legally responsible for any inaccuracies or misleading information in any EIA Report or related information submitted to the Ministry;
(b) is responsible for ensuring that the Operations are commenced and carried on in compliance with these Instructions (including guidelines and decisions issued hereunder) including, for the avoidance of doubt, the condition in Article 10;

(c) shall bear the costs of such compliance, including the costs of any related reports, studies, assessments and processes; and

(d) bears full legal responsibility for any breach of these Instructions (including guidelines and decisions issued hereunder).

31. Notwithstanding Article 30, and without affecting the responsibility of the Operator under the said Article or otherwise, any persons to whom Articles 6 or 7 apply bear legal responsibility for any deliberately inaccurate or misleading information that they provide:

   (a) in, or in respect of, an application for registration under Article 6.

   (b) in any EIA Report or related information submitted to the Ministry for the purposes of compliance with these Instructions.

32. In respect of any particular Operations or class of Operations, the Minister or his nominee may waive any provisions of these Instructions or guidelines issued hereunder, if the Minister or his nominee is satisfied that the waiver would be in the public interest.

33. For the purpose of these Instructions or guidelines issued hereunder, any document sent by the Ministry to an Operator shall be deemed to have been received by the Operator:

   (a) immediately, if the document was sent by email or delivered by hand;

   (b) on the fifth working day after the date on which the document was sent, if it was sent by post;

   unless the Operator produces conclusive evidence of later or no receipt.
SCHEDULE 1: INFORMATION FOR INCLUSION IN AN EIA REPORT

1. A description of the pre-existing environmental characteristics of the area in which the Operations are proposed to be commenced, including in particular:
   (a) data on the physical environment including the local geography, land uses, climate, geology, hydrology and water quality, noise and air quality;
   (b) a description of the local biodiversity and flora and fauna; and
   (c) a description of the human and socio-economic context, including the local population, historic and projected economic and social activities, cultural resources (including architectural and archaeological heritage, historic landscapes and recreational and tourist areas), material assets (including infrastructure) and natural resources (including known mineral deposits).

2. A description of the Operations, including:
   (a) A description of the physical characteristics of the whole Operations, their design, size and land-use requirements; and
   (b) A description, by type and quantity, of expected waste and other emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the Operations.

3. A description of the aspects of the environment likely to be significantly affected by the Operations.

4. A description of the likely significant effects of the Operations on the environment, which should cover all significant effects resulting from:
   (a) the existence of the Operations;
   (b) any building, preparatory or other facilitative or supplementary work undertaken in connection with the Operations;
   (c) the emission of pollutants, the creation of nuisances and the elimination of waste;
and the description by the applicant of the forecasting and/or any other methods used to assess the effects on the environment.

5. A description of the main alternatives studied by the Operator as to the design, technology, decommissioning method and mitigating measures chosen for the Operations and an indication of the main reasons for the choices made, taking into account their environmental effects.

6. A description of any measures envisaged in order to:

(a) monitor, avoid, reduce and, if possible, remedy significant adverse environmental effects;

(b) protect the health and safety of workers and the public from any harm caused as a result of the existence of the Operations; and

(c) respond to any fire or other emergencies.

7. An Environmental Management Plan (EMP) including:

(a) the environmental management objectives, addressing the need for monitoring, preventing and mitigating any significant adverse effects on the environment;

(b) a description of the actions proposed to achieve those objectives; and

(c) arrangements for record-keeping, reporting, auditing and the reviewing and updating of the EMP.

8. A waste management plan, setting out in detail the measures envisaged to monitor, manage and reduce waste (including hazardous and non-hazardous wastewater and solid waste).

9. An emergency response plan setting out measures to address risks to the environment and to the health and safety of workers and the public arising from mishaps, accidents, failures or other unforeseen incidents during the construction, operation and decommissioning of the Operations (including but not limited to spills and explosions), including:
(a) an estimate of the probability of such incidents and their likely impact on the environment and on health and safety;

(b) a detailed description of measures that seek to minimise the likelihood of such incidents; and

(c) a detailed description of actions that will be taken to contain and respond to such incidents.

10. A decommissioning plan setting out the actions that the Operator will take in the event that it terminates the Operations in order to decommission the Operations in a manner that is safe and least harmful to the environment, and to restore the site to its original condition.

11. A health and safety plan, containing the Operator’s measures for protecting the health and safety of its workers and, to the extent that they may be affected by the Operations, any other individuals, communities and the wider public.

12. A description of the EIA which informs the EIA Report, including any baseline or other surveys carried out as part of that process.

13. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the Operator in compiling the required information.

14. The names and qualifications of any persons who were involved in the preparation of the EIA Report or related documents, or in the undertaking of any related assessments.

15. The names of any organisations and persons consulted in the preparation of the EIA Report.

16. A description of the legislative, contractual and other legal provisions that are relevant to the Operations’ environmental performance and compliance with these Instructions.

17. A non-technical summary of the information provided under paragraphs 1 to 15 of this Schedule.