

Kurdistan Regional Government

Council of Ministers

Ministry of Natural Resources

Technical Guidelines

on

**Environmental Impact Assessments for Petroleum Operations
in the Kurdistan Region of Iraq**

**(Issued pursuant to the Ministry's Instructions (No. 1) of 2015 on the
Environmental Impact Assessment of Petroleum Operations)**

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First: Purpose of the Guidelines

1. These Technical Guidelines have been issued by the Ministry of Natural Resources of the Kurdistan Region (“Ministry”) pursuant to the 26th and 27th Articles of Instructions (No. 1) of 2015 on the Environmental Impact Assessment of Petroleum Operations (“Instructions”), issued by the Minister of Natural Resources. The Guidelines have been prepared by the Health, Safety and Environment Department, which is responsible for exercising the powers and functions of the Ministry in relation to health, safety and the environment of the Kurdistan Region.
2. The Guidelines are intended to provide general guidance and advice to Operators, companies carrying out Environmental Impact Assessments (“EIA”), and the public in relation to the EIA process and procedures as described in the Instructions. They are not intended to be comprehensive and cannot be seen as a substitute for the Instructions themselves.
3. Operators must read these Guidelines in conjunction with the Instructions, and should any perceived or inadvertent contradiction arise between these Guidelines and the Instructions, the wording and intent of the Instructions shall be controlling and will guide the appropriate course of action. Upon their issuance, the Instructions and these Guidelines will dictate the Ministry’s EIA requirements and processes. For the avoidance of doubt, any decisions, guidance, assurances or other information previously issued by the Ministry that is inconsistent with the Instructions and these Guidelines is hereby withdrawn by the Ministry and has no effect. Operators are advised to obtain independent legal advice if they are in any doubt as to their rights and responsibilities under the Instructions or other laws.
4. The Instructions and these Guidelines are solely concerned with the Ministry’s EIA requirements and procedures pursuant to its functions and duties as set out in Law No. 22 of 2007 (the Kurdistan Region’s Oil and Gas Law). Any additional

provisions applicable to Petroleum Operations by virtue of other legislation are wholly separate from the requirements imposed by the Instructions. Similarly, where a contract between the Operator and the Kurdistan Region imposes EIA-related obligations, the Operator must comply with those obligations as well as those set out in the Instructions. This does not mean that the Operator must submit two separate EIA Reports to the Ministry; it means that the EIA Report submitted must comply with both the Instructions and the contract.

Second: Obligation to Submit an EIA Report

5. In the Kurdistan Region, all companies conducting Petroleum Operations must submit an EIA Report to the Ministry – and that EIA Report must receive a Certificate of Acceptance – before Operations can commence. Under Article 1(18) of Law 22 of the 2007 Kurdistan Region Oil and Gas Law, Petroleum Operations are defined as “activities including prospecting, exploration for, development, production, marketing, transportation, refining, storage, sale or export of Petroleum, or construction, installation or operation of any structures, facilities or installations for the transportation, refining, storage, and export of Petroleum, or decommissioning or removal of any such structure, facility or installation”. The definition is purposefully very broad and includes the erection of structures and any changes in land use that are related to the Operations.

6. Importantly, although all aspects of Petroleum Operations (e.g., prospecting, marketing, transportation, storage) are included in the statutory definition, this does not mean that every aspect necessarily requires a separate EIA Report. Where the various aspects of any given Operations are part of a single overall project affecting one area, they only need one EIA Report. For example, if an Operator planned (a) one drill site that also entailed (b) a supporting camp and (c) road upgrade, although (a), (b) and (c) would each separately satisfy the definition of “Petroleum Operations”, the three activities would require a single EIA Report because they are part of a single large project and contained within the same site area.

7. “Commencement” is defined in the Instructions as the undertaking of any activity that involves any physical alteration to land, the erection of any structures or the use of any heavy equipment for the purpose of the Operations. Therefore, any preparatory, facilitative, or supplementary work that involves breaking ground or other physical alteration of the land, or the use of heavy equipment, will trigger commencement for the purposes of the EIA requirements. This is intended to allow preparatory and planning activities that do not entail a significant impact on the environment to be undertaken before the submission and acceptance of an EIA Report.

Third: Quality Standards

8. An EIA Report should be an impartial document, providing an objective account of the environmental effects with reasoned and justifiable arguments. Both the positive and negative effects should be discussed, relative to their significance.
9. The Ministry expects every EIA Report to:
 - (a) be written in an objective, impartial and consistent manner;
 - (b) be clear and logical in its layout, structure and presentation;
 - (c) be concise but as comprehensive as is required under the Instructions and these Guidelines, and is appropriate given the nature of the Operations it relates to;
 - (d) make effective use of diagrams, illustrations, photographs and other graphics to support and clarify associated text; and
 - (e) reference all informational, academic and scientific material with valid sources.
10. The Ministry recognises that Operators may employ independent consultants to assist in the EIA process and in preparation of the EIA Report. However, it is the Operator who is ultimately responsible for the quality and content of an EIA Report.

This responsibility, and the concurrent duty to make sure there is no false or misleading information proffered, begins upon submission of the EIA Report to the Ministry. In addition, if an EIA Report is of a poor quality, it is likely to be rejected by the Ministry, which would prevent the Operations from commencing or continuing, and at the very least would cause delays.

11. The Operator also bears full responsibility for ensuring that its Operations are conducted in accordance with the Instructions, other applicable laws, and the submitted EIA Report, including the Environmental Management Plan and other measures contained in the Report.
12. Operators are therefore advised to ensure that they are confident about the quality and accuracy of any EIA Reports submitted on their behalf, that they are familiar with the contents of any such reports and that they have suitable arrangements in place to ensure compliance with any commitments made in those reports and with the provisions of the Instructions and these Guidelines.

Fourth: Content of an EIA Report

13. An EIA Report is a comprehensive set of documents that present the findings of a study examining the potential environmental impacts of proposed Operations and the solutions arrived at to eliminate or mitigate them.
14. Information must be presented which shows that:
 - (a) the Operator is informed about the receiving environment and is aware that many environmental sensitivities are subject to an annual cycle, and activities that are fully acceptable in one season may not be in others;
 - (b) the likely consequences of the activities have been identified, assessed and the optimum engineering and operational solutions have been selected to achieve the desired environmental objectives; and

- (c) environmental considerations have formed an essential part in the conceptual and operational proposals decided upon.

Scope of an EIA Report

15. The scope of an EIA, and therefore an EIA Report, in any given case depends on the potential significance of the impact of the Operations. Significant impact means any substantial or potentially substantial change in the environment, which may be substantial due to the *context* and/or *intensity* of the impact of the Operations.
16. “Context” means that the significance of the impact(s) of the Operations must be analysed as part of a greater whole, including the impact on the local environment, the local community, the local industry and other affected interests. For example, if the Operations are located in a sensitive environment, then more extensive field surveys would need to be conducted as well as more rigorous mitigation measures and monitoring.
17. “Intensity” refers to the severity of impact, which hinges on several factors including magnitude and duration. For example, the impact of an exploratory well will be of a different intensity than a production well and, therefore, this should be reflected in the scope of the EIA Report.
18. Although all EIA Reports should have the same categories of information (e.g. baseline data, impacts, alternatives, etc.) the depth of information provided will be different. Determining the scope of an EIA Report, therefore, requires judgment on the part of the Operator and entails a degree of discretion. However, the Operator must be able to justify the level of detail provided and should the Ministry consider the justification to be inadequate, it may not accept the submitted EIA Report.

Sections of an EIA Report

- 19.** A description of the sections and information that must be provided in an EIA Report is set out below. As stated above, each of the informational categories set out in the following paragraph must be addressed in every EIA Report. However, the level of detail and analysis of individual issues in the EIA Report should reflect the level of significance of the related impacts for the particular Operations in their specific location.
- 20.** The EIA Report must contain:
- (a)** Non-Technical Summary
 - (b)** Introduction and List of Key Personnel
 - (c)** Description of the Operations
 - (d)** Baseline Properties of the Environment
 - (e)** Impact of the Operations
 - (f)** Mitigation Measures
 - (g)** Consideration of Key Alternatives
 - (h)** Uncertainties
 - (i)** Relevant Domestic and International Legislation
 - (j)** Environmental Management Plan
 - (k)** Related Safeguards, Measures and Plans
 - (l)** Declaration of Truth
 - (m)** Appendices

Non-Technical Summary

- 21.** A non-technical summary should provide a concise but comprehensive description of the Operations, their receiving environment, the effects of the Operations on the environment and the proposed mitigation measures. It should highlight any significant uncertainties about the Operations, and provide an overview of the approach to the assessment. As the name implies, it should be written in non-

technical language using layman's terms when possible and avoiding overly technical expressions, detailed data and scientific discussion. A map should be included to put the proposal into context spatially or make appropriate reference to maps and diagrams within the main document.

22. The non-technical summary must be submitted in both English and Kurdish.

Introduction and Key Personnel

23. The Introduction should contain the Operator's name and contact information as well as the name and contact information of the person who will serve as the point of contact with the Ministry regarding the EIA Report.
24. Also in this section should be a list briefly describing the qualifications of the main contributors to the EIA Report. The Ministry understands that several people may be involved in the research and writing of an EIA Report, and does not need the information of all those who worked on it. Instead, this section should contain the key persons charged with its production.

Description of the Operations

25. The EIA Report should describe the Operations in sufficient detail to enable the reader to understand their essentials. The description should include:
- (a) the objectives of the proposed Operations, including:
 - i. the work plan;
 - ii. proposed timing schedule; and
 - iii. the envisioned lifecycle of the Operations, from inception to decommissioning.
 - (b) location and site description, including:
 - i. the exact location of the Operations area, including any maps, photos, or facility layouts, if available;
 - ii. the total land area to be disturbed during the life of the Operations;

- iii. details of any clearing and grubbing activities; and
 - iv. details (timing, location, and method) of any major excavations.
 - (c) description of associated facilities, including:
 - i. the Operations' infrastructure requirements, including existing and proposed haul roads, stockpile sites, transport facilities, etc; and
 - ii. the volumes and types of traffic associated with the movement of goods, services and personnel to and from the Operations site during construction, production, and decommissioning.
 - (d) off-sites, including:
 - i. oil movement and storage;
 - ii. the type and amount of by-product materials and the location of the storage and disposal sites;
 - iii. the location and storage of all on-site chemicals and fuels; and
 - iv. the type and quantity of expected waste and other emissions resulting from the Operations.

26. The description of the Operations should be illustrated by the use of maps (with coordinates) and/or diagrams, and care should be taken to ensure these are reproduced so that they are clearly readable, including any keys. They should enable the reader to put the Operations into their proper geographical context, including their location in the Kurdistan Region and in relation to other fields and/or developments.

27. Where the Operations are a field development, the description should cover all of its elements, including drilling and the installation and presence of platforms and production vessels. Each element should be described in sufficient detail to enable appropriate assessment.

Baseline Properties of the Environment

- 28.** The EIA Report should contain a detailed description of the pre-existing environmental characteristics of the receiving environment, including in particular:
- (a)** Data on the physical environment, including:
 - i.** Local geography, including landforms, elevation, and the topography;
 - ii.** Climate, including seasonal weather conditions;
 - iii.** Geology, including soil sampling results;
 - iv.** Hydrology and water quality, including water quality sampling results as well as any chemical and physical tests in the lab or field; and
 - v.** Noise and air quality, including ambient air analysis;
 - (b)** Data on biodiversity and habitats, including both a literature review and field surveys, paying particular attention to threatened, protected or rare species; and
 - (c)** Data on the human and socio-economic context, including:
 - i.** Local demographical information;
 - ii.** Economic and social activities in the area;
 - iii.** Cultural resources, including archaeological heritage and historical sites;
 - iv.** Material assets, including infrastructure such as roads or buildings.
- 29.** The EIA Report should be based on recently obtained site-specific environmental data and surveys, and the results of the surveys must be accurately presented within the Report. Any EIA Report that is not supported by baseline environmental data must include a robust, evidence-based case as to why a baseline survey was considered to be unnecessary or proved to be impossible.
- 30.** Site-specific environmental data is preferred over generic data, and any evidence presented within the EIA Report must be current and relevant. Where data is considered to be out of date or to relate to an area where the environment may have

changed since the last survey, then new data should be collected and presented with the associated historical data.

31. In collecting the socio-economic baseline data, local communities should be interviewed and informed of the planned Operations, where relevant and practicable given the location of the site. If such information is collected, the EIA Report should contain a description of this process, including how the interviews or meetings were conducted, how many people were consulted, and what was asked or discussed.

Impact of the Operations

32. The assessment process should identify any likely significant environmental impacts of the Operations. The following should be clearly described and, where appropriate, quantified:
 - (a) structures or other infrastructure erected and other changes to the land or its uses, including:
 - i. the impact on flora and fauna, including any habitats or populations that will be directly or indirectly impacted; and
 - ii. impact on agricultural land or other socio-economic activities;
 - (b) discharges, emissions, nuisances, waste, and use of natural resources, including:
 - i. impact of any wastewater discharges on land, surface and ground water aquifers in the receiving area and the possible accumulation of toxic constituents and resulting impacts on human health;
 - ii. impact of solid waste on human health, surface and underground water supplies and the surrounding environment;
 - iii. impact of noise on human health in the working environment and on the nearest residential area, if applicable;
 - iv. short- and long-term impacts of emissions on human health and ecosystems in the Operations site and surrounding area;

- v. use of water, including an assessment as to the impact on water quality and water quantity;
- (c) impact of unplanned events on public health and safety and the likelihood of their occurrence, including:
- i. traffic likely to be generated, including the impact of increased traffic on the local communities as well as the level of risk and methods of prevention of oil spills on roads and highways;
 - ii. deliberate and fugitive emissions; and
 - iii. fires, spills, or other accidents.
33. At the end of the section, there must be an impact summary.
34. This section should address the direct or indirect impacts, reversible or irreversible impacts, and accumulative impacts. The EIA Report should also describe other Operations already commenced in the area in order to put the proposed Operations and the potential impacts into context.

Mitigation Measures

35. For each of the subject areas outlined in the 'Impact of the Operations' section, a corresponding mitigation measure should be included. There should be an explanation of the reasons for choosing the proposed mitigation measures and how the measures will prevent or reduce the magnitude and significance of the targeted impacts. The Operator should indicate how and when the measures will be implemented, and the lines of responsibility for their implementation.
36. It is recommended to chart the impacts and mitigation measures at the end of the Mitigation Measures section so that it is clearly presented how each impact will be reduced, by whom, and by when in the lifecycle of the Operations.

Consideration of Key Alternatives

- 37.** The EIA Report should describe the key alternatives to the main aspects of the proposed Operations that have been considered. The aspects of the Operations for which the selected options must be addressed include:
- (a)** Design, including the plant and equipment, operating processes, drilling muds and additives, and type and location of rigs; and
 - (b)** Technology, including major aspects of exploration and drilling technology to be used for the Operations.
- 38.** The section needs to address only the main alternatives that were considered. The advantages and disadvantages of each option should be clearly stated with the specific environmental implications indicated. The reasons for the selection of the preferred option should be described, and other factors influencing the choice of alternatives should be noted, e.g. feasibility including technical constraints, cost effectiveness and reasonableness of each option.
- 39.** Where final option selection has not been made before the submission of the EIA Report, then more than one option may be presented. However sufficient detail should be provided for each option including the predicted impacts to enable a full assessment.

Uncertainties

- 40.** If information or data about any particular aspect of the receiving environment was unable to be collected, an explanation should be provided on the attempts to get the information and why it was not gathered and provided. If any data collected is considered incomplete, that should also be noted and explained. The process of data collection should be clearly presented as well as all attempts to get the relevant information.

41. Additionally, in instances where the specific techniques or technologies to be applied during the Operations are unknown at the time the EIA Report is prepared, the Report should indicate the most probable methods to be adopted and a prediction of the impacts based on that method.
42. All other uncertainties, whether concerning the data, the impacts, the mitigation measures or other aspects of the EIA, should be stated.

Relevant Domestic and International Legislation

43. The EIA Report must include a summary of environmental legislation of the Kurdistan Region relevant to the Operations. It should also include any other pieces of legislation and/or agreements, if any, which impose additional environmental, health and safety requirements on the Operations.

Environmental Management Plan

44. An Environmental Management Plan (EMP) must be submitted as part of the EIA Report. It should describe how mitigation measures will be implemented, monitored, and updated. An EMP should be established for the entire lifetime of the Operations, meaning from commencement to decommissioning. Furthermore, a mechanism must be put in place for its periodic review in light of experience and technological advances at least once every six months and the revised EMP should be submitted to the Ministry forthwith.
45. An EMP should include the following:
 - (a) Definition of the environmental management objectives to be realised during the life of the Operations (i.e. pre-construction, construction, production and/or decommissioning phases). For example, is the objective during production to ensure absolutely no discharge or other waste reaches a local aquifer? Or, alternatively, is the objective to merely limit the amount

discharged within acceptable parameters? If the latter, what are those parameters and how have they been selected?

- (b)** Description of the detailed actions needed to achieve these objectives, including how they will be achieved, by whom, by when, with what monitoring/verification, and to what target or performance level. For example, if the management objective is to ensure that no discharge or other waste pollutes the local aquifer, the description should say by what method or technology this will be achieved, who will be responsible, when will the measure be put in place, how will the Operator know that the measure is working properly, and by what target will the Operator measure success?
- (c)** Description of requirements for record keeping, reporting, review, auditing and updating the EMP. For example, how will the mitigation measures be monitored? How long will records of the Operations be kept after decommissioning?

Related Safeguards, Measures and Plans

- 46.** The EIA Report should include a description of the measures proposed to be put in place to address:
 - (a)** waste management;
 - (b)** worker health and safety;
 - (c)** emergency response; and
 - (d)** decommissioning.

- 47.** Petroleum Operations often present a number of risks to both worker and public health and safety, and of potential accidents and hazards. It is good practice, therefore, for Operators to have an Emergency Response Plan and an Employee Health and Safety Plan in place. Additionally, in order to accomplish the mitigation measures outlined in their EIA Reports (including the EMP), Operators will also often have a Waste Management Plan. Where these plans exist, the Operator may either submit a copy of the plans with the EIA Report or provide a description of

the provisions in each of them. Where these plans do not exist, the Operator's proposed course of action to deal with the issues set out in Paragraph 46 should be described.

- 48.** The EIA Report should also describe the measures proposed to address the decommissioning of the Operations. Where a Decommissioning Plan is available, the EIA Report should either include the Plan or a description of the provisions in it.
- 49.** The Ministry may make it a condition of a Certificate of Acceptance that the Operator will adopt and submit and/or provide a summary of a plan in respect of each of the areas set out in the Paragraph 46.

Declaration of Truth

- 50.** The end of the EIA Report must contain a signed Declaration of Truth, asserting that the Operator believes the facts stated in the EIA Report including any plans and appendices to be true and accurate. The Declaration shall be signed by a representative of the Operator.

Appendices

- 51.** The Appendices are where all supplemental information should be placed. Considering the importance of baseline data in an EIA Report, the Appendices should include the full reproduction of laboratory analyses for soil and water as well as any other laboratory analyses or results.
- 52.** The Appendices should also contain any community demographic or survey information collected, Operator policies or procedures, additional maps, photographs, facility layouts and other supporting documentation.

Fifth: Submission and Review Process

53. Once the Operator has completed the EIA Report, three hard copies of the EIA Report must be submitted to the address below, along with three electronic copies (on separate CDs or memory sticks). We also encourage Operators to place a copy of their EIA Report on their company website.

54. Address:

Health, Safety and Environment Department
Ministry of Natural Resources of the Kurdistan Region
Erbil, Kurdistan Region, Iraq
Email: hse@mnr.krg.org

55. The receipt of an EIA Report by the Ministry will be acknowledged by a letter, which will provide the unique identity number that has been allocated to the Operations. This identity number shall be included in all communications and documents submitted to the Ministry regarding the EIA Report for those Operations.

56. There is no statutory timeframe for the review of an EIA Report but the Ministry will endeavour to review reports within sixty days of receipt. The Ministry intends to work closely with Operators to meet deadlines and understands the urgency that often accompanies submission. The review period, however, will ultimately depend on the quality of the EIA Report that is submitted, and on whether the Ministry requires additional information to be provided following submission of the report, which could lengthen the review period. It is in the Operator's best interest, therefore, to ensure a quality EIA Report is submitted in the first place.

57. The Ministry will respond to the EIA with either:

- (a)** a Certificate of Acceptance;
- (b)** a Letter of Rejection; or

- (c) a Supplemental Information Request.

Certificate of Acceptance

- 58.** Upon review of an EIA Report, if the Ministry is satisfied that the EIA Report meets the requirements laid out in the Instructions and these Guidelines, it will issue a Certificate of Acceptance. The Certificate of Acceptance is at all times subject to the condition that the Operations will be carried out in accordance with the information provided in the EIA Report and any related information submitted by the Operator and in compliance with any mitigating and management measures specified therein, including the EMP.
- 59.** The Ministry may impose additional conditions on the Certificate. The manner and type of conditions imposed in a Certificate of Acceptance will vary but will commonly relate to aspects of the EIA Report that are needed but not ready to be submitted before the Operations commence. For example, if by the time an Operator submits an EIA Report it is unable to address certain matters in the EMP because they relate to later aspects of the Operations that are not yet known, then the Ministry would likely issue a Certificate of Acceptance with the condition that the missing information be submitted at a later date.
- 60.** A Certificate expires within three years from the date of issuance, if the Operations do not commence. In other words, if there is a three year long (or longer) delay in commencement of Operations from the date of issuance of the Certificate of Acceptance, a new EIA Report must be submitted with updated information. This is to ensure that the field surveys and other Operations data are still accurate and relevant.

61. Additionally, if an Operator withdraws an EIA Report for any reason, then the Certificate of Acceptance associated with that Report would also be rendered invalid.

Rejection of an EIA Report

62. The Ministry may reject an EIA Report at its discretion. Although this discretion is broad, the reasons for rejection will fall within three categories:
 - (a) the EIA Report does not meet the requirements described in the Instructions or Guidelines;
 - (b) the Operator ignored, inadequately addressed, or missed the deadline for a Supplemental Information Request issued by the Ministry; or
 - (c) the EIA Report contains inadequate measures to mitigate or offset the environmental impact of planned Operations.
63. The Letter of Rejection will come at the end of a process during which the Operator will have had a fair opportunity to modify the EIA Report so as to satisfy the Ministry's requirements. Provided an Operator follows the Instructions and these Guidelines in preparing their EIA Report, deals with the Ministry in a fair and transparent way, and upholds their obligations in a forthcoming and professional manner, it is unlikely that they will face a Letter of Rejection.

Supplemental Information Request

64. If the EIA Report is missing any aspect deemed important by the Ministry or if any information or a conclusion included in the Report is unclear, contradictory or unreliable, the Ministry may, before deciding whether to accept or reject an EIA Report, send a Supplemental Information Request (SIR) asking that the Operator clarifies the issue or provides information.

65. The SIR is a flexible instrument enabling the Ministry to understand the information submitted as part of the EIA Report and, as a result, could conceivably cover a broad range of topics. It could range from asking for clarification on a particular statement or conclusion contained in the EIA Report to asking for more surveys or other data to be submitted. The SIR may also request further justification of a proposed mitigation measure or chosen alternative.
66. The timeframe for responding to a SIR will be given by the Ministry in the SIR notification. The Ministry will in all cases provide a reasonable amount of time for the Operator to respond given the type and amount of information requested.

Withdrawal of a Certificate of Acceptance

67. A Certificate of Acceptance may be withdrawn by the Ministry if it is satisfied that:
 - (a) the EIA Report, or other submitted information such as the response to a SIR, contains false or misleading information, or the Operator fails to correct false or misleading information in an EIA Report or other documents within the timeframe set out in the Instructions;
 - (b) the EIA Report does not meet the requirements of the Instructions or these Guidelines, or contains inadequate mitigation, monitoring, or management measures for the prevention or offset of significant impacts on the environment; or
 - (c) the Operator fails to uphold its various obligations under the Instructions, including informing the Ministry of commencement, implementing the EMP, complying with any conditions attached to a Certificate of Acceptance, informing the Ministry of any changes, and otherwise cooperating with the Ministry in the discharge of its duties and functions.
68. Withdrawal is seen as a drastic action as it has the effect of making the continuation of the Operations unlawful. The Ministry will therefore treat this as a measure of last resort, which it will nonetheless be prepared to take in the event of egregious or

repeated non-compliance. Operators have various opportunities within the EIA Report submission and review process to address any deficiencies before withdrawal is sought.

69. If a withdrawal is issued, the Operator will be notified of the timeframe within which Operations must cease. This timeframe may be broken down into segments. For example, the Ministry could decide that certain activities must stop within sixty days but that the further winding down and removal of equipment can happen within 180 days. The timeframe may also, upon the discretion of the Ministry, be zero, in which case the Operator must cease the specified aspect of the Operations immediately.
70. Assuming that the Certificate is not withdrawn or rendered invalid by one of the above-mentioned reasons, it will remain valid until the termination of the Operations. “Termination” of Operations includes decommissioning. Therefore, although decommissioning would constitute a change in the Operations and, as such, require the submission of an addendum to supplement the original EIA Report, decommissioning would not require a separate EIA Report.

Operations Already Commenced

71. The Instructions and these Guidelines apply to all current and future Petroleum Operations in the Kurdistan Region. For those currently active, their continued acceptance depends on their compliance with the transitional provisions set out in the Instructions. Those provisions make a distinction between Operations for which an EIA Report had already been submitted to the Ministry before the Instructions became effective and Operations for which no such reports have ever been submitted.
72. If an Operator submitted an EIA Report for their existing Operations and the Ministry is satisfied that the EIA Report contains an adequate assessment of the

Operations' environmental impacts and adequate mitigation provisions, then the Ministry will issue a Certificate of Acceptance for those Operations within ninety days of the date on which the Instructions become effective.

- 73.** If an Operator submitted an EIA Report for their existing Operations and the Ministry is not satisfied that the EIA Report contains an adequate assessment of the Operations' environmental impacts and adequate mitigation provisions, then the Ministry will notify the Operator of that fact within ninety days of the date on which the Instructions become effective. Accompanying the notification will be a brief explanation of the reasons why the Ministry considers that the EIA Report on file is inadequate. The Operator will then have 120 days from receipt of the notification to submit a revised EIA Report, unless the Ministry specifies a different deadline in any given case.
- 74.** If an Operator never submitted an EIA Report for their existing Operations, the Operator will have 120 days from the date on which the Instructions become effective (unless the Ministry specifies a different deadline in any given case) to submit an EIA Report in accordance with the requirements set out in the Instructions and these Guidelines. If the Operator fails to submit an adequate EIA Report within this timeframe, the Operations must cease, subject to the reconsideration provisions described in paragraphs 83-85 below.
- 75.** Existing Operations may continue to operate during the time given to submit an EIA Report or revised EIA Report as well as during the time it takes the Ministry to review the report.
- 76.** The process for the submission and review of an EIA Report or a revised EIA Report under the transitional provisions is the same as that for EIA Reports relating to future Operations. However, if a Letter of Rejection is issued in relation to an

EIA Report or revised EIA Report submitted for any existing (i.e. already commenced) Operations, the Operations must cease by, whichever is later:

- (a) The expiry of the date of applying for reconsideration; or
- (b) Within thirty days of the Ministry's decision on the reconsideration, if that decision is to uphold the Letter of Rejection.

Accuracy of the EIA Report and Changes in the Operations

77. It is vital that the information submitted to the Ministry is and remains current, consistent and accurate at all times. The Ministry sees the EIA Report (including the EMP) as a living document that must not only be accurate when submitted but also updated as necessary to ensure that at all times it is an accurate reflection of the environmental impacts of, as well as the environmental management and mitigation regime actually in place for, the Operations. An EIA Report, an EMP or any other related information submitted by an Operator might have contained inaccurate or misleading information when it was submitted. Alternatively, it may become inaccurate following its submission because of a change in the circumstances concerning the Operations. Thus, for instance, a change in the nature or scale of the Operations, their surrounding environment, the actual or anticipated environmental impacts and/or the mitigation measures used by the Operator may mean that the EIA Report or related document is no longer an accurate representation of the facts on the ground.

78. Under Article 5 of the Instructions, an EIA Report and any other information submitted must be accurate, complete and objective and must not contain any false or misleading information. Where the Operator becomes aware that its EIA Report or other documents, including the EMP, do not comply with this requirement it must do two things. Firstly, it must notify the Ministry within five days from the date on which the Operator becomes aware of the inaccuracy or misleading information. Secondly, within thirty days of the same date, the Operator must either

withdraw or correct the EIA Report (the Ministry, in its discretion on a case-by-case basis, may allow an extended timeframe for the correction, which extension must be in writing). For the purpose of this obligation, the Ministry will deem an Operator to be aware of an inaccuracy or falsehood in any EIA Report or other information submitted by it if the Ministry considers that the Operator should reasonably have been aware of the same.

- 79.** The manner in which the Operator corrects its EIA Report by virtue of the 6th Article of the Instructions depends on the nature of the inaccuracy in question. In some cases, the correction may be achieved by the submission to the Ministry of a relatively brief addendum addressing the issue. In others, a detailed addendum may be required or the whole or large sections of the Report may need to be revised in order properly to rectify the issue. The Ministry shall determine the sufficiency of the correction.
- 80.** In addition to the over-arching duty to ensure that the EIA is and remains accurate, Operators have a further obligation in respect of changes in the Operations or their surroundings that are planned by the Operator. Where the Operator plans to bring about, or is able to forestall, such changes, it must submit an addendum to the Ministry at least thirty days before the changes take place. The purpose of this provision is to ensure that the Ministry is given advance warning of planned changes and to avoid a situation where the EIA is misleading and inaccurate (which would be the case if the change took place without the submission of the addendum). The addendum required for envisaged changes should contain a detailed description of the changes and an assessment of their environmental impacts, and must capture the changes that need to be made to the original EIA Report as a result.
- 81.** Minor changes to the Operations that do not entail a significant change in the environmental impact of the Operations do not trigger the requirement to submit an

addendum. For example, minor repairs to an existing facility would not require notification.

Change in an Operator

- 82.** If the Operator of any Operations changes (in other words, Operations change hands), the new Operator would not need to carry out a new EIA Report if it submits a letter:
- (a)** providing the name and contact details of the new Operator and details of the person who will serve as the point of contact with the Ministry regarding the EIA Report;
 - (b)** confirming that the EIA Report remains accurate as to the description of the Operations and their environmental impacts, or providing an addendum which addresses any inaccuracies in the EIA Report that the new Operator is aware of; and
 - (c)** confirming that it will comply with any commitments made within the EIA Report.

Sixth: Reconsideration

- 83.** If the Ministry decides to issue a Letter of Rejection, a notice requiring a revised or new EIA Report for existing Operations, a Notice of Withdrawal, or a Certificate of Acceptance with conditions, the Operator may submit an application to the Ministry for a reconsideration of that decision. The application for reconsideration must be submitted within thirty days of the date on which the Operator received the letter, notice or other decision by the Ministry.
- 84.** The reconsideration application must contain a clear statement of the reasons for the application and include any supporting documentation, which may include a revised EIA Report addressing the issues that led to the original decision. For example, if the EIA Report was rejected for a lack of baseline data about the Operations site, in

the application for reconsideration the Operator should either provide the missing information or give a reasonable justification for its absence.

85. Upon receipt of the application, the Ministry will convene a panel to review the application and the supporting documents. The panel will make a determination on the application within thirty days, which determination shall be final and in writing.
86. The EIA process is set out in a flowchart at Appendix A.

Seventh: Supplementary Provisions

87. As stated in the Instructions, except to the extent that the Ministry considers it against the public interest or detrimental to legitimate private interests, it may allow any organisation, government body or member of the public to inspect any EIA Report and related information submitted to the Ministry and any responses that it issues in respect of such Reports.
88. The Ministry considers governmental transparency to be an important principle and wishes to make EIA Reports as accessible as possible. At the same time, however, the Ministry is cognizant that a particular Report may contain trademarked, confidential or other proprietary information that, if released, would cause economic or other harm to interested parties. Therefore, EIA Reports will be available only for inspection at the Ministry upon request and may, in some cases, be offered in redacted form. Where an Operator believes that their EIA Report contains information to which the public should not be given access, it should identify that information when submitting it and explain why it would be inappropriate to provide public access to it. Unless the Ministry disagrees with those reasons (in which case it will notify the Operator), it will ensure that the information is redacted in the event of an inspection.

Eighth: EIA Company Registration

- 89.** Companies that seek to prepare EIA Reports for Operators must register with the Ministry as an EIA Company. Only companies that are registered are eligible to prepare EIA Reports for Petroleum Operations. Registration is required for both national and international companies but Petroleum Operators who wish to prepare their own EIAs do not need to register.
- 90.** The EIA Company registration process for the Ministry is part of the regular service company registration procedure for the Ministry. Thus, if an EIA Company is duly registered with the Ministry as providing EIA services, that company satisfies the registration requirements in the Instructions.
- 91.** A company submitting an application for registration is fully responsible for the accuracy of the information that they provide as part of the registration process. If at any time the Ministry learns that the company has submitted false or misleading information in the registration documents the Ministry may, at its sole discretion, immediately revoke the company's registration.

Appendix A: MNR EIA Process

