

## Afghanistan

**Country:** [Afghanistan](#) [1]

**EIA Law:** Islamic Republic of Afghanistan Environment Law, 2007 (unofficial translation)

**Law Link:** [Link](#) [2]

**EIA Regulations:** Environmental Impact Assessment Regulations, 2008

**Regulations Link:** [Link](#) [3]

**EIA Guidelines or Other Guidance:** National Administrative Guidelines for the Preparation of Environmental Impact Assessments

**Guidance Link:** [Link](#) [4]

**Projects Requiring EIA:** Government projects

Private Projects

**Abridged Assessments:** Yes

**Assessment Detail:** A project proponent may submit a preliminary assessment. The assessment is reviewed by NEPA and if the activity is not likely to cause significant impact, NEPA may authorize the activity - with or without conditions. Env. Law, art. 14

**Best Practices in Lieu of EIA:** No

**Who Conducts Screening:** Government

**Who Conducts Screening Detail:** "A person proposing to undertake a project, plan, policy or activity shall submit to the National Environmental Protection Agency accurate information to allow the [NEPA] to determine the potential adverse effects and positive impacts of the project, plan, policy or activity." Env. Law, Art. 14. See also EIA Regulation 5 ("Before submitting an application, the applicant shall conduct a screening process and complete a screening report that is consistent with international best practice set out in Schedule III of these regulations and submit it to the [NEPA] to make a decision.")

**Criteria for Screening:** List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

**Criteria for Screening Detail:** No person may undertake an activity that is likely to cause significant impact to the environment without following applicable EIA procedures. Env. Law, art. 13. Schedule I of the EIA Regulations contains categorization of activities.

**Who Prepares EIA:** Project Proponent (with or without contractor)

**Who Prepares EIA Detail:** The applicant for an environmental license must prepare the EIA in accordance with international best practice. Env. Law, art. 14(2); EIA Regulation 7

**Who Pays for EIA:** Project Proponent

**Who Pays for EIA Detail:** "The costs incurred in preparing. . . an environmental impact statements. . . or a comprehensive mitigation plan shall be borne by the proponent of the project, plan, policy or activity. Env. Law, art. 18

**EIA Contractor Qualifications:** No

**Conflict of Interest:** No

**Terms of Reference:** No

**Days for Decision Maker Review:** 45 days

**Automatic Approval:** No

**Written Decision:** Yes

**Written Decision Detail:** Under Regulation 9, the NEPA must submit a Certificate of Compliance that conforms with the standard outlined in Schedule IV.

**Authority to Impose Conditions:** Yes

**Authority to Impose Conditions Details:** "The [NEPA] may attach conditions to the certificate, if appropriate." EIA Regulations, 9(2)

**Expiry of Decision:** 3 years

**Expiry of Decision Detail:** "A permit granted will lapse in the event that the proponent fails to undertake the activity or implement the project, plan or policy for which the permit was granted within three years of the date of which the permit was granted." Env. Law, art. 16(4); EIA Regulation 9

**Financial Assurances or Bond:** No

**Interdisciplinary Team:** No

**Range of Alternatives:** Yes

**Range of Alternatives Detail:** The EIA must include an assessment of "the likely environmental impacts and benefits of alternative means of carrying out the activity, including the preferred means and the alternative of not

undertaking the activity at all." EIA Regulation 7(3)

**No Action Alternative:** Yes

**No Action Alternative Detail:** In considering alternatives, the project proponent must assess "the alternative of not undertaking the activity at all." EIA Regulation 7(3)

**Type(s) of Impact Analysis:** Direct environmental impacts

Cumulative environmental impacts

Social impacts

Cultural impacts

Health impacts

Economic impacts

**Mitigation:** Yes

**Mitigation Detail:** The EIA must discuss "all relevant measures that could be undertaken to avoid, remedy or mitigate any significant adverse impacts that could be caused by the activity." EIA Regulation 7

**Monitoring Plans:** Yes

**Monitoring Plans Detail:** The EIA must discuss "all relevant measures that will be taken to monitor the likely environmental impacts and benefits of implementation of the activity on affected persons." EIA Regulation 7

**Public Notice of Draft EIA:** No

**Draft EIA Available:** No

**Draft EIA Locations:** Not available

**Public Notice of Final EIA:** Yes

**Public Notice of Final EIA Detail:** The project proponent is required to inform the public of the availability of the EIA through "advertising the document and displaying a copy of it for inspection" Evtl. Law, art. 19(3).

**Final EIA Available:** No

**Final EIA Available Detail:** The project proponent is responsible for distributing copies of the EIA to affected individuals and displaying a copy for inspection. The EIA law does not require that the EIA be made available in easily accessible locations. Evt. Law, art. 19

**Final EIA Locations:** Other

**Availability of Reference Studies Detail:** Article 7 of the Environment Law guarantees the rights of citizens to access information held by the government, with some exceptions (e.g. personal information, commercially confidential information)

**Public Notice of Final Decision:** Yes

**Public Notice of Final Decision Detail:** "After the [NEPA] has reviewed the conditions set forth in sub-article 3, the [NEPA] shall reach a decision and inform the public of that decision and make available any relevant documentation or information for public review." Evt. Law, Art. 19(4)

**Public Scoping:** Yes

**Public Scoping Detail:** Members of the public "may" express their opinion on a proposed project, plan, policy or activity at the preliminary assessment (screening) phase. Evt Law, art. 19(1); see also EIA Regulation 6.

**Public Participation Opportunities:** Scoping

Public Meetings and/or public hearings

Review of final EIA

**Public Meetings:** Yes

**Public Meetings Detail:** NEPA may not reach a decision until the proponent has demonstrated that it has "convened and recorded the proceedings of a public hearing." Evt. Law, art. 19

**Public Input at Meeting:** Yes

**Public Input at Meeting Detail:** Individuals that are affected by a proposed plan may express opinions at the preliminary assessment stage, the environmental impact statement stage, the final record of opinion stage and the comprehensive mitigation plan stage. The proponent must demonstrate to the NEPA that "affected persons have had meaningful opportunities, through independent consultation and participation in public hearings, to express their opinions on these matters on a timely basis." Evt. Law, art. 19

**Criteria to Hold Public Meeting:** Public meeting and/or hearing is automatically required

**Days for Public to Review Final EIA:** Variable

**Public Comments on Final EIA:** Yes

**Public Comments on Final EIA Detail:** The project proponent must distribute copies of the EIA to affected persons and publish notice indicating that the document is available for public review. Evt. Law, art. 19

**Response to Public Comments:** Yes

**Response to Public Comments Detail:** The EIA must incorporate and describe the public participation process and identify the major issues that arose during the consultation process. It must also describe how these issues were incorporated into the assessment phase. EIA Regulation 7(4)

**Facilitation of Public Participation:** No

**Citizen Administrative Review:** Yes

**Citizen Administrative Review Detail:** "Any person may within thirty (30) days of the granting or refusal of a permit, appeal the decision to the director-General of the National Environmental Protection Agency." Env't. Law, art. 17(1); EIA Regulation 10

**Citizen Judicial Review:** Yes

**Citizen Judicial Review Detail:** Citizens have the right to appeal any decision rendered under the Environment Act. Env't. Law, arts. 7(9), 17(2), 19, 77

**Project Monitoring:** No

**Project Monitoring Detail:** There do not appear to be provisions requiring NEPA to monitor whether the project proponent is complying with the terms of its permit.

**Enforceability of EIA:** No

**Enforceability of Permit:** No

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### Links

[1] <https://elaw.org/countries-and-regions/afghanistan>

[2] [https://www.unodc.org/res/cld/document/afg/2007/environment\\_law\\_html/Environment\\_Law.pdf](https://www.unodc.org/res/cld/document/afg/2007/environment_law_html/Environment_Law.pdf)

[3] [http://countrysafeguardsystems.net/sites/default/files/afghanistan.eia\\_regulations.2008.pdf](http://countrysafeguardsystems.net/sites/default/files/afghanistan.eia_regulations.2008.pdf)

[4] [https://momp.gov.af/sites/default/files/2019-03/Administrative\\_Guidelines\\_EIAs.pdf](https://momp.gov.af/sites/default/files/2019-03/Administrative_Guidelines_EIAs.pdf)