MINISTERIAL ORDER NO.2 OF 2001 WITH RESPECT TO ENVIRONMENTAL INSPECTION PROCEDURES AND DESIGNATING THE REQUIRED OFFICERS TO CARRY OUT THE INSPECTION DUTIES

The Minister for Housing, Municipalities and Environment,

having examined Legislative Decree No.21 of 1996 with respect to the Environment, as amended by Legislative Decree No. 8 of 1997,

and Order of the Minister for Housing, Municipalities and Environment No.3 of 1996 with respect to designating the required Officers to Carry out the Inspection Duties in accordance with Legislative Decree No.21 of 1996 with respect to the Environment,

and Order of the Minister for Housing, Municipalities and Environment No.1 of 1998 with respect to the Environmental Evaluation of Projects,

and Order of the Minister for Housing, Municipalities and Environment No.10 of 1999 with respect to the Environmental Standards (Air and Water),

and upon the submission of the Director General of Environmental Affairs,

HEREBY ORDERS:

Article 1

For the purpose of applying the provisions of this Order, the following words and phrases shall have meanings against each one of them unless otherwise stated:

1. **Project**

Any utility, establishment or activity likely to be considered as a source of environmental pollution or deterioration according to the provisions of Legislative Decree No. 21 of 1996 with respect to the Environment and the Orders issued for its implementation including vehicles of all types.

2. **Environmental Violation**

Any violation of the provisions of Legislative Decree No.21 of 1996 with respect to the Environment and the Orders issued for its implementation.

3. **Inspector**

The Officer delegated by the Minister for Housing, Municipalities and Environment to carry out the environmental inspection duties according to Article 28 of Legislative Decree No.21 of 1996 with respect to the Environment.

4. **Environmental Inspection**

“To carry out all or part of the inspection duties required for the implementation of Legislative Decree No. 21 of 1996 with respect to the Environment and the Orders issued for its implementation including the procedures required for the Environmental Evaluation and Control including the entry to the establishments, inspection of the projects and activities subject to the provisions of the Law and the implementing Orders, examining records and documents for the works to be inspected, requesting information, details, taking samples, conducting measurements and studies, all for the purpose of ensuring the implementation of the Environmental Conditions and Standards, evidence the extent of commitment to the permitted regulations and limits for the discharging level of
environmental pollution materials, their concentration, determining the extent of environmental pollution, verify its source, if present, or investigate a specific environmental complaint, write the necessary minutes to record violations of such conditions, standards, controls and limits. In general, to take the necessary measures to prove acts of environmental violations and procedures”.

Article 2

The following Officers shall be delegated to carry out the inspection duties required to report whatever violations of the provisions of Legislative Decree No.21 of 1996 with respect to the Environment and the Orders issued for its implementation:

1. Dr. Jumaa Ahmed Al Kaabi
2. Dr. Mohamed Ali Hasan
3. Dr. Afaf Sayed Ali Al Shoala
4. Dr. Shaker Abdul Hussain Khamdan
5. Mr. Hasan Ahmed Hasan Juma
6. Mrs. Zahwah Mohamed AL Kawari
7. Mrs. Suhad Hussain Al Shehabi
8. Mr. Mirza Salman Khalaf
9. Mr. Abdul Mohsen Mahmood Al Mahmood
10. Mr. Jameel Ali Akseel
11. Mr. Zakariya Ali Omran
12. Mr. Rayhan Ahmed Na’am
13. Mr. Abdul Karim Hasan Rashid
14. Mrs. Lama Abbas Al Mahroos
15. Mrs. Suzan Mohamed Al Ajjawi.
16. Mr. Hussain Abdul Nabi Ali
17. Miss. Khawla Khalil Al Mohanadi
18. Mr. Jaffar Ahmed Salman
19. Mr. Ali Jassim Al Hassabi
20. Mr. Adel Ahmed Abdulla Al Majid
21. Mr. Ali Hussain Matrook
22. Mrs. Khairiya Mahmood Jawad Al Aradi
23. Mr. Rashid Abdulla Al Najjar
24. Miss Mariam Haji Janahi
25. Mr. Mohamed Abdul Rasool Darwish
26. Mrs. Fareeda Abdul Rahim Mohamed
27. Mr. Hussain Salman Al Shaikh
28. Mr. Jamil Jaffar Hasan
29. Mr. Hussain Mustafa Hussain Amer

The period for designating of such officers shall be a five-year renewable term commencing from the date of enforcing the provisions of this Order. The designation period of any officer may be terminated even before the expiry date of his designation period.

Article 3

The officers entrusted with the duties of environmental inspection shall have the power and authority to carry out the necessary duties of inspection provided for in this Order and in this respect. They shall carry out the following:

(a) Inspect whatever works and activities conducted within or outside the project or whatever discharged from it being subject to the provisions of the Environment Law to ensure their conformity with such provisions.

(b) To draw up statements of environmental violations on the forms prepared for this purpose by the Environment Authority when recording such violation.

(c) To issue the necessary minutes to record violations being observed by the inspector, if the project owner or whoever acts on his behalf has previously been warned to remove it and has not complied therewith, the recording of the violation shall not be delayed, the subject of violation is beyond warning or it may result in an environment damage that cannot be overcome.

(d) To ask the project owner or whoever acts on his behalf, or whoever the inspector deems necessary to be asked from the project employees or workers with regard to the violation.
Article 4

The inspection of the project may be conducted in any day of the week whether during the day or night without the need to previously notify the project owner or whoever acts on his behalf, provided that the inspector while entering the project shall reveal his identity according to Article (8) of this Order and explain his mission and reason to the employee, the person concerned or whoever is present at the project site at that time from employees, aside from his nature of business and employment level. The latter shall provide every assistance to the inspector in order to complete the inspection work, and in particular, provide all the necessary details, information, documents and records required by the inspector.

Article 5

When recording an environmental violation, the inspector shall observe the following:

(a) The recording shall be done at the place of violation.

(b) The record shall fulfil all the details required to record the violation and the inspector shall, in particular, give details of the environment violation aspects, reasons, proof of its existence, legal matters violated, record the place, date and time the record was written in addition to any other remarks the inspector finds important to include in the statement.

(c) To record the statement of the project owner or whoever acts on his behalf in addition to the statement of the person in charge of the work where the violation has taken place, his supervisor and whoever the inspector finds important to hear his statement from project employees of workers and their signatures on the statement. In the case where certain employees refuse to give their statement or answer certain questions being asked or refuse to sign the statement, it shall be noted down in the record with the reasons for such abstention or refusal, provided he shall sign the register on the date and time of the inspection.

Article 6

The inspector shall hand over a true copy of the environment violation notice or the statement registering the violation, to the employee concerned the project or send it to him by the registered post on the second day of recording the violation or the statement provided that the inspector shall retain the original copy to submit it to his immediate supervisor within a period not exceeding two days from the date of recording such violation or statement in all cases.

The immediate supervisor shall, within a period of one week from the date of forwarding the papers to him, submit the documents with his opinion to the Director General of Environment Affairs to take the necessary action.

Article 7

Subject to the provisions of Article 26 of Legislative Decree No. 21 of 1996 with respect to the Environment, if it is clear while conducting the inspection on the projects that works have been or are to be carried out in violation of the conditions stipulated in accordance with the aforesaid Law or the Orders issued for its implementation, or if the percentages, controls and criteria provided for in the aforesaid Law or the Orders issued for its implementation have been exceeded, the Environment Authority shall, without prejudice to the right of confirming the violation, entrust the competent body in such
projects to quickly adopt the proper procedures to remove the causes of the violation, treat whatever effects resulting in a proper time while warning them to cease the operations at the project in accordance with the aforesaid Article in case the violation was not removed or precautions were not adopted within the determined period.

In the case of an environmental pollution or deterioration which forms a hazard to the environment or results in damages which cannot be stopped, the Environment Authority shall have the right to immediately, partially, permanently or temporarily cease the operations on the project in addition to preventing either totally or partially the use of any machine, tool or material.

The Director General of Environmental Affairs shall be authorised to issue the decisions for discontinuing the work being authorised or banning the use of the project.

**Article 8**

The inspector shall carry a card bearing his photograph to be approved by the Minister for Housing, Municipalities and Environment and be stamped by the Environment stamp to prove the capacity of the inspector while carrying out the environment inspection work.

The inspector shall hand over the card to the aforesaid body upon the expiry date of his designation period or when his work is terminated with the Authority for any reason.

**Article 9**

The inspector shall maintain the confidentiality of the name or names of the people who forward the environmental complaint and shall never to disclose the complaint to the project’s owner or the person in charge. He shall also maintain the confidentiality of whatever information and details of the project and its activities during his environmental inspection work or even after leaving it.

**Article 10**

The Directorates concerned at the Environment Authority shall maintain a register for the inspection work, where details and information related to the inspection work shall constantly be recorded, in addition to whatever decisions taken or important matters should be included in such register from reports, inspections and other details.

**Article 11**

The Order of the Minister for Housing, Municipalities and Environment No. 3 of 1996 with respect to designating the required Officers to carry out the inspection duties in accordance with Legislative Decree No. 21 of 1996 with respect to the Environment, shall be revoked.

**Article 12**

The Director General for Environmental Affairs shall implement this Order, which shall come into effect from the date of its publication in the Official Gazette.

Signed: Khalid bin Abdulla Al Khalifa, Minister for Housing, Municipalities and Environment.
