

ROYAL DECREE NO.114/2001

**Promulgating the Law of Conservation of Environment and Prevention of
Pollution.**

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Promulgating the Law of Conservation of Environment and Prevention of Pollution.

After perusal of the Constitution of the State issued by the Royal Decree no.101/96;

The Law of Conservation of Environment and Prevention of Pollution issued by the Royal Decree no. 10/82 and amendments thereto;

The Royal Decree no. 66/2001 defining the jurisdiction of the Ministry of Regional Municipalities, Environment and Water Resources and approving its organizational apparatus;

And in view of the exigencies of public good;
We hereby decree the following:

Article One

The conservation of environment and prevention of pollution shall be governed by the provisions of the accompanying Law.

Article Two

The aforementioned Royal Decree no. 10/82 is hereby cancelled and so are all provisions contravening the accompanying Law.

Article Three

The Minister of Regional Municipalities, Environment and Water Resources shall issue the necessary regulations and decisions to enforce the accompanying Law. Pending their issuance, the existing regulations and decisions shall continue to be effective insofar as they are not inconsistent with the provisions of the accompanying Law.

Article Four

This decree shall be published in the Official Gazette and shall be effective from the date of such publication.

Qaboos Bin Said
Sultan of Oman

Issued on 28th Sha'baan 1422 A.H.
Corresponding to 14th November 2001.

Law of Conservation of Environment & Prevention of Pollution

PART I

Definitions & General Provisions

Article One

In the application of the provisions of this Law, the following words and expressions shall carry the meaning specified against each unless the context requires otherwise.

MINISTRY: Ministry of Regional Municipalities, Environment and Water Resources

MINISTER: Minister of Regional Municipalities, Environment & Water Resources.

DIRECTORATE GENERAL: Directorate General of Environmental Affairs at the Ministry /Directorate General of Regional Municipalities, Environment and Water Resources at the governorate /concerned region.

ENVIRONMENT: Framework in which man lives. It includes living creatures such as man, animal, plant, the surrounding air, water and soil, solid, liquid or gas substances or radiations and permanent or tentative installations set up by man.

SUSTAINABLE DEVELOPMENT: Linking environmental considerations to planning and development policy so as to fulfil the requirements and aspirations of the present without undermining the capacity to satisfy the needs and requirements of the future.

AIR: A mixture of gases to which living or non-living creatures are exposed at public or private places or at places of work.

WATER: It includes:

- A. Internal surface or ground water-sweet, saline or semi-saline-found in the lands of the Sultanate.
- B. Sea water of the free economic zone of the Sultanate i.e. the water belt extending to a distance of 200 nautical miles starting from the foundation lines from which the breadth of the regional sea is measured, subject to the provisions of the Royal Decree no. 15/81 concerning the regional sea, continental shelf and free economic zone exceeding 200 nautical miles.

OIL: All kinds of crude oil and its derivatives including liquid hydrocarbons, lubricants, fuel oil, recycled oil, oven oil and other substances extracted from oil and its derivatives.

NATURAL LIFE: All kinds of living creatures including plants, animals, bacteria etc

at their original abodes or outside.

NATURE PRESERVATION ZONES: Areas meant for the preservation of one or more kinds of natural life, particularly those exposed to the danger of extinction, the removal, hunting, transporting or damaging whereof is prohibited. These also include archaeological sites, natural landscapes or common natural parks.

CONSERVATION OF ENVIRONMENT: Safeguarding its elements, characteristics, natural balance and eco-systems, preventing, minimizing or combating their decay or pollution, preserving the natural resources, and providing proper guidance for their exploitation and protecting living creatures, particularly the rare ones and those exposed to the danger of extinction.

ENVIRONMENTAL POLLUTION: Changing or destroying the characteristics or nature of environment by introducing a polluting substance or factor, directly or indirectly, thereby endangering human health or natural life or damaging the eco-system, thus making it unsuitable for use for the purpose for which it is meant.

DETERIORATION OF ENVIRONMENT: Effect on environment, which reduces its value, changes its nature or drains off its natural resources.

ENVIRONMENTAL DAMAGE: Harm caused to environment affecting, directly or indirectly, its characteristics or functioning or reducing its capacity.

ENVIRONMENTAL CATASTROPHE: Accident caused by natural factors or human action resulting into a major pollution, deterioration or damage to environment.

ENVIRONMENTAL POLLUTANTS: Solid, liquid or gas substances, smokes, steams, odours, noise, radiation, heat or convulsions and everything that leads, directly or indirectly, to environmental pollution.

DISPOSAL: Throwing, leakage, emission, pumping, dropping, unloading or drowning any of the environmental pollutants in air, water or soil, directly or indirectly.

DISPOSAL SPECIFICATIONS: Percentage of concentration of any pollution contained in the disposal according to the criteria of pollution set during a specified time unit or during the operation period.

CRITERION OF POLLUTION: Maximum limit set for the standard of disposal exceeding which is not permitted during a specified period of time.

FINAL DISPOSAL POINT: Point at which pollutants are disposed from the work zone where-after the owner may be unable to control the disposal resulting from his activity.

REPOSITORIES: Appliances, equipment and pools meant for receiving, storing, depositing processing and disposing pollutants, balance water or leftovers and also appliances provided by oil shipping and unloading companies and other organizations supervising ports and waterways.

OWNER: A natural or juristic person owning a work source or zone or responsible for its operation or management.

SOURCE: Action or activity, which may be the direct or indirect source of environmental pollution.

ZONE OF WORK: Land, coastal or rotating site at the ports or naval water of the Sultanate's free economic zone wherein a source is/sources are located.

SECURITY ZONE: Region separating the work source or zone and that between a zone or eco-system requiring special protection.

The Ministry shall specify such regions and the activities allowed to be carried out there.

ENVIRONMENT INSPECTOR: An employee appointed by the Minister to carry out the provisions of this Law and the regulations and decisions issued in implementation of its provisions.

NAVAL INSTALLATION: One that operates or is meant to operate in marine navigation, including oil carriers, commercial and military ships or any other rotating marine installation of any make that moves on air cushions or installations filled with water or any stationary or rotating installations set up on coasts or water surface with the intention of carrying out a commercial, industrial, tourist, scientific or military activity.

NATURAL RESOURCES: Components of living or non-living organisms in whose creation man has no role to play.

ENVIRONMENTAL CLEARANCE: Approval given by the concerned authority at the Ministry permitting the owner to carry on a specified activity after ascertaining its environmental propriety.

STUDY ON EVALUATION OF ENVIRONMENTAL EFFECTS: Study prepared to show if the work source or zone has any harmful effects on environment and specifying measures to offset such effects.

HAZARDOUS SUBSTANCES: Natural or artificial substances of harmful, poisonous, explosive or inflammable nature, those capable of causing erosion or those with radioactivity exceeding 100 bi-coral gram, found in the environment in quantities and concentrations liable to undermine the characteristics of environment, human health or natural life or affect the embryos.

LEFTOVERS: Various kinds of waste resulting from industrial, mining, agricultural or vocational activities or from houses, hospitals, public installations etc. disposed of, recycled or neutralized pursuant to the provisions of the prevailing laws in the Sultanate.

OIL MIXTURE: A mixture containing any percentage of oil.

HAZARDOUS LEFTOVERS: Waste that retains its characteristics, its explosive or inflammable nature or its capability to generate erosion or one that has radioactivity exceeding 100 bi-coral gram and the like and one that represents, by virtue of its nature, formation or quantities or for any other reason, a major risk to human life or health or to environment, on its own or as a result of its contact with other wastes.

NUCLEAR INSTALLATION: Nuclear reactors, installations of nuclear fuel patrol, nuclear accelerators and substances from which emanates nuclear radioactivity exceeding 100 bi-coral grams.

NUCLEAR LEFTOVERS: Waste that has radioactivity exceeding 100 bi-coral gram and represents a threat to human life or health or to environment, on its own or as a result of its contact with other wastes.

CIRCULATION OF HAZARDOUS SUBSTANCES AND LEFTOVERS: All actions that aim at activating a substance or hazardous leftovers with the intention of collecting, transporting, storing, processing, recycling, disposing or re-exporting them including subsequent care at the sites of their disposal or burial.

DROWNING:

- A. Intentional onshore disposal of waste or any other substances from naval installations or aircraft.
- B. Intentional onshore disposal of naval installations or aircraft.

Article Two

The Ministry shall represent the Sultanate of Oman at negotiations on regional and international environmental agreements and may recommend affiliation with the agreements or otherwise.

Article Three

Environment inspectors and persons named by a decision by the Minister of Justice in agreement with the Minister shall have extra-judicial authority in the application of this Law and its executive regulations and decision.

Article Four

The Minister shall issue a decision fixing the fees payable for the obtainment of environmental clearances issued by the Ministry and environmental services offered by it pursuant to the provisions of this Law and its executive regulations and decisions, after coordination with the Ministry of Finance.

Article Five

An affected party may appeal to the Minister against any decision or measure taken by the Ministry or the Directorate General within one month from the date of notification or definite knowledge.

The Minister shall have the power to cancel, amend or suspend such decision or measure.

PART II

Basic Rules & Principles to Ensure Safety of Omani Environment

Article Six

The Ministry shall strive to disseminate environmental knowledge, education and awareness in all the sectors of society and shall, in so doing, take all the necessary measures for the management and conservation of the Omani environment, in coordination with the concerned authorities.

The government units shall, each within its jurisdiction, cooperate with the Ministry in the application of the provisions of this Law and compliance therewith.

The responsibility for the conservation and safeguarding of the environment shall be shouldered by all individuals and groups.

Article Seven

The Omani environment may not be used for the disposal of environmental pollutants, of any nature or in any quantities that undermine its purity, its natural resources, nature preservation zones or the historical and cultural heritage of the Sultanate.

Disposal of pollutants shall be prohibited in the natural eco-system unless done in accordance with the regulations and conditions contained in a decision issued by the

Minister.

Article Eight

Safety zones specified by the Ministry may not be used for any purpose that violates the provisions of this Law or the executive regulations and decisions hereof.

Article Nine

Setting up a source or zone of work may not start before obtaining an environmental clearance that affirms its suitability from the environmental angle, on the basis of an application submitted by the owner to the Ministry.

The Minister shall issue a decision specifying the procedure, conditions and rules of obtainment of environmental clearance, its duration and renewal.

Article Ten

The owner shall take the necessary measures and adopt the latest techniques approved by the Ministry in coordination with the concerned organizations to minimize the discharge of pollutants at the source and shall use clean technology of production to prevent the pollution of environment and conserve its natural resources.

The owner shall submit an emergency plan, which shall be approved by the Ministry and reviewed periodically.

Article Eleven

The proprietor may, by act or neglect, not be instrumental in increasing the level of environmental pollution in the environmental systems and factors or in nature preservation zones beyond the pollution criteria and disposal specifications specified in a decision from the Minister.

Article Twelve

The owner shall not be permitted to dispose of or order or permit the disposal of an environment pollutant at the final point or points of disposal of the source or zone of work under his responsibility, except within the limits equivalent to or less than the percentage set for the specifications of disposal by the executive regulations and decisions of this Law or within the limits equivalent to or less than the percentage set for the owner upon his obtainment of environmental clearance.

The cases of disposal with the intention of ensuring the safety of the source or zone of work or saving of lives in emergency cases, on account of a sudden breakdown in operation, equipment or machinery of the source or zone of work, shall be exempted from the provisions of the preceding clause, provided the owner takes immediate and necessary measures to remedy the breakdown, notifies the Ministry and abides by the decision of the Environment Inspector.

Article Thirteen

The owner shall notify the Ministry immediately in writing about any disposal violating this Law or the executive regulations and decisions hereof or the environmental clearance granted to him or about any event that causes pollution or undermines the environment, specifying the reasons and nature of the event or disposal involving violation or the case or accident, the measures taken to tackle the situation and the period set therefor.

The owner shall maintain records specifying the quantities, nature and techniques of disposal.

The Ministry may go through the records at any time.

Article Fourteen

The site at which the source or zone of work is set up shall have an appropriate security zone ensuring that the permissible limits of the pollutants are not exceeded. The average pollution resulting from the total sources in one work zone shall be within the permissible limits, as specified by the executive regulations and decisions of this Law.

Article Fifteen

While carrying out different construction works, transferring the resultant leftovers or soil or burning any kind of fuel, precautions specified in the executive regulations and decisions of this Law shall be taken and the concerned authorities shall ascertain that such precautions have been taken before granting the licenses.

Article Sixteen

The owner of a work source or zone which may, in accordance with the grounds specified by the Ministry, represent an irreparable or irretrievable danger to environment, shall submit a detailed study to evaluate the environmental repercussions on the source or zone of work, affirming that its benefits exceed its potential damage to environment—before submitting an application for the obtainment of environmental clearance.

The authorities concerned with the grant of licenses for these sources or zones of work shall declare the inclusion of an evaluation report on environmental effects in the set of documents submitted as a pre-requisite for the obtainment of licenses and shall consider the cost of the detailed study and the procedure for minimizing or offsetting such effects as part of the total cost of the work source or zone.

Licensing shall not be permitted of an activity that may cause irreparable or

irretrievable damage to environment.

Article Seventeen

The Ministry shall take the necessary measures to supervise and monitor the eco-systems, natural operations and kinds of natural life and the re-evaluation of the policies and techniques of protection of environmental shall be done in the light thereof.

Article Eighteen

The owner of a nuclear installation or an installation dealing in radioactive substances, by way of import, transportation, storage or use, shall obtain the prior approval of the Ministry and provide an emergency plan to confront the dangers of radioactive pollution approved by the Ministry.

The Ministry shall monitor nuclear radioactivity in coordination with the regional and international monitoring centres in accordance with the procedure and conditions set by the Ministry.

Article Nineteen

Circulation of hazardous substances and leftovers, dealing in them or their disposal in the Omani environment shall be prohibited without a clearance from the Ministry.

Article Twenty

Disposal shall be prohibited of hazardous substances, leftovers and other environmental pollutants in rivers, sewers, groundwater supply zones or rainy or flood water disposal networks or *Felajs* and their sanitary system.

The use or disposal of unprocessed sanitary water in the aforementioned places shall also be prohibited.

Processed sanitary water may be used or disposed only after obtaining a clearance to this effect from the Ministry in accordance with the procedure and conditions contained in a decision issued by the Minister.

Article Twenty-one

The Ministry shall, in coordination with the concerned authorities, take all the necessary measures to conserve the soil and combat desolation in accordance with the natural characteristics of the soil and the circumstances of the concerned region.

It shall not be permissible to:

A. Cut, pluck out or damage a tree, plant or grass in public forests without a clearance

from the Ministry.

- B. Carry on any activity that undermines the quantity or quality of the plant cover in any region or one that might lead to desolation or impair natural environment.
- C. Pull out rocks, pluck out trees, plants and grass or carry soil and sand from severs, coasts, rivers, ponds, swamps, public sanitation and their annexes without a clearance from the Ministry.

This shall not be applicable to maintenance works and collection of samples done in coordination with the Ministry.

Article Twenty-two

Drowning shall be prohibited of leftovers or any other material, irrespective of its nature, form or condition, in the sea environment without a clearance from the Ministry.

Article Twenty-three

All ships shall be prohibited from disposing of oil, oil mixture or any environmental pollutants in the internal water, regional water or free economic zone.

Article Twenty-four

The owner, captain or the person-in-charge of the ship shall carry out instructions issued by the Environment Inspector and maintain necessary records and data.

Article Twenty-five

The owner of a naval installation, its captain or the person-in-charge thereof, persons responsible for the transportation of oil, gas and environment pollutants within the regional water and the free economic zone and the organizations permitted to explore, extract or exploit oil, gas or any hazardous material onshore or offshore shall notify the Ministry immediately of any accident involving leakage. The notice shall specify the circumstances of the accident, the quantity and quality of leaking substance and the measures taken to stop or limit the leakage.

Article Twenty-six

Naval installations, aircraft, and organizations engaged in the exploration and exploitation of natural resources or any other works shall be prohibited from dropping all sorts of leftovers in regional water or free economic zone.

The leftovers shall be deposited with repositories or places specified by the Ministry after the payment of the prescribed fees.

Article Twenty-seven

Organizations exploiting natural resources shall formulate the rules for the optimum utilization of such resources in order to ensure their conservation and prevention from pollution.

Contracts pertaining to the exploration, drilling and exploitation of oil, gas or any other natural resources shall incorporate provisions that ensure compliance by the contracting parties of the provisions of this Law and the executive regulations and decisions hereof.

Article Twenty-eight

The Minister shall, in cases where a violation involves a major risk to or harmful effect on environment or public health, take the necessary measures to repair the damage or prevent its increase and shall issue a decision stopping the offender from carrying out his activity for a period not exceeding one month.

The Minister may renew the decision on suspension for another period in case of continued violation.

Article Twenty-nine

Organizations preparing development plans and those responsible for land use and execution shall coordinate with the Ministry while preparing the plans and before the commencement of and during execution. They shall take environmental considerations into account at all stages and levels of planning and make environmental planning a basic part of the comprehensive planning for development in all the spheres, pursuant to the concept of sustainable development and shall give priority to the principle of conservation of environment and prevention of pollution.

Article Thirty

The owner shall carry out the supervisory works related to the execution of the provisions of this Law, maintain special records and submit to the Ministry periodical reports on the outcome of these works during periods specified by the Minister.

PART III

Penalties

Article Thirty-one

Without prejudice to any harsher punishment provided for in any other Law, violation of the provisions of articles 7,9,11,12,13,15,16 and 19 of this Law shall be punishable by a fine not below RO 200 and not above RO 2000.

The fine shall be increased by 10% per day starting from the fourth day from the date on which the offender is notified of the detection of violation.

If the violation continues for more than one month, the offender may be stopped from carrying on his business pending the removal of the causes of violation and its effects.

The business involving violation in the security region shall be stopped and the concerned authorities shall be notified thereof.

Article Thirty-two

Without prejudice to any harsher punishment provided for in any other Law, submission of erroneous or misleading information in the documents of environmental clearance application or the application for the obtainment of the Ministry's approval for setting up a work source or zone shall be punishable by imprisonment for a maximum period of six months and/or a fine not exceeding 5% the invested capital, in addition to a possible suspension of business and cancellation of clearance.

Article Thirty-three

Causing pollution to nature preservation zones or natural life by cutting, hunting, killing or any other form shall be punishable by the following penalties:

- A. Imprisonment for a minimum period of six months and a maximum of five years and/or a fine not below RO 1000 and not above RO 5000, in case of killing or hunting of animals or birds of the first category pursuant to the accompanying appendix I.
- B. Imprisonment for a maximum period of three months and/or a fine not below RO 100 and not above RO 1000, in case of killing or hunting of animals or birds of the second category pursuant to the accompanying appendix II.
- C. Imprisonment for a maximum period of one month and/or a fine not below RO 10 and not above RO 500, in case of cutting of trees or hunting of animals or birds not specified in the aforesaid clauses A and B.

The Minister may issue a decision amending or making additions to the aforesaid categories of animals and birds.

In all cases, the birds or animals caught and also the equipment and instruments used in the violation may be confiscated and the Minister may order the use and disposal of the confiscated articles by any means he deems appropriate.

The preceding penalties shall be applicable even if the offence has been committed on the animals and birds after their release or exit from the framework of the natural

protectorate.

Article Thirty-four

Without prejudice to a harsher punishment provided for in any other law, violation of the provisions of article 20 of this Law and failure on the part of an owner to notify the Ministry of the occurrence of an environmental catastrophe or a disposal involving violation on account of the working source or zone under his control shall be punishable by imprisonment for a minimum period of one month and a maximum of one year and/or a fine not below RO 500 and not above RO 50,000.

Article Thirty-five

Without prejudice to a harsher punishment provided for in any other law, violation of the provisions of article 8 of this Law shall be punishable by a fine not below 5% and not above 10% of the invested capital.

Article Thirty-six

Without prejudice to a harsher punishment provided for in any other law, preventing the Environment Inspector or causing his failure to exercise the powers vested in him shall be punishable by imprisonment for a maximum period of three months and/or a fine not above RO 500.

The court may order the closure of the work source or zone for a period not exceeding one month.

The fine shall be doubled in case of repetition of the same violation.

Article Thirty-seven

Without prejudice to a harsher punishment provided for in any other law, violation of the provisions of article 18 of this Law shall be punishable by imprisonment for a minimum period of six months and a maximum of three years and /or a fine not below RO 5000 and not above RO 50,000.

Likewise, violation of the provisions of articles 22 and 26 of this Law shall be punishable by imprisonment for a minimum period of one month and a maximum of two years and /or a fine not below RO 5000 and not above RO 50,000.

Article Thirty-eight

Without prejudice to a harsher punishment provided for in any other law, violation of the provisions of article 21 of this Law shall be punishable by imprisonment for a minimum period of ten days and a maximum of three months and /or a fine not below RO 500 and not above RO 5000.

The penalty shall be doubled in case of repetition of the same violation.

Article Thirty-nine

Violation of the provisions of article 23 of this Law shall be punishable by imprisonment for a minimum period of one month and a maximum of two years and a fine not below RO 500 and not above RO 50,000.

The ship involved in the violation may be detained.

Article Forty

Violation of the provisions of articles 24, 25 and 27 of this Law shall be punishable by a fine not below RO 1000 and not above RO 5000.

The fine shall be doubled if the same violation is repeated.

Article Forty-one

Without prejudice to the penalties specified in this Law, a person causing environmental damage shall be under obligation to remove it at his expense and restore the pre-violation status quo of the environmental situation and shall also pay the necessary compensation.

If the offender fails to remove the cause of violation within the period specified by the Ministry, it may have the cause of violation removed by a party it deems fit at the expense of the offender.

Article Forty-two

Without prejudice to a harsher penalty provided in any other Law, disposal of nuclear waste in Omani environment shall be punishable by life imprisonment and /or fine not below RO 100,000 and not above RO 1,000,000.

The offender shall be under obligation to remove the causes of violation and restore the pre-violation status quo of the environmental situation at his own expense, and shall also pay the prescribed compensations.

Article Forty-three

The Minister shall, in the regulations or decisions issued by him concerning the exercise by the Ministry of its powers stipulated in this Law, specify administrative and penal punishments for violations of its provisions.

The violations shall be monitored and administrative or judicial action taken on them, as the case may be, in accordance with the prevailing laws and decisions, provided the

fine does not exceed RO 5000.

All this shall not prejudice the penalties specified in chapter III