

**Ministry of State for Environmental Affairs**

**LAW NUMBER 4 of 1994\***

***PROMULGATING***

***THE ENVIRONMENT LAW***

**Amended By Law No. 9 for 2009**

\* In case of difference of interpretation, the Arabic text will prevail

**LAW NUMBER 4 of 1994**

***PROMULGATING***

***THE ENVIRONMENT LAW***

**EGYPT**

**LAW NUMBER 4 OF 1994**  
**PROMULGATING THE ENVIRONMENT LAW<sup>1</sup>**

In the name of the People  
The President of the Republic  
The People's Assembly has ratified the following law which we have sanctioned and promulgated:

**ARTICLE (1)**

WITHOUT PREJUDICE TO THE RULES AND PROVISIONS SET FORTH IN SPECIAL LAWS, THE PROVISIONS OF THE ATTACHED LAW SHALL APPLY IN RESPECT OF THE ENVIRONMENT.

ESTABLISHMENTS EXISTING AT THE TIME OF THE ENACTMENT OF THIS LAW ARE HELD TO ADJUST THEIR STATUS IN LINE WITH ITS PROVISIONS WITHIN THREE YEARS FROM THE DATE OF PUBLICATION OF ITS EXECUTIVE REGULATIONS, WITHOUT PREJUDICE TO THE APPLICATION OF THE PROVISIONS OF LAW 48/1982 CONCERNING THE PROTECTION OF THE RIVER NILE AND WATERWAYS FROM POLLUTION.

THE CABINET MAY, ON THE BASIS OF A PROPOSAL BY THE MINISTER IN CHARGE OF ENVIRONMENTAL AFFAIRS, EXTEND THIS GRACE PERIOD FOR NO MORE THAN TWO YEARS, IF NECESSARY AND IF THE CABINET IS SATISFIED THAT SERIOUS PROCEDURES HAVE BEEN TAKEN TO PUT PROVISIONS OF THE ATTACHED LAW INTO FORCE .

**ARTICLE (2)**

THE PRIME MINISTER SHALL, ON THE BASIS OF A PROPOSAL BY THE MINISTER IN CHARGE OF ENVIRONMENTAL AFFAIRS AFTER CONSULTING THE BOARD OF DIRECTORS OF THE ENVIRONMENTAL AFFAIRS AGENCY<sup>(2)</sup>, ISSUE THE EXECUTIVE REGULATIONS OF THE ATTACHED LAW WITHIN SIX MONTHS FROM THE DATE ON WHICH IT COMES INTO FORCE.

THE MINISTERS SHALL, EACH IN HIS RESPECTIVE AREA OF COMPETENCE, ISSUE THE RATES AND PERCENTAGES REQUIRED TO IMPLEMENT THE PROVISIONS OF PART II OF THE ATTACHED LAW, WITHOUT PREJUDICE TO THE PROVISIONS OF ARTICLE (5), WITHIN THE PERIOD MENTIONED IN THE PREVIOUS PARAGRAPH.

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<sup>1</sup> The official Journal-issue No. 5 on 3/2/1994

<sup>2</sup> Shall be abbreviated as EEAA.

### **ARTICLE (3)**

LAW 72 OF 1968 CONCERNING THE PREVENTION OF POLLUTION OF SEA WATER BY OIL IS HEREBY REPEALED, AS ARE ALL OTHER PROVISIONS RUNNING COUNTER TO THE PROVISIONS OF THE ATTACHED LAW.

### **ARTICLE (4)**

THIS LAW SHALL BE PUBLISHED IN THE OFFICIAL GAZETTE AND SHALL COME INTO FORCE ON THE DAY FOLLOWING THE DATE OF ITS PUBLICATION.

- THIS LAW SHALL BE STAMPED WITH THE SEAL OF STATE AND ENFORCED AS A LAW OF THE STATE.
- ISSUED AT THE PRESIDENCY OF THE REPUBLIC ON 15 SHAABAN HEJIRA YEAR 1414 (CORRESPONDING TO 27 JANUARY, 1994).

**Signed by**

**"HOSNY MOBARAK**

**LAW NUMBER 4 of 1994**

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**Amended By Law No. 9 for 2009**

**EGYPT**

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**PRELIMINARY PART**  
**CHAPTER ONE**  
**GENERAL PROVISIONS**

**Article 1:**

In the application of the provisions of this Law, the following words and expressions shall have the meanings hereby assigned to them:

- 1. Environment:**  
The biosphere which encompasses living organisms together with the substances it contains and the air, water and soil that surround it, as well as the establishments set up by man.
- 2. Air:**  
The mixture of gases constituting air in its known percentages and natural properties, and in the provisions of this Law, it is the ambient air, air within the work places, and air in closed or semi-closed public places.
- 3. The Convention:**  
The International Convention for the Prevention of Marine Pollution from Ships (1973-1978), and international conventions, to which the Arab Republic of Egypt adheres, in the area of the protection of the marine environment from pollution and compensation for pollution accidents.
- 4. Public Place:**  
A place equipped to receive people or a specific category of people for any purpose.
- 5. Closed Public Place:**  
A public place which is in the form of an integrated building that receives no incoming air except from designated inlets. Vehicles for public transport are considered closed public places.
- 6. Semi-closed Public Place:**  
A public place which is in the form of a non-integrated building with direct access to the ambient air and which cannot be completely closed.
- 7. Environmental Pollution<sup>3</sup>:**  
Any change in environmental properties that leads directly or indirectly to undermining man's health, negatively impacting his ability to lead a normal life, or harming natural habitats, living organisms or biological diversity.
- 8. Environmental Degradation:**  
Effect on the environment that reduces its value, or changes its nature, depletes its resources or harms living organisms or monuments.

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<sup>3</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**9. Environmental Protection:**

Protecting and promoting the components of the environment and preventing or reducing their degradation or pollution. These components encompass air, seas, internal waters, including the river Nile, lakes and subterranean water, land, natural protectorates, and other natural resources.

**10. Air Pollution<sup>4</sup>:**

Any change in the properties and specifications of the natural air that results in hazards to human health or to the environment, whether resulting from natural factors or human activities, including noise and offensive odors.

**11. Rapid Transport Vehicles:**

Motor cars, tractors, motorcycles and other machines designed for use on public roads.

**12. Water Pollution:**

The introduction of any substance or energy into the water environment, whether intentionally or unintentionally, directly or indirectly, which causes damage to living or non-living resources, poses a threat to human health or hinders water activities, fishing and tourist activities or impairs the quality of sea water so as to render it unfit for use, diminish the enjoyment thereof or alter its properties.

**13. Polluting Substances and Factors:**

Any solid, liquid or gaseous substances, noise, radiation, heat, or vibrations arising from acts of man that lead directly or indirectly to environmental pollution or degradation.

**14. Water Polluting Substances:**

Any substance whose discharge into the water environment, intentionally or unintentionally, leads to a change in its properties, or contributes to such change directly or indirectly to an extent that can harm man, natural resources, sea water or marine tourist areas, or which interferes with other legitimate uses of the sea. These substances include:

- A- Oil or oily mixtures.
- B- Harmful and dangerous wastes as determined in the international conventions to which the Arab Republic of Egypt adheres.
- C- Any other substance (solid, liquid or gaseous) as determined in the executive regulations of this law.

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<sup>4</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009



- D- Untreated industrial waste or effluents from industrial establishments.
  - E- Toxic military containers.
  - F- Substances listed in the Convention and its annexes.
- 15. Oil:**  
Crude oil and its products in all forms, including any kind of liquid hydrocarbons, lubricating oil, fuel oil, refined oil, furnace oil, tar and other petroleum derivatives or waste.
- 16. Oily Mixtures:**  
Any mixture containing oil in a ratio of more than 15: 1,000,000.
- 17. Unclean Balancing Water (Unclean Ballast Water):**  
Water in ship-borne tanks if its oil content is greater than 15:1,000,000.
- 18. Hazardous Substances:**  
Substances having dangerous properties which are hazardous to human health or which adversely affect the environment, such as contagious, toxic, explosive or flammable substances or those with ionizing radiation.
- 19. Hazardous Waste:**  
Waste of activities and processes or its ashes which retain the properties of hazardous substances and have no subsequent original or alternative uses, like clinical waste from medical treatments or the waste resulting from the manufacture of any pharmaceutical products, drugs, organic solvents, printing fluid, dyes and painting materials.
- 20. Substance Handling:**  
Anything that leads to the displacement of substances for the purpose of assembling, transporting, storing, treating, or using them.
- 21. Waste Management:**  
Collecting, transporting, recycling and disposing of waste.
- 22. Waste Disposal:**  
Processes which do not extract or recycle waste such as composting, deep subterranean injection, discharge to surface water, biological treatment, physio-chemical treatment, permanent storage or incineration.
- 23. Waste Recycling:**  
Processes which allow the extraction or recycling of waste, such as using it as fuel, or extracting metals and organic materials or soil treatment or oil re-refining.
- 24. Liquid Substances Harmful to the Water Environment:**  
The substances listed in the International Convention of 1973/1978.

**25. Reception Facilities:**

Installations, equipment and basins designed to receive, filter, treat and dispose of contaminated substances or ballast water, as well as installations provided by companies working in the field of shipping and unloading petroleum products; or other administrative agencies supervising ports and waterways.

**26. Discharge<sup>5</sup>:**

Any leakage, effluence, emission, draining or disposal of any kind of pollutants into the river Nile, watercourses, territorial waters, or the exclusive economic zone, or the sea; taking into consideration the limits and pollutants loads determining certain substances pursuant to the executive regulation of this law, and what is determined by the Egyptian Environmental Affairs Agency EEAA in coordination with relevant authorities without violating the rules of this law and its executive regulation.

**27. Dumping:**

A- Any deliberate disposal of polluting substances or waste from ships, planes, platforms or other industrial establishments and land-based sources into the territorial sea, the exclusive economic zone or the sea.

B- Any deliberate dumping by ships or industrial or other establishments into the territorial sea, the exclusive economic zone or the sea.

Taking into consideration provisions of International Conventions to which the Arab Republic of Egypt is party thereto; placing any substances such as cables, pipes, instruments of scientific research and monitoring and other devices in the sea for purposes other than disposing of them, shall not be considered dumping<sup>6</sup>.

**28. Compensation:**

Means compensation for all kinds of damage resulting from pollution incidents caused by violating laws and international conventions which Arab Republic of Egypt is a party thereto, from pollution incidents involving toxic and any other harmful substances, as well as pollution resulting from air pollution, collision and keeling of ships or arising during their loading or unloading, or caused by any other accidents. Compensation includes making up for environmental and traditional damage, as well as costs of restoring matters to their original state or remedying the environment<sup>7</sup>.

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<sup>5</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>6</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>7</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**29. Means of Oil Transport:**

Every pipeline used in transporting oil and any other equipment used in loading, unloading or transporting oil, as well as pumps or other equipment required for the use of these pipes.

**30. Ship:**

Any floating marine vessel of any type, vessels which move over hydrofoil cushions or underwater establishments. Also, any fixed or mobile establishment constructed along the coasts or on surface water for the purpose of conducting commercial, industrial, touristic or scientific activities

**31. War Ship:**

Any ship that belongs to the armed forces of a state, carrying its distinct external insignia, under the command of an officer officially appointed by the government of such state and operated by a crew governed by the rules of military discipline of that state.

**32. Government Ship:**

A ship owned by the state and operated or used for governmental and non-commercial purposes.

**33. Harmful Materials Carrier:**

A ship constructed originally or redesigned for the purpose of carrying cargoes of harmful liquid substances in bulk, including oil tankers when fully or partially loaded with harmful liquid substances not packed in accordance with the provisions stated in Chapter One, Part Three of this Law.

**34. Establishment:**

Establishment means the following:

- Industrial establishments subject to the provisions of Law No. 21 of 1958 and Law No. 55 of 1977.
  - Tourist establishments subject to the provisions of Law No. 1 of 1973 and Law No. 1 of 1992.
  - Establishments used for electrical power generation and production which are under the provisions of laws Nos. 145/1948, 63/1974, 12/1976, 13/1976, 27/1976, and 103/1986.
  - Mines, quarries and establishments operating in the field of oil exploration, drilling, transportation and usage which are subject to the provisions of laws Nos. 66/1953, 86/1956, 61/1958 and 4/1988.
  - All infrastructure projects.
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- Any other establishment, activity or project which may have a noticeable impact on the environment. These shall be determined by a decision issued by the Environmental Affairs Agency in agreement with the competent administrative authority.

**35. Environmental Monitoring Networks:**

Agencies which undertake, within their spheres of competence and through their stations and work units, to monitor the components and pollutants of the environment and relay their results and data to the competent authorities periodically.

**36. Environmental Impact Assessment:**

Studying and analyzing the environmental feasibility of proposed projects, whose construction or activities might affect the safety of the environment in order to protect it.

**37. Environmental Disaster:**

An accident resulting from natural factors or human action which causes severe damage to the environment and requires resources beyond the local means.

**38. The competent Administrative Agency Concerned with the Protection of the Water Environment:**

Any of the following agencies, each within its field of competence:

- A- The Environmental Affairs Agency (EEAA)
- B- The Egyptian Authority for Maritime Safety<sup>8</sup>.
- C- The Suez Canal Authority.
- D- Port Authorities in ARE.
- E- The General Egyptian Organization for the Protection of the Coast.
- F- Egyptian General Petroleum Corporation. (EGPC).
- G- General Department of Surface Water Police.
- H- Tourism Development Authority.
- I- Other agencies designated by a Prime Ministerial Decree.

**39. Coastal zone<sup>9</sup>:**

The area extending from the coasts of Arab Republic of Egypt encompasses the territorial sea, exclusive economic zone and continental shelf, and extending landward to areas of active interactions with the marine environment for that not exceeding 30 km in the desert areas, unless major topographical features interrupt this stretch, while in Nile Delta would extend up and contour (+3m).

Each of the coastal governorates shall define their coastal zone according to its

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<sup>8</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>9</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

physical conditions and environmental resources, not in any case less than "10 km" landward from coast line.

**40. The Integrated Environmental Management of Coastal Zones<sup>10</sup>:**

A method based on the participation of all relevant authorities to coordinate among each other to ensure the environment protection in coastal zones.

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<sup>10</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

## CHAPTER TWO

### THE ENVIRONMENTAL AFFAIRS AGENCY

#### **Article 2:**

An agency for the protection and promotion of the environment shall be established within the cabinet premiership under the name the "Environmental Affairs Agency". The Agency shall have a public juridical personality and shall be affiliated to the competent Minister for Environmental Affairs. It shall have an independent budget and its head office shall be located in Cairo. The Minister for Environmental Affairs may establish branches for the Agency in the governorates by ministerial decree, priority to be given to industrial areas.

#### **Article 3:**

The chairman of the Agency shall be appointed on the basis of the nomination of the Minister for Environmental Affairs and the proposal of the Prime Minister. His appointment shall be effected by a presidential decree which shall include his financial remuneration

#### **Article 4:**

The Environmental Affairs Agency shall replace the agency established by Presidential Decree 631 of 1982 in all its rights and obligations, and the employees of the said agency shall be transferred with their grades and seniority to the Environmental Affairs Agency.

#### **Article 5:**

The Agency shall formulate the general policy and lay down the necessary plans for the protection and promotion of the environment and follow up the implementation of such plans in coordination with the competent administrative authorities. The Agency shall have the authority to implement some pilot projects.

The Agency shall be the national authority responsible for strengthening environmental relations between the ARE and other countries and regional and international organizations. The Agency shall recommend taking the necessary legal procedures to adhere to regional and international conventions related to the environment and prepare the necessary draft laws and decrees required for the implementation of such conventions.

For the fulfillment of its objects, the Agency may:

- Prepare draft laws and decrees related to the fulfillment of its objects and express its opinion on proposed legislation related to the protection of the environment.

- Prepare studies on the state of the environment, formulate the national plan with the projects included for the protection of the environment, prepare the estimated budgets for each as well as environmental maps of urban areas and areas to be developed and lay down the criteria to be observed when planning and developing new areas as well as the criteria targeted for old areas.
- Lay down the criteria and conditions which owners of projects and establishments must observe before the start of construction and during the operation of these projects.
- Draw up a comprehensive list of national institutions and organizations as well as of qualified individuals who could contribute in the preparation and execution of environmental protection programmes and could be made use of in preparing and implementing the projects and studies undertaken by the Agency.
- Conduct field follow-up of compliance with the criteria and conditions that are binding to agencies and establishments and take the procedures prescribed by law against those who violate such criteria and conditions.
- Determining and ensuring abidance by standards, percentages and pollutants loads<sup>11</sup>.
- Gather national and international information on the environmental situation and the changes affecting it on a periodical basis in cooperation with the information centers of other agencies, publish such information and evaluate and utilize it in environmental management and planning.
- Lay down the principles and procedures for assessing the environmental effects of projects.
- Prepare an environmental contingency plan in the manner stated in article 25 of this Law and coordinate with the competent bodies in the preparation of programs to face environmental disasters.
- Lay down a plan for environmental training and supervise its implementation.
- Participate in the preparation and implementation of the national program for environmental monitoring and make use of the data provided thereby.
- Compile and publish periodic reports on the main environmental indicators.
- Prepare programs for the environmental education of the public and assist in their implementation.

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<sup>11</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

- Coordinate with other competent authorities in connection with regulating and setting safety standards for the conveyance of hazardous materials.
- Administer and supervise natural protectorates.
- Prepare the draft budgets required for the protection and promotion of the environment.
- Follow up the implementation of international and regional conventions related to the environment.
- Propose economic mechanisms to encourage different activities and procedures for the prevention of pollution.
- Implement pilot projects for the preservation of natural resources and the protection of the environment from pollution.
- Coordinate with the Ministry for International Cooperation to ensure that projects funded by donor organizations and countries are in line with environmental safety considerations.
- Participate in laying down a plan to protect the country from leakages of hazardous substances and waste causing environmental pollution.
- Drafting a strategy for integrated environmental management for coastal zones<sup>12</sup>.
- Participate with the Ministry of Education in the preparation of training programs for the protection of the environment within the scope of the various curricula in the basic education stage.
- Prepare an annual report on the environmental situation to be submitted to the President of the Republic and the Cabinet, a copy of which shall be deposited at the People's Assembly.

#### **Article 6:**

The Board of Directors of the Agency shall be chaired by the Minister in charge of Environmental Affairs and composed of the following members:

- The CEO of the Agency, who shall be the deputy chairman of the Board.
- A representative from each of six ministries selected by the Prime Minister from the ministries concerned with the environment provided the representative of each ministry shall be a high-ranking official selected by the competent minister.

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<sup>12</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009



- Two experts in the field of environmental affairs selected by the Minister in charge of Environmental Affairs.
- Three representatives from non-governmental organizations concerned with the environment selected in agreement with the Minister in charge of Environmental Affairs.
- A high-ranking employee of the Environmental Affairs Agency selected by the Minister in charge of Environmental Affairs on the basis of a proposal by the CEO of the Agency.
- The head of the Legal Opinions Department at the Council of State.
- Three representatives from the public business sector selected by the Minister in charge of Environmental Affairs.
- Two representatives from universities and scientific research centers selected by the Minister in charge of Environmental Affairs.

Representatives of the ministries concerned shall be invited whenever subjects related to the sectors under their supervision are discussed by the Board. The Board may solicit the assistance of experts having no counted vote in the deliberations when considering specific issues. The Board of Directors may form advisory committees of experts to study certain subjects and may entrust one or more of its members with a specific task.

#### **Article 7:**

The Agency's Board of Directors is the supreme authority governing its affairs, running its business and drawing up the general policy it will follow. The Board may adopt whatever resolutions it deems necessary to fulfill the objects for which the Agency was established, within the framework of the national plan and in accordance with the executive regulations of this Law.

#### **Article 8:**

The Board of Directors shall meet at the invitation of its Chairman at least once every three months or at the request of half of its members. Board Meetings shall be valid if attended by half the number of its members. Resolutions shall be taken by a majority of the voting members attending the meeting. In case of a tie, the Chairman shall have the casting vote.

#### **Article 9:**

If the Chairman of the Board is absent or cannot attend the meeting he shall be replaced by the deputy Chairman.

**Article 10:**

The Chairman of the Board shall represent the Agency in its relation with third parties and before the courts.

**Article 11:**

The CEO of the Agency shall be responsible for the implementation of the general policy adopted to fulfill its objects and for implementing the resolutions of the Board of Directors. The executive regulations of this Law shall determine his other powers.

**Article 12:**

The Agency shall have a Secretary-General appointed from high-ranking Agency employees by a decree of the Minister in charge of Environmental Affairs after consulting the CEO, he shall assist the CEO and work under his supervision.

**Article 13:**

The CEO of the Agency shall have the ministerial powers prescribed in laws and regulations over Agency employees, with regard to whom; the Secretary-General shall have the authority of the head of the sector.

**Article 13 Bis<sup>13</sup> :**

**a)** A supreme committee shall be formed for accreditation and registration, and shall be chaired by the competent Minister of Environmental Affairs. This committee shall be responsible for examining applications for registration in records of practitioners of environmental activities according to their specializations, as well as applications for accrediting experts and consultancy firms in the environmental field according to their qualifications and experience. The Executive Regulation of this law shall determine branches of specialization, required conditions for accreditation and registration, procedures for recording in the register and issuing accreditation certificates.

**b)** The aforementioned committee shall be formed by a decision from Prime Minister, and shall comprise six members from experts in the field of environment.

The Committee shall meet at least once every three months, and its resolutions shall be adopted by majority of its members. This committee shall have a technical secretariat from EEAA's employees. The competent Minister of Environmental Affairs shall determine its powers by a ministerial decree.

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<sup>13</sup>Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**c)** Resolutions of the Supreme Committee shall be final and implemented by EEAA, after payment of L.E. one hundred as fee for issuing a license for practicing environmental activities, and L.E. one thousand for accreditation certificates for experts and consultancy firms.

**d)** It is forbidden for non-licensed or not acquiring accreditation certificates to practice environmental activities set forth in the Executive Regulation of this law.

**CHAPTER THREE**  
**ENVIRONMENT PROTECTION FUND**

**Article 14:**

A special fund shall be established in the Agency under the name "the Environment Protection Fund" to which shall devolve:

- a. Amounts allocated in the state budget to subsidize the fund.
- b. Grants and donations presented by national and foreign organizations and accepted by the Board of Directors of the Agency for the purpose of protecting and promoting the environment.
- c. Fines levied and damages awarded or agreed upon for any harm caused to the environment.
- d. The financial resources of the protectorates fund provided for in Law 102 of 1983.

Amounts collected on a temporary basis on account of fines and damages for harm caused to the environment shall be deposited in the fund and held in trust.

The fund shall have a special balance sheet and its fiscal year shall commence and end with that of the state. Any surplus shall be carried over to the following year. The money in this fund shall be deemed public money.

**Article 15<sup>14</sup>:**

The Fund shall have a legal personality and shall be affiliated to the competent Minister for Environmental Affairs. Resources of the Fund shall be allocated to the fulfillment of its objectives. The Fund's Board of Directors shall be composed by a decision of the Prime Minister and chaired by the competent Minister of Environmental Affairs, and the following shall be members of the Fund:

- 1- Chief Executive Officer of Egyptian Environmental Affairs Agency (EEAA) who shall be the deputy chairman of the Board.
- 2- Head of the Legal Opinions Department at the State Council.
- 3- Representative of Ministry of Interior designated by Minister of the Interior.
- 4- Representative of Ministry of Finance designated by Minister of Finance.
- 5- Representative of Ministry of Economical Development designated by the competent Minister of Economical Development.

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<sup>14</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

- 6- Representative of Ministry of International Cooperation designated by competent Minister of International Cooperation.
- 7- Representative of NGOs concerned with the environment designated by the competent Minister of Environmental Affairs as nominated by the chairman of Public Federation of Non-Governmental Organizations NGOs.
- 8- A holder of a senior managerial post in the Egyptian Environmental Affairs Agency designated by the Minister of Environmental Affairs.
- 9- Director of the Fund who shall be secretary of the Board of Directors.

The Fund's Board of Directors shall meet by an invitation from its chairman at least once every two months or whenever needs be. Meetings of the Board shall be valid with the attendance of its majority members. Its decisions shall be issued by the majority of its members. In case of a tie, the chairman shall have the casting vote.

Representatives of other ministries concerned shall be invited whenever subjects related to the sectors under their supervision are discussed by the board. The board may solicit the assistance of experts, having no counted vote, in the deliberations when considering specific issues.

**Article 16:**

The Agency shall lay down the internal regulations of the fund in agreement with the Minister of Finance. All the activities and transactions of the fund shall be subject to the control of the Central Audit Agency.

## CHAPTER FOUR INCENTIVES

### **Article 17:**

The agency shall, in collaboration with the Ministry of Finance, establish a system of incentives that the Agency and the competent administrative departments can present to other agencies, establishments, individuals and others for their environmental protection activities or projects.

### **Article 18:**

The system of incentives mentioned in the preceding Article shall be submitted to the Board of Directors of EEAA and approved by the Prime Minister.

## PART ONE PROTECTION OF LAND ENVIRONMENT FROM POLLUTION

### CHAPTER ONE DEVELOPMENT AND ENVIRONMENT

### **Article 19<sup>15</sup>:**

Every natural or legal person, public or private, shall committed to presenting a study of Environmental Impact Assessment of the establishment or the project to the competent administrative body or the licensing authority before starting implementation thereof. The study shall be carried out in accordance with the elements, designs, specifications, bases and pollutants loads determined by Egyptian Environmental Affairs Agency EEAA in coordination with the competent administrative bodies. The competent administrative bodies should provide maps of industrial areas clarifying types of the industries allowed depending on environmental loads.

The Executive Regulation of this law shall determine the establishments and projects to which provisions of this article shall apply.

### **Article 20<sup>16</sup>:**

The competent administrative authority or the licensing body shall forward the abovementioned Environmental Impact Assessment studies to the Egyptian Environmental Affairs Agency EEAA for consideration. The EEAA may give the

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<sup>15</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>16</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

body preparing the study suggestions concerning preparations and systems necessary to treat the negative environmental effects and demand implementation thereof. The EEAA may also ask the body to provide all the data, designs or clarifications necessary for consideration of the study. The Egyptian Environmental Affairs Agency EEAA shall have to inform the competent administrative authority or the licensing authority with its consideration within a maximum of 30 days from the date of the receipt or completion of the study or execution of the proposals; otherwise, failing to reply shall mean that study is accepted by the Egyptian Environmental Affairs Agency EEAA. The project shall have to start operation within the period granted by the license; otherwise, the environmental approval shall be considered null and void.

#### **Article 21:**

The competent administrative authority shall notify the owner of the establishment of the result of the assessment by a registered letter with return receipt requested. The owner of the establishment may object to the result in writing within thirty days of notification before a committee to be formed by a decree of the Minister in charge of Environmental Affairs. The EEAA, the competent administrative authority or the licensing authority and the owner of the establishment shall be represented on the committee. The executive regulations shall determine the functions of the committee as well as its operating and complaint procedures.

#### **Article 22<sup>17</sup>:**

The official responsible for managing the establishment, according to provisions of this law, shall keep a written record of the impact of his establishment on the environment (Environmental Record). The Executive Regulation shall include a template of the required record and timetable to be kept by the establishments and the data to be entered therein. The EEAA shall follow up these records to ensure their genuineness, take necessary samples and conduct appropriate tests to determine the impact of the establishment activities on the environment and the extent of its compliance with environmental protection standards or the pollutants loads.

If it is transpired that the establishment is not keeping an environmental record, not updating data regularly or is not genuine, or that the establishment is not complying with the aforementioned standards or loads or violating any provision of this Article, the EEAA shall notify the competent administrative authority to demand the establishment's proprietor to rectify such violation promptly. If he fails to comply within 60 days from the date of his tasking, The Egyptian Environmental Affairs Agency EEAA shall be entitled after notifying the competent administrative authority to taking any of the following measures:

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<sup>17</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

- 1- Granting the establishment fixed additional grace period to rectify violations; otherwise, the EEAA shall have the right to proceed with rectification at the expense of the violating establishment.
- 2- Halting the violating activity, till the removal of violation traces, without detriment to its workers' wages. In case of grave environmental hazard, the sources of the hazard should be stopped by all necessary means and measures.

**Article 23:**

Expansions and renovations of existing establishments shall be subject to the same provisions set forth in Articles 19, 20, 21 and 22 of this Law.

**Article 24:**

Environmental monitoring networks with their stations and working units shall be formed, pursuant to the provisions of this Law, and shall undertake, in their respective fields of specialization, to monitor the components and pollutants of the environment on a regular basis and make the results available to the authorities concerned. For the fulfillment of the foregoing, the networks may call on the assistance of research centers and competent authorities which shall furnish the networks with the studies and information they request. The Agency shall supervise the establishment and operation of the environmental monitoring networks.

**Article 25:**

The Agency shall lay down a contingency plan to deal with environmental disasters which shall be approved by the Cabinet. The contingency plan will be based in particular on the following:

- Gathering the information available at the national and international levels on ways of confronting environmental disasters and mitigating their harmful effects.
- Identifying the resources available at the national, regional and international levels and determining how they can be deployed to ensure a swift response to the disaster.

The contingency plan will include the following:

- Identifying the types of environmental disasters and the agencies responsible for reporting or predicting their occurrence.
- Establishing a central operations room to receive reports of environmental disasters and follow up the transmission of accurate information thereon in order to mobilize the necessary resources to deal with such disasters.



- Forming a task force to follow up the measures taken to confront an actual or predicted environmental disaster. The leader of the task force shall be vested with all the powers necessary to confront the disaster in cooperation and coordination with the competent authorities.

#### **Article 26:**

All public and private bodies and all individuals are held to provide prompt assistance and support, upon request, in order to confront the environmental disaster. The fund referred to in article 14 of this law shall reimburse private bodies and individuals for the actual expenses incurred.

#### **Article 27:**

An area of not less than one thousand square meters of state-owned land shall be allocated for the establishment of an arboretum for the cultivation of trees in each district and in each village. The output of these arboreta shall be available to agencies and individuals at cost price.

The competent administrative authorities to whom these arboreta are affiliated shall lay down guidelines for the cultivation and protection of these trees. The EEAA shall participate in financing the establishment of these arboreta.

#### **Article 28<sup>18</sup>:**

Any of the following acts shall be prohibited:

**Firstly:** Hunting, killing, catching birds and wild animals or marine living organisms; as well as possessing, transporting, importing and exporting or offering to sell such birds and animals, either dead or alive, as a whole, in part or their derivatives, or practicing activities that tend to destroy their natural habitats or properties or damage their nests, eggs or their offspring.

The Executive Regulation of this law shall determine species of these creatures and sites to which the provisions of the above mentioned paragraph shall apply.

**Secondly:** Cutting or damaging plants as well as , possessing, transporting, importing and exporting, or offering them to sell as a whole, in part or their derivatives and products thereof, practicing any activities that tend to destroy their natural habitats or change their natural properties or habitats.

The Executive Regulation of this law shall determine species of these plants.

**Thirdly:** Collecting, possessing, transporting, or offering to sell kinds of fauna and flora fossils or changing their features; as well as destroying their distinguished geological formations or environmental features or harming their aesthetic value in the Natural Protected Areas.

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<sup>18</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Fourthly:** Trading in all endangered living organisms of fauna and flora species; their breeding or planting in sites other than their natural habitats without obtaining a license from Egyptian Environmental Affairs Agency (EEAA).

The Executive Regulation of this law shall determine species of these creatures and license conditions.

## **CHAPTER TWO**

### **HAZARDOUS MATERIALS AND WASTE**

#### **Article 29:**

It is forbidden to displace hazardous substances and waste without a license from the competent administrative authority. The executive regulations of this Law shall determine the procedures and conditions for granting such a license and the authority competent to issue same.

The ministers shall, each in his field of competence, issue in coordination with the Minister of Health and EEAA a table of the hazardous substances and waste referred to in Para one of this article.

#### **Article 30:**

Management of hazardous waste shall be subject to the rules and procedures laid down in the executive regulations of this Law. The executive regulations shall designate the competent authority, which, after consulting EEAA, will issue the table of hazardous waste to which the provisions of this Law shall apply.

#### **Article 31:**

It is forbidden to construct any establishment for the treatment of hazardous waste without a license issued by the competent administrative authority after consulting the EEAA. Disposal of hazardous waste shall be in accordance with the conditions and criteria set forth in the executive regulations of this Law. The Minister of Housing shall, after consulting with the Ministries of Health and Industry and the EEAA, designate the disposal sites and determine the conditions of the license to dispose of hazardous waste.

#### **Article 32:**

It is forbidden to import hazardous waste or to allow its introduction into or its passage through Egyptian territories. It is forbidden without a permit from the competent authority to allow the passage of ships carrying hazardous waste in territorial seas or in the exclusive maritime economic zone of the ARE.

**Article 33:**

Those engaged in the production or circulation of hazardous materials, either in gas, liquid or solid form, are held to take all precautions to ensure that no environmental damage shall occur

The owner of an establishment whose activities produce hazardous waste pursuant to the provisions of this Law shall be held to keep a register of such waste indicating the method of disposing thereof, and the agencies contracted with to receive the hazardous waste. The executive regulations shall determine the data to be recorded in the said register and the EEAA shall be responsible for following up the register to ensure its conformity with the facts.

The owner of or the person in charge of managing an establishment from which hazardous waste is produced, shall be committed to decontaminating the establishment, the soil and the place where it was set up, in case of moving the establishment or stopping its activity. Decontamination should be done according to standards and conditions provided in the executive regulation of this law<sup>19</sup>.

**PART TWO****PROTECTION OF AIR ENVIRONMENT  
FROM POLLUTION****Article 34:**

The site on which a project is established must be suitable for the project activity to ensure that the permissible levels of air pollutants are not overstepped, and that the total pollution emitted by all the establishments in one area is within the permissible levels.

The executive regulations of this Law shall determine the establishments subject to its provisions, the authority competent to approve the site and the permissible levels of air pollutants and noise in the area where the establishment is constructed.

**Article 35:**

In carrying out their activities, establishments subject to the provisions of this Law are held to ensure that emissions or leakages of air pollutants do not exceed the maximum levels permitted by laws and decrees in force and determined in the executive regulations of this Law.

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<sup>19</sup>Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Article 36<sup>20</sup>:**

The use of machines, engines or vehicles that emit exhaust, heavy smoke or noise exceeding limits set by the executive regulations of this law shall be prohibited.

Without prejudice to provisions of Traffic Law issued by Law No. 66 for 1973, Police officers of Water Surfaces and Environment , having the capacity of judicial law officers, are legally entitled to stop operation or running of machines, engines, or vehicles as well as withdraw their licenses till causes of violation are removed.

**Article 37<sup>21</sup>:**

- a- Open burning of garbage and solid waste shall be absolutely prohibited.
- b- The persons responsible for collecting and transporting garbage shall be allowed to throw, sort or treat garbage and solid waste only in the sites designated for such purpose, away from residential, industrial, agricultural areas and waterways. The Executive Regulation of this law shall determine specifications, regulations and the minimum distance of such sites from these areas.
- c- Municipal administrative units shall, in agreement with The Egyptian Environmental Affairs Agency EEAA, designate the sites for throwing, sorting and treating of garbage and solid waste according to provisions of this law and its Executive Regulation. These units shall also designate containers or dumps inside cities and villages for collecting and transporting garbage and solid waste and fixing appropriate timing for that; otherwise the responsible person shall be accounted administratively.
- d- Throwing garbage and solid waste in places other than such containers and dumps shall be prohibited. Garbage and solid waste collectors and transporters shall maintain cleanliness of garbage containers and transport vehicles. Garbage collection containers should also be tightly covered, and garbage should be collected and transported at suitable intervals provided that the quantity of which shall not exceed the actual capacity of such containers.

**Article 38:**

It is prohibited to spray or use pesticides or any other chemical compound for agriculture, public health or other purpose except after observing the conditions, regulations and safety measures laid down in the executive regulations of this Law and in a manner that will not expose humans, animals, plants, waterways and other components of the environment, directly or indirectly, now or in future, to the harmful effects of such pesticides or chemical compounds.

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<sup>20</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>21</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Article 39:**

All organizations and individuals shall be held, when carrying out exploration, excavation, construction or demolition works or when transporting the resultant waste or debris, to take the necessary precautions to secure the safe storage or transportation thereof to prevent loose particles from escaping into the air, in accordance with the provisions of the executive regulations.

**Article 40:**

It is mandatory when burning any type of fuel or otherwise, whether for industrial, energy production, construction or other commercial purpose, that the harmful smoke, gases, and vapors resulting from the combustion process are within the permissible limits. The person responsible for such activity shall be held to take all precautions necessary to minimize the pollutants in the combustion products. The executive regulations of this Law shall define such precautions as well as the permissible limits and the specifications of chimneys and other means of controlling the emission of the smoke, gases, and vapors resulting from the combustion process.

**Article 41:**

All organizations undertaking activities in the field of exploration, drilling, extraction and production of crude oil, its refining and processing shall observe the regulations and procedures set forth in the Law and its executive regulations which are derived from principles governing the international petroleum industry as provided by the competent administrative authority.

And he shall be committed to safely getting rid of remains of drilling oil wells, according to the provisions of this law and its Executive Regulations<sup>22</sup>.

**Article 42<sup>23</sup>:**

All entities and individuals shall be committed, when carrying out production, service, or other activities, particularly operating machinery and equipment or using sirens and loudspeakers, to keeping the volume below the sound level permissible.

Licensing authorities shall ensure that the total amount of noise produced by fixed and mobile sources in one area shall be within the permissible levels and that the establishment selects the appropriate machinery and equipment. The Executive Regulation of this law shall define the permissible levels of noise and periods of exposure thereto.

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<sup>22</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>23</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Article 43:**

The owner of an establishment is held to take all precautions and procedures necessary to prevent the leakage or emission of air pollutants inside the work premises except within the permissible limits as defined by the executive regulations of this Law, whether they result from the nature of the establishment activities or from malfunctioning equipment. He has to provide the necessary protective measures for workers in accordance with the conditions of occupational safety and health, including choosing the appropriate machinery, equipment, material and fuel, taking into account the period of exposure to these pollutants. He must also ensure adequate ventilation and install chimneys and other air purification devices.

**Article 44:**

The owner of an establishment shall take the necessary procedures to maintain temperature and humidity inside the work-place within the permissible limits. In cases where it is necessary to work beyond these limits, he shall be held to secure appropriate protective measures for the workers, whether by providing them with special clothing or otherwise. The executive regulations of this Law shall set the maximum and minimum limits of temperature and humidity and the duration of exposure thereto as well as the protective measures.

**Article 45:**

Closed and semi-closed public places must have adequate ventilation facilities consistent with the size of the place and its assimilative capacity as well as with the type of activity exercised therein to ensure renewal and purity of the air and maintain it at a suitable temperature.

**Article 46:**

The director in charge of the establishment must take adequate measures to prevent smoking in closed public places except within the permissible limits specified in the license issued for such establishments. In such case, a special area shall be reserved for smokers in such a way as not to affect the air in other areas.

Smoking is prohibited in means of public transport.

**Article 47:**

The level of radioactivity or concentration of radioactive substances in the air shall not exceed the permissible limits as determined by the competent authorities in accordance with the executive regulations of this Law.

**Article 47 Bis<sup>24</sup>:**

Trading illicitly in Ozone Depleting Substances (ODS), using them in industry, importing or possessing them in violation of the organizing laws, ministerial decrees and international conventions that the Arab Republic of Egypt is party thereto shall be forbidden.

**Article 47 Bis-1<sup>25</sup>:**

A supreme council for the protection of the river Nile and waterways from pollution shall be established within the Premiership, and shall chaired by the Prime Minister with membership of relevant ministers: (Minister of Water Resources and Irrigation, Minister of Environmental Affairs, Minister of Health, Minister of Industry, Minister of Agriculture and Land Reclamation, Minister of Local Development, Minister of Housing, Utilities and Urban Communities, Minister of Tourism and River Transportation Authority)

The council shall take the necessary procedures to protect the river Nile and water ways from pollution. The powers of this council shall be specified by Prime Minister's Decree. The council shall meet at least once every three months to follow up conditions of the Nile.

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<sup>24</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>25</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**PART THREE**  
**PROTECTION OF WATER ENVIRONMENT**  
**FROM POLLUTION**

**CHAPTER ONE**  
**POLLUTION FROM SHIPS**

**Section One**  
**Oil Pollution**

**Article 48:**

The aim of protecting the water environment from pollution is to achieve the following objectives:

- a. To protect the coasts and ports of the Arab Republic of Egypt from the risks of pollution in all its forms and shapes.
- b- To protect the environment of the territorial sea and the exclusive economic zone and their living or non-living natural resources by preventing, controlling and reducing pollution from any source.
- c- To protect the natural resources in the economic zone and the continental shelf.
- d- To compensate any natural or juridical person for any injury they sustain from the pollution of the water environment.
- e- The Integrated Environmental Management of Coastal Zones that ensures management of its resources to achieve sustainable development<sup>26</sup>.

The Minister competent of Environmental Affairs, in coordination with relevant authorities, shall fulfill the aforementioned objectives, as well as objectives of the Integrated Environmental Management of Coastal Zones<sup>27</sup>.

**Article 49:**

Ships of any nationality are forbidden to discharge oil or oily mixtures in the territorial sea or the exclusive economic zone of the Arab Republic of Egypt.

Military ships or support naval vessels of the Arab Republic of Egypt and other ships owned or operated by the state or by public authorities which are used in non-commercial governmental service and which are not subject to the provisions of the Convention shall take all necessary precautions to prevent pollution of the territorial sea or the exclusive economic zone of the Arab Republic of Egypt.

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<sup>26</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>27</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009



**Article 50:**

Ships registered in the Arab Republic of Egypt are forbidden to discharge oily or oil mixtures into the sea, in accordance with the Convention and international agreements to which the Arab Republic of Egypt adheres.

**Article 51:**

Foreign oil tankers calling at Egyptian ports must comply with all the requirements of Rule 13 of Annex 1 of the Convention as amended.

Oil tankers used in short voyages are exempt from these requirements pursuant to Rule 13c of the Convention as amended, as are oil tankers navigating the Suez Canal which are not obliged to discharge unclean ballast water.

**Article 52:**

National and foreign companies and organizations licensed to explore, extract or exploit off-shore oil fields and other marine natural resources, including oil transport facilities, are forbidden to discharge any polluting substances resulting from drilling, exploration, testing of wells or production in the territorial sea or the exclusive economic zone of the Arab Republic or Egypt. They are held to use safe measures not liable to harm the water environment and to treat any discharged waste or polluting substance according to the available technical methods and in accordance with the regulations of international conventions.

**Article 53:**

Without prejudice to the provisions of Law 79 of 1961 concerning marine disasters and shipwrecks, representatives of the competent administrative authority or judicial officers vested with the power to effect seizures shall be entitled to order the captain or the person in charge of the ship to take appropriate protection measures against the effects of pollution in the event of an accident involving a ship carrying an oil cargo which may pollute the territorial sea or the exclusive economic zone of the Arab Republic of Egypt.

**Article 54:**

The penalties prescribed in this Law shall not apply to cases of pollution resulting from:

- a- Securing the safety of a ship or the lives of those on board.
- b- Discharge resulting from damage to a ship or its equipment, provided such damage was not caused by the master or the person in charge to disable or destroy the ship or as a result of negligence. In all cases, the master of the ship or the person in charge thereof must have taken before and after the occurrence of damage all necessary precautions to prevent or reduce the effects of pollution and must have immediately notified the competent administrative authority.

- c- A sudden break in the pipeline carrying oil or oily mixtures during the operating, drilling, exploring or testing of oil wells, without any negligence in supervising or maintaining the pipelines, provided sufficient precautions to supervise the operation of the pipeline and immediate measures to control the pollution and its sources have been taken.

This shall be without prejudice to the right of the competent authority to recover the costs of removing the effects of pollution from the party responsible therefor and to claim damages for losses incurred and injuries sustained by reason of such pollution.

#### **Article 55:**

The owner of the ship, its master or any person responsible therefor and those responsible for means of oil transport within the port areas or the territorial sea or the exclusive economic zone of the ARE and the companies working in the field of oil extraction are held to notify the competent administrative authorities of any oil spill immediately on its occurrence, with a description of the circumstances of the accident, the type of oil involved and the measures taken to stop or reduce the spill and such other information as determined in the Convention and the executive regulations of this Law.

In all cases, the competent administrative authorities are held to notify the EEAA of all particulars concerning the incident promptly on its occurrence.

#### **Article 56:**

All loading ports, ports equipped to receive oil tankers and all dockyards must be fitted out with the necessary equipment to receive unclean ballast water and the bilge water from cleaning the tanks of oil tankers and other ships.

Ports must be equipped with enough barges and containers to receive the deposits, residues, and waste of oil and oily mixtures from ships docked in port.

No ship or tanker may be licensed to carry out loading and unloading works except after referring to the competent administrative authority which will receive and direct it to the locations for the disposal of waste and unclean ballast water.

#### **Article 57:**

The competent minister shall determine the tools and equipment for reducing pollution with which all ships registered in ARE or off-shore platforms installed in the water environment must be fitted out.

Foreign ships calling at Egyptian ports or passing through their littoral zones must be fitted out with pollution reducing equipment in accordance with the provisions of the Convention and its annexes.

**Article 58:**

Owners or masters of ships registered in the ARE as well as of ships pertaining to the states adhering to the Convention are held to keep a register of the oil on board in which shall be entered all operations relating to oil in the manner determined in the Convention, and in particular the following operations:

- a- Loading, delivery or other oil cargo transport operations, while designating the type of oil.
- b- Discharge of oil or oily mixture to secure the safety of the ship or its cargo or to save lives, while designating the type of oil.
- c- Oil or oily mixture spills as a result of a collision or accident, while indicating the size of the spill.
- d- Discharge of unclean ballast water or of bilge water from cleaning the tanks.
- e. Disposal of polluting waste.
- f. Discharge of machinery space bilges, containing the oil collected within the machinery space, outside the ship while in port.

The executive regulations shall determine the means of recording the processes of discharging oil or oily mixture, in respect of off-shore platforms installed in the water environment.

**Article 59:**

Without prejudice to the provisions of the International Convention on Civil Liability for Injuries Resulting from Oil Pollution Accidents signed in Brussels in 1969 as amended, all oil tankers whose total tonnage amounts to 2,000 tons or more and which are registered in ARE, and other oil transport equipment whose total tonnage amounts to 150 tons or more operating in the territorial sea or the exclusive economic zone of ARE, are held to present a financial guarantee certificate in the form of insurance or indemnity bond or any other form of guarantee to the competent administrative authority in accordance with the guidelines laid down in a decree from the Minister of Maritime Transport in agreement with the Minister of Petroleum and the Minister for Environmental Affairs.

The guarantee certificate must be presented when the tanker enters the territorial sea and shall be valid and cover all damages and compensation as assessed by the competent administrative authority.

With regard to ships registered in a country adhering to the International Convention on Civil Liability for Injuries Resulting from Oil Pollution Accidents,

such certificate shall be issued from the competent authority in the country where the ship is registered.

## **Section Two**

### **Pollution by Harmful Substances**

#### **Article 60:**

It is prohibited for tankers carrying harmful liquid substances to discharge any harmful substances, waste or deposits intentionally or unintentionally, directly or indirectly, resulting in harm to the water environment or public health or to other legitimate uses of the sea. It is also prohibited for ships carrying harmful substances in receptacles, cisterns portable tanks or land or railroad containers to dispose of such substances in the territorial sea or in the exclusive economic zone of ARE.

It is prohibited to throw dead animals in the territorial sea or the exclusive economic zone of ARE.

#### **Article 61:**

All loading and unloading ports equipped to receive the tankers referred to in the first paragraph of the previous article, as well as all dockyards, shall be fitted out with adequate facilities to receive the harmful liquid substances and their wastes.

#### **Article 62:**

Tankers carrying harmful liquid substances must be provided with a cargo register pursuant to the Convention, in which the master of the ship or the person responsible for it shall record all operations as stated in the Convention.

#### **Article 63:**

Representatives of the competent administrative authority and the judicial officers vested with the power to effect seizures shall have the authority to order the ship's master or the person responsible for it to take the necessary measures to reduce the effects of pollution in the event of an accident to any ship carrying harmful substances that may pollute the territorial sea or the exclusive economic zone of the ARE in any way. Ships carrying harmful substances are forbidden to dump polluting substances and waste in the continental shelf or the exclusive economic zone of ARE.

#### **Article 64:**

The provisions of Article 54 of this Law shall apply to cases of pollution resulting from measures taken to save lives on board or to save the ship itself from harm.

**Article 65:**

The ship's master or the responsible person is held to implement all the conditions stated in Rule 8 of Annex 2 of the Convention.

**Section Three****Pollution from Sewage and Garbage****Article 66:**

Ships and off-shore platforms are prohibited from discharging their polluted waste-water in the territorial sea or the exclusive economic zone of the ARE. It must be disposed of according to the criteria and procedures laid down in the executive regulations of this Law.

**Article 67:**

All ships and off-shore platforms working in the field of exploration and exploitation of natural and mineral resources in the water environment of the ARE as well as ships calling at Egyptian ports, are forbidden to dispose of their garbage in the territorial sea or in the exclusive economic zone. Ships are held to deliver garbage to the reception facilities or to places designated by the competent administrative authority for fees to be fixed by a decree of the competent Minister.

**Article 68:**

All loading and unloading ports, all ports equipped to receive ships and all stable or floating dockyards must be fitted out with the necessary and adequate facilities to receive polluted waste water and garbage from ships.

**CHAPTER TWO****POLLUTION FROM LAND BASED SOURCES****Article 69:**

It is prohibited for all establishments, including public places and commercial, industrial, touristic and service establishments, to discharge or throw any untreated substances, wastes or liquids which may cause pollution along the Egyptian sea shores or adjoining waters either directly or indirectly, intentionally or unintentionally. Each day of such prohibited discharge shall be considered as a separate violation.

**Article 70:**

No building permits shall be granted for establishments or public places on or near the sea shore, which would result in the discharge of polluting substances in violation of the provisions of this Law and the decrees issued in implementation thereof unless the applicant for such permit conducts environmental impact studies and undertakes to provide waste treatment units and to operate them as soon as the establishment commences work.

**Article 71:**

The executive regulations of this Law shall define the specifications and criteria which must be observed by industrial establishments allowed to discharge degradable polluted substances after they have been treated. The administrative authority, specified in the said executive regulations, shall conduct periodic analysis of samples of the treated liquid waste in its laboratories and notify the competent administrative authorities of the results. In case of violations, the party concerned shall be granted a grace period of one month to treat the waste and render it compatible with the said specifications and standards. If treatment is not completed within the grace period as aforesaid or if the tests carried out during such period prove that continued discharge would result in severe harm to the water environment, discharge shall be halted by administrative means and the establishment license shall be revoked without prejudice to the penalties prescribed in this Law. In addition, the executive regulations shall specify the non-degradable polluting substances which industrial establishments are prohibited from discharging in the water environment.

**Article 72<sup>28</sup>:**

Taking into consideration provisions of Article (96) of this law, the person in charge of managing the establishments, mentioned in Article (69) of this law, discharging in the water environment, shall be held responsible for any acts committed by his employees in violation of provisions of the said article, if his full knowledge of such violation is proven and if the crimes was committed due to negligence of his duties, in which case he shall be penalized as per Article (84 Bis) of this law.

**Article 73<sup>29</sup>:**

It is prohibited to construct any establishment within 200 meters of the Egyptian coast lines without the agreement of EEAA and the competent administrative authority. The executive regulations of this Law shall lay down the procedures and conditions to be followed in this connection.

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<sup>28</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>29</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Article 74<sup>30</sup>:**

It is prohibited to take any measures that may affect the natural coast line or alter its configuration either inwards or outwards, without the agreement of EEAA and the competent authority. The executive regulations of this law shall regulate the procedures and conditions to be followed in this connection.

**Article 75<sup>31</sup>:**

The representatives of the concerned administrative authorities shall be entitled, each within its scope of competence, to enter the exclusion zones referred to in articles 73 and 74 of this Law in order to inspect works being carried out therein. If they discover that works contrary to the foregoing provisions are being executed or are intended to be executed, the violator shall be ordered to restore matters to their original state otherwise the works will be halted administratively and matters restored to their original state at the expense of the violator and the beneficiary jointly. Payment shall be collected by means of administrative attachment.

### **CHAPTER THREE**

#### **INTERNATIONAL CERTIFICATES**

**Article 76:**

Egyptian ships are held to obtain from the Ports and Lighthouse Department the international oil pollution prevention certificate or the international certificate for the prevention of pollution resulting from cargoes of harmful liquid substances in bulk. The issuance of the said certificates shall be in accordance with the provisions and conditions set forth in the Convention and the validity of the certificate shall not exceed five years from the date of its issuance.

**Article 77:**

All ships regularly carrying oil to or from Egyptian ports or from other oil transportation means within the territorial sea or the exclusive economic zone of ARE and which fly the flag of a state that is a signatory of the Convention must carry the international oil pollution prevention certificate which should be valid according to the Convention.

With regard to ships subject to the provisions of para 1 of this Article and flying the flag of a state that does not adhere to the Convention, the Minister of Maritime Transport shall determine the oil pollution prevention certificate that will be granted by the Ports and Lighthouse Department before licensing such ships to carry oil on a regular basis from an Egyptian port or from one of the means of oil transport within the exclusive economic zone.

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<sup>30</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>31</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

## CHAPTER FOUR

### ADMINISTRATIVE AND JUDICIAL PROCEDURES

#### **Article 78:**

Representatives of competent administrative authorities and consular officials abroad shall be deemed judicial law officers vested with the power to effect seizures in respect of the application of the provisions of Part Three of this Law. The Minister of Justice in agreement with the competent ministers can vest other officials with this capacity according to the needs for implementing this Law and in compliance with the rules of International Law.

#### **Article 79:**

The judicial officers referred to in the preceding article are authorized in case of violation, and if the ship's master or the person responsible therefore wishes to leave the port immediately, to collect sums of money on a temporary basis pending settlement of the fines imposed and the damages awarded pursuant to the provisions of Part Four of this Law, provided the amount so collected shall not be less than the minimum prescribed for the violation in addition to all expenses and damages determined by the competent administrative authority to remove the effects of the violation.

A financial guarantee covering the value of these amounts and accepted by the competent administrative authority may be presented, without prejudice to the provisions of the International Convention on Civil Liability for Oil Pollution signed in Brussels in 1969.

#### **Article 80:**

Without prejudice to the provisions of the Code of Criminal Procedure, the officers referred to in article 78 shall be entitled to board ships and off-shore platforms, and to enter establishments built on the shore and inspect the means used to transport oil and marine polluting substances to ensure compliance with the provisions of this Law and the decrees issued in implementation thereof as well as the availability of waste treatment equipment.

The competent administrative authority shall issue its decision on what it regards as necessary for the protection of the marine environment in the light of the results of this procedure. The party concerned can object to this decision before the appeals committee mentioned in article 81 of this Law within fifteen days from the date of his notification thereof. Such objection shall not result in suspending implementation of the decision unless the said committee issues a decision to suspend its implementation until the settlement of the dispute.



**Article 81:**

The minister concerned, as designated by the executive regulations of this Law shall issue a decree for the formation of the appeals committee. The committee shall be located within the working area of the port or in a nearby administrative authority and shall consist of the following members:

- A counselor from the State Council - Chairman.
- Representative of EEAA.
- Representative of the Ports and Lighthouses Department
- Representative of the Ministry of Defense.
- Representative of the Ministry of Petroleum and Mineral Wealth.
- Representative of the competent administrative authority within the scope of whose activities the violation occurred.

The committee may solicit the advice of one or more experts in the field of water environment. The function of this committee shall be to settle administrative disputes arising from the implementation of the provisions of Part Three of this Law. The committee shall issue its decision, after hearing both parties, by a majority decision of members present and in case of a tie, the chairman shall have the casting vote. The parties concerned may challenge the committee's decision before the Administrative Court of the State Council.

**Article 82:**

Every master or user of a ship calling at the Egyptian ports or licensed to operate in the territorial sea or the exclusive economic zone of ARE should provide the representatives of the competent administrative authority or the judicial officers responsible for implementing the provisions of this Law with the facilities required to perform their functions.

**Article 83:**

The competent administrative authorities may request assistance from the ministries of defense, interior, petroleum, and mineral resources, as well as from the Suez Canal Authority or any other competent agency, in implementing the provisions of Part Three of this Law according to the conditions laid down in the decree of the competent Minister.

**Article 83 Bis<sup>32</sup>:**

Any violation of this law shall be considered expeditiously.

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<sup>32</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**PART FOUR****PENALTIES****Article 84<sup>33</sup>:**

Without prejudice to any more severe penalty prescribed in another law, any person violating provisions of Article (28) of this law shall be subject to imprisonment and/or a fine of not less than L.E. five thousand and not more than L.E. fifty thousand.

In all cases, the court shall order confiscation of seized birds, animals, living organisms, plants and fossils, as well as machinery , weapons, equipment , means of transportation used in committing the crime.

**Article 84 Bis<sup>34</sup>:**

Penalties for violating provisions of Articles 22, 37(item a), 69 of this law shall be imprisonment for a period of not more than one year and/or a fine of not less than L.E. five thousand and not more than L.E. one hundred thousand.

Whoever violates provisions of Articles 19, 23 of this law shall be fined a sum of not less than L.E. fifty thousand and not more than L.E. one million.

In case of recidivism the minimum and maximum sum of the fine shall be doubled, and the maximum period of imprisonment shall be doubled.

In addition to the previous original penalties, there may be a sentence of closing down the establishment, cancellation of the issued license or suspension of the violating activity.

**Article 84 Bis-1<sup>35</sup>:**

Whoever violates the provisions of Article (13 Bis) (item d) of this law shall be fined a sum of not less than L.E. ten thousand and not more than L.E. one hundred thousand.

In addition to the abovementioned penalty, there may be a sentence of closing down the consultancy firm that practices consulting services without acquiring the Accreditation Certificate referred to in Article (13 Bis) of this law.

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<sup>33</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>34</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>35</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Article 85:**

Whoever violates the provisions of Articles 30, 31 and 33 of this Law shall be imprisoned for a period of not less than one year and/or fined ten thousand to twenty thousand Egyptian Pounds.

**Article 86:**

Whoever violates the provisions of article 36 of this Law shall be fined a sum of not less than two hundred Egyptian Pounds and not more than three hundred Egyptian Pounds. As to violations of the provisions of article 39 of this Law, these shall be punishable by a fine of not less than five hundred Egyptian Pounds and not more than one thousand Egyptian Pounds. The court may order the suspension of the license for a period of not less than one week and not more than six months, and in case of recidivism, the court may revoke the license.

**Article 87<sup>36</sup>:**

Whoever violates provisions of Article (42, first paragraph) of this law shall be fined a sum not less than L.E. five hundred and not more than L.E. two thousand; in addition to confiscating the machinery and equipment used in the violation.

Whoever violates provisions of Articles 35, 37 (items b and d), 38, 40, 41, 43, 44, 45, 46 (first paragraph), 47 Bis of this law, shall be fined a sum not less than L.E. one thousand and not more than L.E. twenty thousand.

In case of recidivism, the fines provided in the two preceding paragraphs shall be doubled.

Whoever violates provision of the second paragraph of Article 46 of this law shall be fined a sum of not less than L.E. fifty and not more than L.E. one hundred.

**Article 88:**

Any person who violates the provisions of articles 29, 32, and 47 of the present Law shall be punished by imprisonment for a term of not less than five years and a fine of twenty thousand Egyptian Pounds to forty thousand Egyptian Pounds. Whoever violates the provisions of Article 32 shall be held to re-export the hazardous wastes subject of the crime at his own expense.

**Article 89:**

Any person who violates the provisions of article 2, the last paragraph of article 3, or articles 4, 5, and 7 of Law No. 48 of 1982 concerning the protection of the River Nile and waterways from pollution, and of the decrees issued in implementation thereof shall be fined a sum of not less than two hundred Egyptian Pounds and not more than twenty thousand Egyptian Pounds.

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<sup>36</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

In case of recidivism, the penalty shall be both imprisonment and the fine provided for in the previous paragraph.

In all cases, the violator shall be held to remove or rectify the violating works by the date determined by the Ministry of Public Works and Water Resources. If the violating works are not removed or rectified by the due date, the Ministry of Public Works and Water Resources shall have the right to take procedures to remove or rectify the violation by administrative means, at the expense of the violator, without prejudice to the right of the Ministry to revoke the license.

**Article 90<sup>37</sup>:**

Whoever commits one of the following offenses shall be fined a sum of not less than L.E. three hundred thousand and not more than L.E. one million:

1- Discharging or disposing oil or oily mixtures or harmful substances in the territorial sea or the exclusive economic zone in violation of Articles (49) and (60) of this law.

2- Failing to comply with the required treatment of the discharged waste and polluting substances discharged, or failing to use safe procedures that prevent damage to the marine environment in violation of provisions of Article (52) of this law.

3- Deliberate disposal or dumping, in the territorial sea or the exclusive economic zone, of ships or parts thereof, as well as industrial installations, polluting substances or garbage whatever their sources might be.

In case of recidivism, the penalty shall be both imprisonment and the fine provided for in the preceding paragraph of this Article.

In all cases, the violator shall be committed to removing the effects of the violation within the deadline determined by the competent administrative authority; otherwise, the administrative authority shall proceed with the removal at his own expense.

**Article 91<sup>38</sup>:**

A penalty of imprisonment and / or a fine of not less than L.E. three hundred thousand and not more than L.E. one million, together with the violator's commitment to pay expenses of removing the effects of such violation, as prescribed by the authorities commissioned to effect removal, shall be imposed on any one violating provisions of Article 54-b, if unloading resulting from damage to the ship or its equipment is carried out in order to delay or damage the ship or is due to negligence.

The fine shall be doubled in case of recidivism and the Executive Regulation of this law shall lay down parameters for determining costs of removing the violation effects in reference to the pollution extent and the environmental consequences arising from violation of this Article.

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<sup>37</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>38</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Article 92:**

Whoever commits one of the following acts shall be fined a sum of not less than seventy thousand Egyptian Pounds and not more than three hundred thousand Egyptian Pounds:

1. Fails to fit out a foreign ship using Egyptian ports or navigating through the special marine area with pollution control equipment, in violation of article 57 of this Law.
2. Fails to take the necessary precautions to prevent or reduce the effects of pollution before and after the occurrence of damage to the ship or to its equipment or fails to promptly notify the competent administrative authority of the discharge resulting from damage to the ship or to its equipment in violation of the provisions of article 54-b of this Law.
3. Fails to promptly notify the competent administrative authority of any oil spill, the circumstances in which it occurred, the nature and percentage of the substance discharged and the measures taken, in violation of the provisions of article 55 of this Law.

The fine shall be doubled in case of recidivism in respect of item (1), while the repetition of the violations mentioned in items (2) and (3) shall be punished by imprisonment and/or a fine of not less than three hundred thousand Egyptian Pounds and not more than five hundred thousand Egyptian Pounds.

In all cases, the violator shall be held to remove the effects of the violation within the time frame determined by the competent administrative authority, otherwise the administrative authority shall proceed with their removal at the expense of the violator.

**Article 93:**

Whoever commits one of the following acts shall be fined a sum of not less than forty thousand Egyptian Pounds and not more than two hundred thousand Egyptian Pounds:

1. Loading and unloading works by ships or tankers without having a license from the competent administrative authority in violation of the provisions of article 56 of this Law.
2. Failure of the ship or the tanker to keep the certificates and registers stipulated in articles 58, 62, 76 and 77 of this Law.
3. Discharges polluted waste-water or throws garbage from ships in violation of the provisions of articles 66 and 67 of this Law.
4. The penalty shall be a fine of not less than L.E. one hundred thousand and not more than L.E. five hundred thousand, to be imposed on any one violating provisions of Article (50) of this law, if any ship registered in the

Arab Republic of Egypt discharges or dispose oil or oily mixtures into the sea<sup>39</sup>.

**Article 94:**

Whoever commits one of the following acts shall be fined a sum of not less than forty thousand Egyptian Pounds and not more than one hundred and fifty thousand Egyptian Pounds:

1. Fails to fit out the ships registered in ARE with the instruments and equipment necessary to reduce pollution in violation of the provisions of article 57 of this Law.
2. Contravenes the orders of the inspectors of the competent administrative authority or the judicial officers in case of an accident to a ship carrying oil or harmful substances pursuant to the provisions of articles 53 and 63 of this Law.

**Article 94 Bis** <sup>40</sup>:

A penalty of imprisonment and/or a fine of not less than L.E. one million and not more than L.E. five million shall be imposed on any one dump hazardous wastes in the territorial sea, exclusive economic zone or continental shelf, as well as violator shall be held to pay expenses of removing the effects of such violation and the required environmental compensations.

**Article 95:**

Whoever intentionally violates the provisions of this Law shall be punished by imprisonment for a term of not more than 10 years if such violation results in causing a permanent incurable disability to an individual. The penalty shall be imprisonment if the violation results in causing this infirmity to three or more persons.

If the violation results in the death of a person, the penalty shall be temporary hard labor, and if it results in the death of three persons or more the penalty shall be permanent hard labor.

**Article 96:**

The ship's master or the person responsible therefore and the parties to contracts for the exploration, extraction and exploitation of marine oil fields and other natural resources including oil transport facilities as well as the owners of the establishments mentioned in article 69 of this Law shall be jointly liable, each within his scope of competence, for any harm that befalls any natural or juridical person as a result of a violation of the provisions of this Law as well as for payment of imposed fines and the expenses of removing the effects of such violations.

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<sup>39</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

<sup>40</sup> Added by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Article 97:**

The penalties stipulated in the previous articles shall be imposed on all ships of all nationalities and types including those belonging to states not bound by the Convention if they discharge oil or oily mixtures or commit prohibited dumping or submerging in the territorial sea or the exclusive economic zone of the ARE.

**Article 98:**

Whoever violates provisions of Articles (73, 74) of this law shall be punished by imprisonment for a period of not more than six months and/or a fine of not less than L.E. five thousand and not more than L.E. fifty thousand<sup>41</sup> .

The court may not order a stay of execution of the fine, and in all cases, the violating works must be halted and removed by administrative means at the expense of the violator and the machinery, equipment and materials used in these works shall be seized without awaiting a court sentence. In case of conviction, such machinery and equipment shall be confiscated.

**Article 99:**

Jurisdiction over the crimes referred to in this Law shall lie with the court within the circumscription of which any such crime is committed, if it is committed by the ships referred to in article 97 within the territorial waters of the ARE or in the exclusive economic zone. The court shall rule on the case expeditiously.

Jurisdiction over the crimes committed outside the two areas mentioned in this article shall lie with the court within the circumscription of which the port in which the ship flying the Egyptian flag is registered.

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<sup>41</sup> Substituted by Law No.9/2009 issued in the official Journal- issue No.(9-Bis) on 1/3/2009

**Article 100:**

Without prejudice to the provisions of Article 79, the competent administrative authority may take legal procedures to detain any ship which fails to pay the instant fines and/or in the summary cases stipulated in the said article.

Such detention shall be lifted if due payments are made or an unconditional financial guarantee accepted by the competent administrative authority is presented.

**Article 101:**

The imposition of the penalties stipulated in this Law shall be without prejudice to the imposition of any more severe penalty prescribed in another law.

## **FINAL PROVISIONS**

**Article 102:**

Without prejudice to the provisions of article 78 of this Law, the employees of the EEAA and its branches in the governorates designated by a decree of the Minister of Justice in agreement with the Minister in charge of Environmental Affairs shall have the capacity of judicial officers vested with the power to effect seizures in proving the commission of crimes in violation of the provisions of this Law or the decrees issued in implementation thereof.

**Article 103:**

Every citizen and organization concerned with the protection of the environment shall have the right to report any violation of the provisions of this Law.

**Article 104:**

Inspectors of administrative authorities concerned as well as the inspectors of the Environmental Affairs Agency (EEAA) who have the capacity of judicial officers in matters relating to the environment shall be held, each in his field of competence, to report to the authority to which they belong any violation of the provisions of this Law and the authorities concerned shall then take the necessary legal procedures.