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سلطنة عُمان



وزارة البلديات الإقليمية والبيئة وموارد المياه

The Law on Conservation of The Environment and Prevention of Pollution

Issued by

Royal Decree No. (114/2001)

**Issued by the Law on Conservation of
The Environment and Prevention of Pollution**

**Royal Decree
No. 114/2001**

WE, QABOOS BIN SAID, SULTAN OF OMAN,

After persual of the basic law of the state issued by the royal decree No.101/96, and

The law on conservation of the Environment and Prevention of Pollution issued by

the Royal Decree No.10/82, and

The Royal Decree No.86/2001 specifying the responsibilities of the Ministry of

Regional Municipalities, Environment and Water Resources and approving its

organizational structure, and

In accordance with exigencies of the public interest

HAVE DECREED AS FOLLOWS

Article 1

The provisions of the attached law on Conservation of the Environment and Prevention of Pollution shall have effect.

Article 2

The above-mentioned Royal Decree No.10/82 and all that contravenes the attached law shall be cancelled.

Article 3

The Minister of Regional Municipalities, Environment and Water Resources shall issue regulations and decisions necessary for enforcement of the attached law. Until then the current regulations and decisions shall remain applicable in such a manner that shall not conflict with provisions of this law.

Article 4

This Royal Decree shall be published in the Official Gazette and shall come into force from the date of its issue.

Issued on 28 Shaban 1422AH
Corresponding to 14 November 2001

QABOOS BIN SAID
SULTAN OF OMAN

LAW ON CONSERVATION OF THE ENVIRONMENT & PREVENTION OF POLLUTION

Chapter one

Definitions and General Provisions

Article 1

In the application of this law the following words and expressions shall have the meaning assigned to each of them unless the context otherwise requires:

The Ministry:	The Ministry of Regional Municipalities, Environment & Water Resources.
The Minister:	The Minister of Regional Municipalities, Environment & Water Resources.
The Directorate General:	The Ministry's Directorate General of Environmental Affairs/Directorate General of Regional Municipalities, Environment & Water Resources in the concerned Governorate/Region.
The Environment:	The setting in which human beings live, including living organisms such as animal and plants as well as the surrounding air, water, soil and solid, liquid, gaseous or radioactive substances in addition to man-made stationary or non-stationary establishments.
Sustainable Developments:	Linking environmental conditions with planning and development policy in order to satisfy needs and aspirations of the present generation without endangering future needs and requirements.
Air:	The mixture of gases to which living and non-living organisms are exposed in public, private or working-place.
Water:	Includes: <ul style="list-style-type: none">a) Internal surface and/or ground water within the territories of the Sultanate of Oman whether such water is fresh, saline or brackish.b) Marine water of the Sultanate's Exclusive Economic Zone i.e. the water belt extending 200 nautical miles from the base line from which the width of the regional sea is measured, subject to the provisions of the Royal Decree No.15/81 concerning the Regional Sea, the Continental Shelf and the Economic Exclusive Zone beyond the two hundred nautical miles
Oil:	All kinds of crude oil and its derivatives including liquid hydrocarbons, lubrication oil, refined oil, furnace oil, tar and other substances extracted from oil and its waste.

Wildlife:	All kinds of living organisms such as plants, animals, bacteria, fungi and others existing within or outside their habitat.
Nature conservation areas:	Areas designated for the conservation of one or more species of wildlife particularly endangered ones whose removal, hunting, transporting or damaging is prohibited. These areas shall also include archaeological sites or natural scenic and public natural parks.
Environment protection:	Conservation of the components of the environment and its properties, natural balance and ecosystems and preventing its deterioration or pollution through reduction and control of such pollution and conservation of natural resources, rationalization of their use and protection of living organisms particularly the rare and endangered ones.
Environmental Pollution:	Alteration or impairment of the properties or quality of the environment through direct or indirect introductions of any polluting substances or factors posing danger to human or wild life health or causing damage to the ecosystems, rendering them unsuitable for their intended purposes.
Deterioration of the environment:	Environmental impacts, which minimize its value change its nature or deplete its natural resources.
Environmental damage:	Damage to the environment, which affects, directly or indirectly, its properties and functions or minimizes its capacity.
Environmental disaster:	Accidents resulting from natural factors or human acts causing pollution, deterioration of the environment or serious damage to living organisms or establishments.
Environmental pollutants:	Solid, liquid, gaseous substances or fumes, vapours, odours, noise, radiation, heat, vibration or others which directly or indirectly lead to environmental pollution.
Discharge:	Direct or indirect dumping, leaking, emitting, pumping, pouring, discharging or disposal of any environmental pollutants into air, water or soil.
Discharge specifications:	The rate of concentration of any pollutant contained in the discharged matter during a specific period or operation cycle.
Pollution Standard:	The maximum discharge level, which should not be exceeded during a specific period of time.
Final point of discharge:	The point at which pollutants from the area of work are discharged and after which the owner cannot control the discharge resulting from his activities.

Reception facilities:	Installations, equipment and docks designated for receiving, storage, settlement, treatment and discharge of pollutants or ballast water, as well as installations provided by companies involved in oil loading and unloading or other agencies responsible for ports and waterways.
The owner:	Any natural or juristic person (public, private, national or foreign) owning or leasing a source or an area of work or being responsible for operation or management of the same.
Source:	The process or activity, which may directly or indirectly, cause environmental pollution.
Area of work:	A terrestrial, coastal or a float site in ports or in Exclusive Economic Zone of the Sultanate where one or more sources of pollution exist.
Safe area:	The area separating the source or area of work from the ecosystem, which requires a special protection. The Ministry shall determine such area and the activities to be practiced therein.
Environmental Inspector:	Any employee appointed by the Ministry to enforce the provisions of this law and its implementing regulations and decisions.
Marine structures:	The facilities which work or are prepared to work in navigation including oil tankers, commercial and warships, any floating marine structures of any type or those moving on air cushions or immersed in water and every stationery or mobile facility constructed on the coast or water surface with aim of practicing any commercial, industrial, tourist, scientific or military activity.
Natural resources:	Non-man made, living or non-living, components of the environment.
Environmental permit:	The approval issued by the concerned authority in the Ministry including the permission given to the owner to practice a certain activity after ensuring its environmental integrity.
Environmental impact assessment study:	A study conducted to determine whether the source or area of work would have any adverse impact on the environment including measures required to deal with such impact.
Hazardous substances:	Natural or manufactured substances with harmful, toxic, explosive or combustible properties or those capable of causing corrosion or having radiation activity of more than

100 Becquerels /gm. occurring in the environment in such quantities or concentrations that may cause damage to the characteristics of the environment, human or wildlife health, or affect embryos.

Waste:

The various types of refuse resulting from industrial, mining, agricultural, handicraft, domestic, hospitals, public establishments or other operations, which are disposed, recycled or neutralized in accordance with the provisions of the laws in force in the Sultanate.

Oil mixture:

Any mixture containing any fraction of oil.

Hazardous waste:

Waste that maintains its toxic, explosive and combusting properties or its capability to cause corrosion or having radiation activity of more than 100 Becquerels /gm. and which by its nature, formation, quantities or otherwise, poses risks to human health and life or to the environment whether by itself or as a result of its contact with other waste.

Nuclear plant:

Nuclear reactors, nuclear fuel cycle plants, nuclear accelerators and radioactive materials that produce nuclear radiation exceeding 100 Becquerels /gm.

Nuclear waste:

Waste having radiation activity more than 100 Becquerels /gm. which poses risk to human life and health or the environment whether by itself or as a result of its contact with other waste.

**Handling
Hazardous substances and
waste:**

All operations of moving hazardous substances or waste for the purpose of collecting, transporting, storing, treating, re-using, disposing or re-exporting them, including subsequent care given to their disposal or burial sites.

Dumping:

Includes:

- a) The deliberate disposal of waste or any other materials into the sea from marine structures or aircraft.
- b) The deliberate disposal of marine structures or aircraft into the sea.

Article 2

The Ministry shall represent the Sultanate of Oman in negotiations regarding regional and international environmental conventions and shall have the right to recommend accession or non-accession to such conventions.

Article 3

The environmental inspectors and the persons designated by a decision from the Minister of Justice in agreement with the Minister, shall have judicial powers in respect of enforcement of this law and its implementing regulations and decisions.

Article 4

The Minister shall, after co-ordination with the Ministry of Finance, issue a decision specifying fees payable for obtaining environmental permits issued by the Ministry and the environmental services rendered in accordance with the provisions of this law and its implementing regulations and decisions.

Article 5

Any concerned party may appeal to the Minister against any decision or action taken by the Ministry or the Directorate General within one month from the date of notification of the decision or action, or from the date of his certain knowledge of the same.

Chapter two

Basic Rules and Principles to ensure safety of the Omani Environment

Article (6)

The Ministry shall disseminate environmental knowledge, education and awareness among all sectors of the community. In order to achieve this end, the Ministry has the right to take all actions necessary to manage and protect the Omani environment, in coordination with the concerned bodies.

Each Government unit shall, within scope of its jurisdiction, cooperate with the Ministry in implementation of, and adherence to the provisions of this law. The responsibility for conservation and preservation of the environment is the duty of all, whether individually or in groups.

Article (7)

It is not allowed to use the Omani environment for the disposal of environmental pollutants in such quantities and types that may adversely affect its intactness and its natural resources or nature conservation areas and the historical and cultural heritage of the Sultanate. No pollutants shall be disposed of in the natural ecosystem unless in accordance with the regulations and conditions issued by a decision from the Minister.

Article (8)

No safe area determined by the Ministry shall be used for any purpose contradictory to the provisions of this law and its implementing regulations and decisions.

Article (9)

No establishment of any source or area of work shall be started before obtaining an environmental permit confirming its environmental soundness. The permit shall be issued upon an application to be submitted by the owner to the Ministry. The Minister shall issue a decision specifying procedures, conditions and rules regulating the issuance, duration and renewal of such permit.

Article (10)

The owner shall take necessary measures and adopt the state-of-the-art techniques approved by the Ministry in coordination with the concerned bodies, to minimise generation of waste at the source and to use clean production techniques to prevent pollution of the environment and protect its natural resources.

The owner undertakes to submit a contingency plan for approval by the Ministry. The plan shall be reviewed periodically.

Article (11)

No owner shall, by omission or commission, increase the level of environmental pollution in ecosystems or in nature coservation areas, above the pollution standards and discharge specifications set by a Ministerial Decision.

Article (12)

The owner is prohibited to discharge, order or allow the discharge of any environmental pollutants, at the final point/s of discharge of the source or the area of work under his responsibility, unless the levels of such pollutants are equal to or less than the discharge specifications determined by the implementing regulations and decisions of this law or within the limits equal to or less than the rate specified to the owner at the time of obtaining the environmental permit.

Exempted from the provisions of the preceding paragraph are the cases of discharge to ensure safety of the source or the area of work or to save lives in case of emergency due to unexpected fault in the operations or equipment of the source or area of work, provided that the owner shall take immediate measures to rectify the fault, inform the Ministry and comply with what has been decided by the environmental inspector.

Article (13)

The owner shall immediately inform the Ministry in writing of any discharge that contravenes this law or its implementing regulations and decisions or the issued environmental permit. He shall also inform the Ministry of any incident leading to pollution or damage of the environment. The owner shall specify reasons and nature of the incident or the discharge violation together with the measures taken to rectify the situation, and the time set for it.

The owner shall keep records containing quantities, types and methods of discharge. The Ministry shall have the right to examine these records at any time.

Article (14)

The site on which the source or area of work is established, shall have a reasonable safe area to ensure that pollutants shall not exceed the allowed limits and that the rate of pollution generated by all sources in the area of work is within the limits allowed by the regulations and decisions issued in implementation of this law.

Article (15)

The precautions specified by the regulations and decisions issued in implementation of this law, shall be adopted when various construction works are carried out, or during transportation of the resulting debris or soil, or burning of any fuel. The concerned authorities shall ensure that such precautions have been taken before the issue of the permits.

Article (16)

The owner of any source or area of work which - according to the basis specified by the Ministry - may constitute an avoidable or treatable risk to the environment, shall submit, prior to the application for the environmental permit, a detailed Environmental Impact Assessment study confirming that the benefits of the source or area of work surpass the potential damage to the environment.

The authorities responsible for issuing permits for such sources or areas of work shall require that an Environmental Impact Assessment study be included with the documents submitted for obtaining such permits. The cost of such detailed study and the cost of the measures pertaining to mitigation, treatment or control of such impacts, shall be included in the total cost of the source or the area of work. No permit or license shall be given to practice any activity, which may cause unavoidable or untreatable damage to the environment.

Article (17)

The Ministry shall have the right to take the necessary measures to monitor and control the ecosystems, the natural processes and wildlife species, in the light of which environment conservation policies and methods shall be re-assessed.

Article (18)

The owner of any nuclear establishment or any establishment dealing with radioactive material whether through transportation, storage or usage, shall obtain the prior consent of the Ministry and shall submit for the Ministry's approval, a contingency plan to deal with risks of radioactive pollution.

The Ministry shall monitor nuclear radiation in coordination with regional and international monitoring centres as per the procedures to be specified by the Minister.

Article (19)

No hazardous waste or substance shall be handled, dealt with or disposed of in the Omani environment without obtaining a permit from the Ministry.

Article (20)

No hazardous waste or substances or other environmental pollutants shall be discharged in wadis, watercourses, groundwater recharge areas, rainwater and flood drainage systems or *aflaj* and their channels. It is also not allowed to use or discharge untreated wastewater in the above-mentioned places. No treated wastewater shall be used or discharged unless a permit to that effect is obtained from the Ministry according to procedures and conditions to be specified in a decision by the Minister.

Article (21)

The Ministry shall, in coordination with the concerned bodies, take all measures necessary to conserve soil and combat desertification in accordance with physical characteristics of the soil and the condition of the area. In this regard it is not allowed to:-

- a) Cut down, uproot or damage any tree, shrub or grass in public forests, without obtaining a permit from the Ministry.
- b) Practise any activity which may damage the quantity or quality of the vegetation cover in any area, or which may lead to desertification or deterioration of the natural environment.
- c) Remove stones, uproot trees, shrubs and grass or remove soil or sand from watercourses, beaches, wadis, ponds and water drainage canals and their banks, without obtaining a permit from the Ministry.

Article (22)

No waste or any other substances of whatever kind, form or state shall be dumped into the marine environment without obtaining a permit from the Ministry.

Article (23)

No ship shall discharge oil or oil mixture or any other environmental pollutants in the internal waters or territorial waters or the Exclusive Economic Zone.

Article (24)

The owner, captain or person in charge of a ship shall carry out the instructions issued by the environmental inspector and shall keep necessary records and data.

Article (25)

The owner, captain or person in-charge of any marine structure and those who are responsible for transportation of oil, gas, and environmental pollutants within the territorial waters or the Exclusive Economic Zone, as well as institutions licensed to explore, extract or exploit oil, gas or any hazardous substances whether in water or land, shall immediately notify the Ministry of any oil spill incident. The notification shall specify the circumstances of the incident and type and quantity of spilled substances and the measures taken to stop or control the spillage.

Article (26)

Marine structures or aircrafts or institutions undertaking works pertaining to exploration or exploitation of natural resources or any other works, shall not dump waste, whatsoever it is, into the territorial waters or the Exclusive Economic Zone.

Delivery of waste shall take place at the reception facilities or any other places specified by the Ministry after payment of the prescribed fees.

Article (27)

The institutions engaged in exploitation of natural resources shall set up controls for optimum exploitation of such resources to ensure their conservation and protection from pollution.

Concessions for exploration of oil, gas or any other natural resources shall include provisions that ensure commitment of the contracting parties to observe the provisions of this law and its implementing regulations and decisions.

Article (28)

The Minister shall, in cases where the violation leads to a serious danger or harmful effect on the environment or the public health, take the necessary actions to avoid the damage or mitigate its effect and issue a decision to suspend the violator from practicing his activity for a period not exceeding one month.

The Minister may renew the suspension decision for another period if the violation continues.

Article (29)

Bodies undertaking preparation and implementation of development and land use plans, shall coordinate with Ministry during the preparation of such plans, as well as before and during implementation, and shall observe environmental considerations throughout all stages and planning levels, and shall consider environmental planning in all aspects, in order to realize the concept of sustainable development and give priority to conservation of the environment and prevention of pollution.

Article (30)

The owner shall undertake monitoring work pertaining to implementation of the provisions of this law and shall keep special records for that and shall submit to the Ministry periodic reports about such monitoring works at periods to be specified by the Minister.

Chapter three

Penalties

Article (31)

Without prejudice to any severer penalty provided for in any other law, whoever violates the provisions of Articles (7, 9, 11, 12, 13, 15, 16 and 19) of this law shall be punished with fine not less than RO 200 and not more than RO 2000. The fine shall be increased at a rate of 10% each day as from the fourth day of the violator's notification of the violation.

In the event of continuation of the violation for more than one month, the violator may be suspended from practicing his activity until causes and effects of the violation are removed. Activity in violation shall be removed from the safe area and the competent authorities shall be notified of the same.

Article (32)

Without prejudice to any severer penalty provided for in any other law whoever presents false or misleading statements in the application for environmental permit or the application for obtaining the Ministry's approval for establishment of a source or area of work, shall be punished with imprisonment for a term not exceeding six months and with fine not exceeding 5% of the invested capital or either of these two penalties. Moreover the activity may be stopped and the permit may be cancelled.

Article (33)

Whoever harms or spoils nature conservation areas or wildlife, whether by cutting down, poaching or killing or in any other manner shall be punished with the following:

- a) Imprisonment for a term not less than six months and not exceeding five years and with fine not exceeding RO 5000 and not less than RO 1000 or with any of these two penalties in the event of killing or poaching animals or birds of the first category according to the attached appendix no. (1).
- b) Imprisonment for a term not exceeding three months and with fine not less than RO 100 and not more than RO 1000 or with any of these two penalties in the event of killing or poaching animals or birds of the second category according to the attached appendix no. (2).
- c) Imprisonment for a term not exceeding one month and with fine not less than RO 10 and not more than RO 500 or with any of the two punishments in the event of cutting trees or poaching animals or birds not mentioned in clauses (a) and (b) above.

The Minister may issue a decision to amend or add to the mentioned animal or bird categories. In all cases seized animals, birds, tools and instruments used in committing the violation shall be confiscated and the Minister may order that seized items be used or disposed in the manner he deems fit.

The preceeding punishments shall apply even if the crime against animals and birds is committed after they have been released or moved outside the boundaries of the nature reserve.

Article (34)

Without prejudice to any severer penalty provided for in any other law, whoever contravenes the provisions of Article (20) of this law, and every owner who fails to notify the Ministry of the occurrence of an environmental disaster or discharge violation by reason pertaining to his source or area of work, shall be punished with imprisonment for a term not less than one month and not exceeding one year or with fine not less than RO 500 and not more than RO 50000 or with any of the two penalties.

Article (35)

Without prejudice to any severer penalty provided for in any other law, whoever contravenes the provisions of Article (8) of this law shall be punished with fine not less than 5% and not more than 10% of the invested capital.

Article (36)

Without prejudice to any severer penalty provided for in any other law, whoever prevents or hinders the environmental Inspector from exercising the powers vested in him, shall be punished with imprisonment for a term not exceeding three months and with fine not more than RO 500 or with any of the two penalties, and the court may order closure of the source or area of work for a period not exceeding one month.

Article (37)

Without prejudice to any severer penalty provided for in any other law, whoever contravenes the provisions of Article (18) of this law shall be punished with imprisonment for a term not exceeding three years and not less than six months and with fine not less than RO 5000 and not more than RO 50000 or with any of the two penalties.

Whoever contravenes the provisions of Articles (22) and (26) of this law shall be punished with imprisonment for a term not exceeding two years and not less than one month and with fine not less than RO 5000 and not more than RO 50000 or with any of the two penalties.

Article (38)

Without prejudice to any severer penalty provided for in any other law, whoever contravenes the provisions of Article (21) of this law, shall be punished with imprisonment for a term not less than 10 days and not exceeding three months and with fine not less than RO 500 and not more than RO 5000 or with any of the two penalties. The penalty shall be doubled if the same violation is repeated.

Article (39)

Whoever contravenes the provisions of Article (23) of this law shall be punished with imprisonment for a period not less than one month and not exceeding two years with fine not less than RO 500 and not more than RO 50000 and the ship which committed the violation may be seized.

Article (40)

Whoever contravenes the provisions of Articles (24), (25), and (27) of this law shall be punished with fine not less than RO 1000 and not more than RO 5000. The penalty shall be doubled for repetition of the same violation.

Article (41)

Without prejudice to the penalties provided for in this law, whoever causes environmental damage shall undertake to remove it at his own expense and shall reinstate the environmental status in addition to payment of necessary compensation. In the event of failure of the violator to remove causes of the violation within the specified period, the Ministry shall have the right to arrange for removal of the same at the expense of the violator.

Article (42)

Without any prejudice to any severer penalty provided for in any other law, whoever disposes of nuclear waste in the Omani environment shall be punished with imprisonment for life and with fine not less than RO 100,000 and not exceeding RO 1,000,000 or with any of the two penalties. The violator undertakes to remove causes of the violation and reinstate the environmental status at his own expense in addition to payment of the compensation specified in this regard.

Article (43)

The Minister may specify in the regulations and decisions he issues on the Ministry's exercising of its powers provided for in this law, administrative and judicial punishments for contravention of the provisions of this law. Violations shall be administratively and judicially dealt with in accordance with laws and regulations in effect provided that fine shall not exceed RO 5000 and without prejudice to the penalties provided for in chapter three.

Appendix No. (1)

Animals and Birds of the first category

S. No.	Scientific Name	Common Name
1	<i>Oryx leucoryx</i>	ARABIAN ORYX
2	<i>Panthera pardus</i>	ARABIAN LEOPARD
3	<i>Hemitragus jayakari</i>	ARABIAN TAHR
4	<i>Gazella subgutturosa</i>	REEM (SAND GAZELLE)
5	<i>Gazella gazella</i>	ARABIAN GAZELLE (IDMI)
6	<i>Capra ibex</i>	NUBIAN IBEX
7	<i>Felis Caracal</i>	CARACAL LYNX
8	<i>Chelonia myds</i>	STRIPED HYAENA
9	<i>Felis silvestris</i>	WILD CAT
10	<i>Canis lupus</i>	GREY WOLF
11	<i>Mellivora capensis</i>	HONEY BADGER
12	<i>Felis margarita</i>	SAND CAT
13	<i>Vulpes rueppellii</i>	SAND FOX
14	<i>Lepus capensis</i>	HARE
15	<i>Eretmochelys imbricata</i>	HAWKSBILL TURTLE
16	<i>Chlamydotis undulata</i>	HOUBARA BUSTARD

Appendix No. (2)

Animals and birds of the second category

- Red Fox
- Green Turtle
- Loggerhead Turtle
- Olive Ridely Turtle
- All falcon, owl, vulture, eagle, flamingo, pelican, gull and tern species
- All mammal species not mentioned in Appendix no. (1) except tamed mammals