

Rwanda

Ministerial Order establishing Modalities of Inspecting Companies or Activities that Pollute the Environment

Ministerial Order 5 of 2008

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Assented to on 15 August 2008

Commenced on 15 November 2008

[This is the version of this document from 15 November 2008.]

The Minister of Natural Resources;

Pursuant to the Constitution of the Republic of Rwanda of 4 June 2003 as amended to date, especially in Articles 49, 120, 121, and 201

Given the Organic Law n° 04/2005 of April 8, 2005 determining the modalities of protection, conservation and promotion of the environment in Rwanda especially in its Article 79;

After consideration and approval by the Cabinet in its session of 14/11/2007;

ORDERS:

Chapter One General provisions

Article One – Scope

This Order determines the modalities of inspecting companies or activities that pollute the environment.

Chapter II Inspection of companies or activities that pollute the environment

Article 2 – Inspectors

Without prejudice to laws and regulations governing criminal investigations, officers competent to investigate environmental crimes shall conduct an inspection aimed at protecting the environment as provided for in the following Articles.

Article 3 – Searching

The competent officers mentioned in Article 2, may enter and carry out a search in any place suspected to be carrying out activities which pollute the environment.

When the Officers figure out that they might be harmed by the person under search, the nearest police station or local authority shall be called upon to assist in the process.

The competent Officers can conduct inspection in companies or activities to make sure the environment is conserved and protected, even when the companies or activities are not suspected.

In case of routine inspection, the person to be inspected shall be informed forty eight (48) hours prior to the inspection and it is carried out in his/her presence or in the presence of a person he/she has delegated.

Article 4 – Seizure of polluting products

Competent officers may temporarily seize products which excessively pollute the environment pending a final decision.

The seizure and the storage of the seized products is done in accordance with laws governing criminal procedure.

Article 5 – Sample analysis of suspected products

During the inspection, the competent officer may take samples of suspected products for examination in appropriate laboratories for the purpose of making sure that their components are not harmful to the environment

Article 6 – Routine inspection procedure

During routine inspection there needs to be a standard checklist of what needs to be verified and it should be signed by both the competent officer and the owner of the company or activity after the inspection.

After the inspection, a report shall be sent to the owner of the company or the activity indicating the details and evidence of the activities or products that are harmful to the environment and the effects of that pollution.

Article 7 – Alternative measures

After the inspection, the owner of the company or the person responsible for the activity who has accepted the report made by the competent officers shall indicate alternative means that he/she will be using in order to protect the environment.

Article 8 – Decision of Rwanda Environment Management Authority (REMA)

The decision of the Rwanda Environment Management Authority (REMA) shall be submitted to the owner of the company or the person responsible for the activities not later than thirty (30) days after being availed with alternative means to be used by the owner of the company or the responsible person of the activity.

Article 9 – Procedure to be followed by a contesting party

The contesting party may appeal to the Minister in charge of the environment in a period of fifteen (15) days upon receipt of the report. The contesting party may request another inspection to be carried out by an independent and competent environmental expert.

The expert shall be paid by the contesting party against the report of investigation conducted by Rwanda Environment Management Authority (REMA).

Article 10 – Submission of the report

The report done by an independent expert should be submitted to the Minister in charge of the environment within a period of forty five (45) days and also a copy to REMA. When necessary the expert may request for an additional period.

Article 11 – The Minister’s decision

Based on the report of the independent expert, the decision of the Minister in charge of the environment shall be communicated to the owner of the company or the person responsible for the activities within thirty (30) days after the reception of the expert’s report.

Article 12 – Measures taken against persons obstructing the inspection

Anyone person obstructing the inspection shall be ordered to temporarily stop his/her activities until he/she is ready to cooperate with the inspection officers.

Chapter III Final provisions

Article 13 – Repealing of inconsistent provisions

All prior provisions contrary to this Order are hereby repealed.

Article 14 – Commencement

This Order shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda