Rwanda

Ministerial Order relating to Air Pollutants Emission
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Ministerial Order relating to Air Pollutants Emission
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Chapter One
General provisions

Article One – Purpose of this Order

This Order determines:

1° requirements relating to air pollutants emission;

2° administrative sanctions for violations of provisions of the law governing the preservation of air quality and prevention of air pollution in Rwanda.

Article 2 – Scope of application

This Order applies to the following:

1° all types of motorised means of transport including motorcycles, motor vehicles, motorised boats and machines using petroleum products as a source of energy;

2° permitted activities which do not comply with permissible air pollutants emission standards.

Chapter II
Requirements for compliance with pollutants emission limits

Article 3 – Applicable standards

Applicable standards on pollutants emission limits applicable to motorised means of transport and machines using petroleum products are established by the organ in charge of standards.
Article 4 – Obligations of the owner or operator of a motor vehicle

The owner or operator of a motor vehicle must maintain his or her motor vehicle in line with the best technical practices to keep it within the authorised air pollutants emission limit.

Article 5 – Obligations of the owner or operator of a machine using petroleum products

The owner or operator of a machine using petroleum products must service the machine and maintain it in line with the best technical practices to keep it within the authorised air pollutants emissions limits.

The organ in charge of environment protection monitors the compliance with provisions of the Paragraph One of this Article.

Article 6 – Requirements for a motorcycle to be imported

Every motorcycle imported in Rwanda must be brand new.

However, without prejudice to provisions of other laws, the organ in charge of environment protection may, upon request, authorise importation of second hand motorcycle if it is designed for sports or for persons with disabilities.

No person is authorised to import two stroke motorcycle in Rwanda, except that designed for sports.

Article 7 – Inspection of motorised means of transport

The authority in charge of motor vehicle inspection inspects all motorised means of transport with regard to air pollutants emission.

Chapter III

Air pollutants emission permit

Article 8 – Application for air pollutants emission permit

The application of air pollutants emission permit specifies the following:

1° identification of the applicant;
2° description of the air pollutant activity;
3° location of the air pollutant activity where the application applies;
4° type and origin of pollutants;
5° reasons for exceeding air pollutants emission limits;
6° expected quantities of air pollutants emission;
7° measures put in place to record and monitor air pollutants emission quantities;
8° period for which the permit is applied for;
9° any other information considered necessary for appropriate assessment.
Article 9 – Application fees for a permit
A person applying for air pollutants emission permit in accordance with the provisions of this Order pays fifty thousand Rwandan Francs (50,000 FRW) non refundable to the fund in charge of environment and climate change.

Article 10 – Assessment of an application for a permit
In order to determine whether or not to issue an air pollutants emission permit, the organ in charge of environment protection must:

1° refer to the report of environmental impact assessment or environmental audit conducted;
2° refer to the applicable ambient air quality standards;
3° consider the cumulative effect on the environment likely to result from any such grant;
4° ensure that the prescribed best practicable option is adopted.

The organ in charge of environment protection may require a further study before a final decision on the permit application is made.

Article 11 – Person to undertake further study
The applicant of a permit hires a person or independent organ to undertake further study at the expense of the applicant.

Article 12 – Procedure for issuing a permit
The organ in charge of environment protection, upon receiving the application for air pollutants emission permit, replies to the applicant within twenty (20) days from the date of the request.

In case additional time to days prescribed in Paragraph One of this Article for analysis of the application is required, the organ in charge of environment protection notifies the applicant the expected time it will take.

The organ in charge of environment protection issues the air pollutants emission permit in writing which indicates the conditions of use of the permit, and the applicant countersigns it as an agreement to the imposed conditions.

Article 13 – Obligations of a permit holder
The air pollutants emission permit holder must fulfill the following obligations:

1° to conduct continuous monitoring of air pollutants emissions and other measures to maintain and if necessary, improve ambient air quality;
2° to draw up a report on compliance status of the air pollutant activity and periodically inform thereof the organ in charge of environment protection;
3° to comply with all conditions specified in the permit.

Article 14 – Duration of the permit
The air pollutants emission permit is valid for a period not exceeding two (2) years from the date it is granted and may be renewed.
Article 15 – Permit cancellation

The organ in charge of environment protection cancels the permit for the following reasons:

1º the facility fails to comply with terms of use of the air pollutants emission permit;

2º the facility changes location.

Article 16 – Notification of the change of the owner or operator

The owner or operator holding an air pollutants emission permit notifies in writing the organ in charge of environment protection of the name and address of the new owner or operator within fifteen (15) days after the occurrence of change of the owner or the operator.

The notification must be accompanied by a written commitment of the new owner or operator to comply with terms of the existing air pollutants emission permit. A copy of a notification is sent to respective District authority.

Article 17 – Change of activity of the facility

The owner or operator holding an air pollutants emission permit notifies in writing the organ in charge of environment protection of the change of activity of the facility within fifteen (15) days prior to the change of activity of the facility.

In case the new activity implies air pollutants emissions exceeding permissible standards, the owner or operator applies for air pollutants emission permit as provided for in this Order.

Article 18 – Fees for air pollutants emission

A person who is granted the air pollutant emission permit pays annual fees to the fund in charge of environment and climate change.

The organ in charge of environment protection prescribes and publishes on annual basis the applicable rates of fees payable for air pollutants emission.

Chapter IV

Notification of air pollutants activities and appeal against notification

Article 19 – Notification of air polluting activities

The City of Kigali or the District notifies the owner in writing that his or her activities are air pollutants.

A notice of air polluting activities must specify the following:

1º the type of violation being notified for;

2º the measures necessary to prevent or to comply with emissions limits;

3º a period within which measures referred to under point 2º of Paragraph 2 of this Article are to be taken;

4º the reporting schedule on the implementation status of measures taken.

Article 20 – Appeal against notification

A person to whom a notice of air polluting activities has been served may, within two (2) working days, exercise the right of appeal in writing to the City of Kigali or District which issued the notification.
In case a person to whom a notice of air polluting activities has been served is not satisfied with the decision on his or her appeal, he or she may, within two (2) working days after that notification, make an appeal in writing to the organ in charge of environment protection concerning the terms of the notification.

The organ in charge of environment protection, having considered such an appeal, may confirm, amend or revoke the notification of air polluting activities. The decision taken is communicated in writing to the claimant and the City of Kigali or the District within fifteen (15) days after the appeal.

**Article 21 – Appeal fees**

A person exercising the right to appeal against the notification of air polluting activities to the organ in charge of environment protection pays, before lodging his or her appeal, fifty thousand Rwandan francs (50,000 FRW) to the fund in charge of environment and climate change, refundable in case his or her appeal is considered valid.

**Article 22 – Content of the appeal against the notification of air polluting activities**

The file of the appeal against the notification of air polluting activities must contain the following:

1° a duly signed petition;
2° a copy of the record of decision taken;
3° a proof of payment of the appeal fee;
4° any other document considered necessary.

**Chapter V
Administrative sanctions**

**Article 23 – Violation of air pollutants emission standards**

Except the operator of a motor vehicle, a person who contravenes any applicable air pollutants emission standards, is liable to an administrative fine of three million Rwandan francs (3,000,000 FRW).

An operator of a motor vehicle who does not comply with air pollutants emission standards is liable to an administrative fine of twenty-five thousand Rwandan francs (25,000 FRW).

**Article 24 – Non-registration of air polluting activity**

A person who fails to register an air polluting activity and who does not comply with the air quality standards is liable to an administrative fine of three million Rwandan francs (3,000,000 FRW).

**Article 25 – Violation of a compliance order on preservation of air quality**

A person who violates a compliance order relating to the preservation of air quality and prevention of air pollution is liable to an administrative fine of two million Rwandan francs (2,000,000 FRW).

**Article 26 – Violation of an order to stop activities**

A person who violates an order to stop air polluting activities is liable to an administrative fine of five million Rwandan francs (5,000,000 FRW).
Article 27 – Violation of an emergency order

A person who violates an emergency order relating to the preservation of air quality and prevention of air pollution is liable to an administrative fine of three million Rwandan francs (3,000,000 FRW).

Article 28 – Hindrance to inspection

A person who:
1º obstructs an environmental inspector in the execution of his or her duties;
2º refuses an environmental inspector entry upon a land or into a premise to inspect;
3º refuses an environmental inspector access to records kept in accordance with the law;
4º gives environmental inspector false name or false address or misleading information;

is liable to an administrative fine of five hundred thousand Rwandan francs (500,000 FRW).

Article 29 – Failure to report accidental or involuntary emission of air pollutant

A person who fails to report his or her accidental or involuntary emission of air pollutant within the time specified in the laws, is liable to an administrative fine of one million Rwandan francs (1,000,000 FRW).

Article 30 – Remedial measures

The organ in charge of environment protection, the City of Kigali or the District may order a person who violates provisions of the laws relating to the preservation of air quality and prevention of air pollution, to perform the following:
1º to remove, remediate, fix or upgrade the source of pollution;
2º to restore the environment damaged or destroyed by air pollutants.

When provisions of Paragraph One of this Article are omitted, the organ in charge of environment protection, the City of Kigali or the District closes the facility temporarily or permanently.

Article 31 – Payment period

The person charged with the payment of administrative fines mentioned in this Chapter, pays them to the fund in charge of environment and climate change, within a period of seven (7) days from the reception of the notification. If the period expires, the person pays an additional payment of five tenths percent (0.5 %) for each day of delay.

Article 32 – Authorities to impose payments

Administrative fine is imposed by the organ in charge of environment protection, the City of Kigali or the District.

However, the administrative fine related to a motor vehicle emissions is imposed by Traffic Police.
Chapter VI  
Transitional and final provisions

Article 33 – Motorcycles already in Rwanda on the date of entry into force of this Order

Motorcycles in Rwanda on the date of entry into force of this Order continue to operate. However, they must comply with authorised air pollutants emission limits provided for by the authority in charge of motor vehicles inspection.

Article 34 – Validity of issued permit

Air pollutants emission permit issued before the commencement of this Order remains valid until its expiration.

Article 35 – Repealing provision

All prior provisions contrary to this Order are repealed.

Article 36 – Commencement

This Order comes into force on the date of its publication in the Official Gazette of the Republic of Rwanda.