

Rwanda

Ministerial Order establishing the List of Projects that must Undergo Environmental Audit, Instructions and Procedures for Conducting Environmental Audit

Ministerial Order 1 of 2021

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Commenced on 10 February 2021

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The Minister of Environment,

Pursuant to the Constitution of the Republic of Rwanda of 2003 revised in 2015, especially in Articles 121, 122 and 176;

Pursuant to Law n° 48/2018 of 13/08/2018 on environment, especially in Article 32;

After consideration and approval by the Cabinet, in its meeting of 14/08/2020;

ORDERS:

Chapter One General provisions

Article One – Purpose of this Order

This Order establishes:

- 1° the list of projects that must undergo environmental audit before they obtain authorisation for implementation;
- 2° instructions and procedures for conducting environmental audit.

Article 2 – Definitions

In this Order, the following terms have the following meanings:

- 1° **environmental audit**: systematic documentation, periodic and objective evaluation of protection and management of the environment and of conservation and sustainable use of natural resources;
- 2° **auditee**: organisation or an individual to be audited;
- 3° **environmental impact assessment**: systematic process of identifying environmental, social and economic impacts of a project, before a decision of its acceptance is made;
- 4° **Authority**: the institution in charge of environmental conservation;
- 5° **developer**: any person who has proposed or has undertaken to implement a project in public or private sector;
- 6° **stakeholders**: individuals, communities, government agencies, private organisations, non-governmental organisations having an interest or stake in both the environmental impact assessment process and outcomes of the project.

Article 3 – List of works, activities and projects that must undergo environmental audit

Environmental audit is conducted on existing projects or facilities and based on project description or design and baseline information generated during the environmental impact assessment process.

However, for activities, projects and facilities for which no environmental impact assessment was conducted prior to their commencement, the environmental audit is based on the description and background information generated in the scoping process.

The list of works, activities and projects that must undergo environmental audit is annexed to this Order.

The Authority may request an environmental audit on projects which are not provided for in Paragraph 3 of this Article basing on routine inspection recommendations.

Chapter II Procedure for conducting environmental audit

Article 4 – Application for authorisation

The developer submits to the Authority a written application which includes a brief description of the project. The details of the required information within a brief description of the project are in the environmental assessment guidelines issued by the Authority.

Article 5 – Terms of reference of the environmental audit

Upon reception of the brief description of the project and its analysis, the Authority submits to the developer the terms of reference for the environmental audit.

However, the Authority may develop terms of reference for projects, facilities, works or activities basing on audit findings.

The developer may also prepare the terms of reference that must be approved by the Authority before conducting the environmental audit.

Article 6 – Choice of experts to conduct environmental audit

Upon reception of the terms of reference, the developer selects experts from the list of experts published, in accordance with relevant legislation to conduct the environmental audit.

The selected experts provided for in Paragraph One of this Article must not have direct or indirect interests in that project.

Article 7 – Environmental audit report

The environmental audit report must be based on the terms of reference mentioned in Article 5 of this Order.

The environmental audit must be done with consideration of the views of all stakeholders.

Article 8 – Submission of the environmental audit report

Upon completion of the environmental audit, the developer submits to the Authority the report in one (1) hard copy and electronic copy of the report.

Where necessary, the developer may provide an addendum to the report for the facts that are not provided for under the terms of reference.

Article 9 – Review of environmental audit report and decision making

Upon reception of the environmental audit report, the Authority reviews the report to verify its conformity to the terms of reference.

The Authority must, within twenty (20) working days from the date of receipt of the report, accept, reject the report or request for additional information from the auditee.

Depending on the nature of the project and upon notification in writing to the developer and the Minister in charge of Environment, the Authority may increase days mentioned in Paragraph One of this Article before their elapse.

The Authority reviews the environmental audit report and communicate its decision to the auditee.

Article 10 – Public hearing

If it is necessary to hold public hearing, the Authority determines an additional period of thirty (30) working days from the date of public hearing notification.

Chapter III Miscellaneous and final provisions

Article 11 – Setting up general and specific guidelines for conducting environmental audit

The Authority sets up general and specific guidelines for conducting an environmental audit.

Article 12 – Repealing provision

All prior provisions contrary to this Order are repealed.

Article 13 – Commencement

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

Annex

List of works, activities and projects that must undergo environmental audit

- 1° All buildings classified in the following categories:
- a. entertainment and public assembly;
 - b. theatre and indoor sport;
 - c. places of worship;
 - d. outdoor sport;
 - e. earning and training institutions that include any building or a group of buildings under single management that are used by students or trainees more than five hundred (500);
 - f. hospitals and health centers;

- g. publicly accessible facilities with a capacity to host more than five hundred (500) people;
- 2° industrial buildings and hazardous buildings;
- 3° warehouses for high risk storage of hazardous goods;
- 4° warehouses and storage facilities of perishable agricultural commodities of half hectare (1/2ha) and above;
- 5° places where people are detained for punitive or corrective reasons or because of their mental condition;
- 6° places of non-industrial commercial activities, where such activities or products sold may cause fire, cause combustion with extreme rapidity, give rise to poisonous fumes or cause explosions;
- 7° garages;
- 8° bonded warehouse;
- 9° hotels;
- 10° international, national, District roads and large bridges;
- 11° hydro-dams, hydropower plants and electrical lines of high and medium voltage;
- 12° petroleum products pipelines and their storage tanks;
- 13° terminal ports, airports and railways;
- 14° agricultural and breeding activities which use chemical fertilisers and pesticides in wetlands;
- 15° large scale investment projects in agricultural activities which use chemical fertilisers and pesticides;
- 16° fish farming projects in lakes and rivers;
- 17° works and activities that involve genetic modification of seeds and animals;
- 18° any works in parks and in its buffer zone;
- 19° all works related to mining and mineral processing;
- 20° all works related to the extraction and transformation of quarries;
- 21° water storage dams;
- 22° works and activities for marshlands development;
- 23° slaughter houses;
- 24° towers and masts;
- 25° all types of buildings, with a capacity to host more than five hundred (500) people, micro hydroelectric power, low voltage electric lines and off grid electrical lines;
- 26° all works related to the extraction and treatment of petroleum products and natural gas;
- 27° all works related to the manufacturing, storing, disposal and use of explosives in the mines and quarry activities;
- 28° waste treatment facilities.