The Environmental Conservation Law

The Pyidaungsu Hluttaw Law No. 9 / 2012

The 8th Waxing Day of Tagu, 1373 M. E.

(30th March, 2012)

The Pyidaungsu Hluttaw hereby enacts this Law:

Chapter I
Title and Definition

1. This Law shall be called **the Environmental Conservation Law.**

2. The following expressions contained in this Law shall have the meanings given hereunder:

   (a) **Environment** means the physical factors in the human environment, including land, water, atmosphere, climate, sound, odour, taste, the biological factors of various animals and plants and historical, cultural, social and aesthetic factors;

   (b) **Environmental Quality** means the balance of nature including man made objects and also animals, plants, natural resources for the benefit of sustainability of nature and human beings;

   (c) **Environmental Quality Standard** means the parameters of general quality for enhancement and conservation of environmental quality for environmental situations;

   (d) **Environmental Audit** means periodic, systematically documented and objective evaluation to determine the followings:

      (i) correspond with regulatory requirements on environmental conservation;

      (ii) environmental management system;

      (iii) various possible environmental risks to the buildings, plots and premises.

   (e) **Pollution** means any direct or indirect alteration, effect of the physical, thermal, chemical or biological properties of any part of the environment

including land, water and atmosphere by discharging, emitting or depositing environmental hazardous substances, pollutants or wastes so as to affect beneficial use of environment, or to affect public health, safety or welfare, or animals and plants or to contravene any condition, limitation or prohibition contained in the prior permission issued under this Law;

(f) **Noise Pollution** means the occurrence of sound unit which causes annoyance, fatigue, loss of hearing or interference with the perception of other sounds;

(g) **Pollutant** means solid, liquid, or vapour which directly or indirectly alters the quality so as to affect beneficial use of any segment or element of the environment or is hazardous or potentially hazardous to health or causes pollution;

(h) **Waste** includes solid, liquid, or vapour and also includes anything which is classified as waste in accord with this Law including radioactive substance which is discharged, emitted or deposited in the environment in such volume, constituency or any manner which causes environmental pollution;

(i) **Hazardous Substance** means a substance or object which may affect health including explosive substance, substance which may be created and used as a biological weapon, substance which may be used as a nuclear weapon, inflammable substance, oxidizing and peroxidizing substance, toxic substance, pathogenic substance, radioactive substance, genetic transforming substance, corrosive substance, irritating objects, whether chemical or not, which can be harmful to human being, animal, plant, property or environment;

(j) **Beneficial Use** means the use of the environment or any element or segment of the environment after making required protections from the adverse effects of wastes, discharges, emissions and deposits so as to cause public health, safety or welfare;

(k) **Cleaner Production** means the continuous application of multi-strategy on environmental conservation to processes, products and services to improve the use of resource efficiently, minimize waste, polluted water and emissions and conserve the healthy nature and human environment;

(l) **Control Equipment** includes the followings:

(i) any apparatus for collecting waste;

(ii) any automatic device which can be used for more effective operation of any equipment;

(iii) any device for indicating or recording pollution or warning of excessive pollution;

(iv) any other device or facility used for the purpose of limitation of pollution;

(m) **Ecosystem** means the natural system existing living, non-living substances and plants in compatibility and the natural environment which have been evolving due to such system;

(n) **Owner** means owner, proprietor, operator in charge, lessor or receiver of any building, plots, or vehicle, or heir, trustee or representative of such person;

(o) **Occupier** means any person in occupation or control of any building, plot or any part of it, or any vehicle;

(p) **Environmental Emergency** means the situation which may affect the safety and health of the public or the environment and ecosystem if natural or man-made disaster or pollution is not taken action immediately;

(q) **Committee** means the Environmental Conservation Committee formed under this Law;

(r) **Ministry** means the Union Ministry assigned by the Union Government to perform the matters of environment;

(s) **Department** means the relevant Department formed under this Law.

Chapter II
Objectives

3. The objectives of this Law are as follows:

(a) to enable to implement the Myanmar National Environmental Policy;

(b) to enable to lay down the basic principles and give guidance for systematic integration of the matters of environmental conservation in the sustainable development process;

(c) to enable to emerge a healthy and clean environment and to enable to conserve natural and cultural heritage for the benefit of present and future generations;

(d) to reclaim ecosystems as may be possible which are starting to degenerate and disappear;

(e) to enable to manage and implement for decrease and loss of natural resources and for enabling the sustainable use beneficially;

(f) to enable to implement for promoting public awareness and cooperation in educational programmes for dissemination of environmental perception;

(g) to enable to promote international, regional and bilateral cooperation in the matters of environmental conservation;

(h) to enable to cooperate with Government departments, Government organizations, international organizations, non-government organizations and individuals in matters of environmental conservation.

Chapter III

Formation of the Environmental Conservation Committee

4. (a) The Union Government shall form the Environmental Conservation Committee with the Union Minister for the Union Ministry assigned by the Union Government as the Chairman and with suitable members to conserve the environment of the Republic of the Union of Myanmar;

(b) In forming the Committee, the Vice Chairman, Secretary and Joint Secretary shall be assigned among the members of the Committee;

(c) The Union Government may re-form the Committee.

5. The Union Government shall stipulate functions and duties of the Committee to enable to implement the objectives contained in this Law.

6. The powers of the Committee are as follows:

(a) carrying out organizational education and activities relating to environmental conservation;

(b) suggesting to enable to amend and insert, as may be necessary, the lessons on environmental conservation contained in school lessons after coordinating with the relevant departments;

(c) accepting donations, grants, materials and technological aids from local and foreign and managing and using such money, materials and technologies as may be necessary in environmental conservation works;

(d) sending suitable suggestions and encouragements relating to environmental conservation to the relevant Government departments and organizations;

(e) asking necessary proposals and suggestions from the relevant Government departments and organizations for conservation and enhancement of environment;

(f) prohibiting the relevant Government departments and organizations if the environmental damages arise or situations for damage arise and, if necessary, asking policy to the Union Government;

(g) laying down and carrying out the Myanmar national environmental policies and other environmental policies for conservation and enhancement of environment with the approval of the Union Government.

Chapter IV

Duties and Powers relating to the Environmental Consenvation of the Ministry

7. The duties and powers relating to the environmental conservation of the Ministry are as follows:

(a) implementing the environmental conservation policies;

(b) planning and laying down national or regional work plans relating to environmental management;

(c) laying down, carrying out and monitoring programmes for conservation and enhancement of the environment, and for conservation, control and abatement not to cause environmental pollution;

(d) prescribing environmental quality standards including standards on emissions, effluents, solid wastes, production procedures, processes and products for conservation and enhancement of environmental quality;

(e) submitting proposals to the Committee for economic incentive mechanisms and terms and conditions which may not affect the environment or cause least environmental affect for sustainable development in addition to legal affairs and guidelines relating to environment;

(f) facilitating for the settlement of environmental disputes and, if necessary, forming bodies to negotiate such disputes;

(g) specifying categories and classes of hazardous wastes generated from the production and use of chemicals or other hazardous substances in carrying out industry, agriculture, mineral production, sanitation and other activities;

(h) prescribing categories of hazardous substances that may affect significantly at present or in the long run on the environment;

(i) promoting and carrying out the establishment of necessary factories and stations for the treatment of solid wastes, effluents and emissions which contain toxic and hazardous substances;

(j) prescribing the terms and conditions relating to effluent treatment in industrial estates and other necessary places and buildings and emissions of machines, vehicles and mechanisms;

(k) negotiating, cooperating and implementing in respect of international, regional and bilateral agreements, instruments and programmes relating to matters of environment;

(l) implementing the international, regional and bilateral agreements accepted by Myanmar for environmental conservation and enhancement of environmental quality in accord with the guidance adopted by the Union Government or the Committee;

(m) causing to lay down and carry out a system of environmental impact assessment and social impact assessment as to whether or not a project or activity to be undertaken by any Government department, organization or person may cause a significant impact on the environment;

(n) laying down guidances relating to the management, conservation and enhancement of environment for the matters of protection of ozone layer, conservation of biologial diversity, conservation of coastal environment, mitigation and adaptation of global warming and climate change, combating desertification and management of non-depleting substances and management of other environmental matters;

(o) managing to cause the polluter to compensate for environmental impact, cause to contribute fund by the organizations which obtain benefit from the natural environmental service system, cause to contribute a part of the benefit from the businesses which explore, trade and use the natural resources in environmental conservation works;

(p) carrying out other functions and duties assigned by the Union Government relating to environmental conservation.

8. The Ministry shall establish an Environmental Management Fund in the Union Budget in accord with the financial regulations and by-laws of the Union for effective implementation of environmental conservation works in addition to the receipt from the Union Consolidated Fund.

Chapter V
Environmental Emergency

9. (a) If the Committee is aware that an event of environmental emergency has occurred or may occur in the entire Myanmar or any Region or State or any area, it shall immediately report to the Union Government so as to declare the occurrence of such event;

(b) The Committee, Ministry and Department shall carry out necessary measures relating to the environmental emergency.

Chapter VI

Environmental Quality Standards

10. The Ministry may, with the approval of the Union Government and the Committee, stipulate the following environmental quality standards:

(a) suitable surface water quality standards in the usage in rivers, streams, canals, springs, marshes, swamps, lakes, reservoirs and other inland water sources of the public;

(b) water quality standards for coastal and estuarine areas;

(c) underground water quality standards;

(d) atmospheric quality standards;

(e) noise and vibration standards;

(f) emissions standards;

(g) effluent standards;

(h) solid wastes standards;

(i) other environmental quality standards stipulated by the Union Government.

11. The Ministry may, with the approval of the Union Government and the Committee, insert, modify and stipulate the environmental quality standards for the interests of the public in accord with the scientific and technological advances or requirement of work according to time and area.

12. If any environmental quality standard stipulated by any Government department, Government organization under any existing law is more than the quality standard stipulated by the Ministry, it shall remain in force; however if it is less than such standard, only the standard stipulated by the Ministry shall be in force.

Chapter VII

Environmental Conservation

13. The Ministry shall, under the guidance of the Committee, maintain a comprehensive monitoring system and implement by itself or in co-ordination with relevant Government departments and organizations in the following matters:

(a) the use of agro-chemicals which cause to impact on the environment significantly;

(b) transport, storage, use, treatment and disposal of pollutants and hazardous substances in industries;

(c) disposal of wastes come out from exploration, production and treatment of minerals, industrial mineral raw materials and gems;

(d) carrying out waste disposal and sanitation works;

(e) carrying out development and constructions;

(f) carrying out other necessary matters relating to environmental pollution.

14. A person causing a point source of pollution shall treat, emit, discharge and deposit the substances which cause pollution in the environment in accord with stipulated environmental quality standards.

15. The owner or occupier of any business, material or place which causes a point source of pollution shall install or use an on-site facility or controlling equipment in order to monitor, control, manage, reduce or eliminate environmental pollution. If it is impracticable, it shall be arranged to dispose the wastes in accord with environmentally sound methods.

16. A person or organization operating business in the industrial estate or business in the special economic zone or category of business stipulated by the Ministry:

(a) is responsible to carry out by contributing the stipulated cash or kind in the relevant combined scheme for the environmental conservation including the management and treatment of waste;

(b) shall contribute the stipulated users charges or management fees for the environmental conservation according to the relevant industrial estate, special economic zone and business organization;

(c) shall comply with the directives issued for environnmental conservation according to the relevant industrial estate, special economic zone or business.

Chapter VIII
Management of Urban Environment

17. The Ministry shall, for the management of urban environment, advise as may be necessary to the relevant Government departments and Government organizations, private organizations and individuals in carrying out the following matters in accord with the guidances laid down by the Committee:

(a) land use planning and management including zoning;

(b) management of the construction industry in pivotal urban centres;

(c) management of housing settlements;

(d) management of wastes;

(e) pollution control including land, water, air and noise pollution;

(f) other necessary environmental management.

Chapter IX
Conservation of Natural Resources and Cultural Heritages

18. The relevant Government departments and Government organizations shall, in accord with the guidance of the Union Government and the Committee, carry out the conservation, management, beneficial use, sustainable use and enhancement of regional cooperation of the following environmental natural resources:

(a) forest resources;

(b) land resources;

(c) fresh water resources including underground water;

(d) mineral resources;

(e) agricultural resources;

(f) fisheries resources;

(g) marine resources;

(h) natural ecosystems;

(i) natural areas, wildlife, natural plants and biological diversity;

(j) other natural resources stipulated by the Union Government.

19. The Ministry shall cooperate with the relevant Government departments and Government organizations in the matters of environmental conservation for perpetual existence of cultural heritage sites and natural heritage sites, cultural monuments and natural areas stipulated under any existing law.

20. The Ministry shall provide necessary technologies to the relevant Government departments and Government organizations in implementing the matters contained in sections 18 and 19.

Chapter X
Prior Permission

21. The Ministry may, with the approval of the Union Government, stipulate the categories of business, work-site or factory, work-shop which may cause impact on the environmental quality that requires to obtain the prior permission.

22. The owner or occupier of the category of business, work- site or factory, workshop stipulated by the Ministry under section 21 shall apply for the prior permission to the Ministry in accord with the stipulations.

23. The Ministry may, after scrutinizing whether or not the application made under section 22 is in conformity with the stipulations, grant or refuse to issue the prior permission by stipulating terms and conditions.

24. The Ministry may, in issuing the prior permission, stipulate terms and conditions relating to environmental conservation. It may conduct inspection whether or not it is performed in conformity with such terms and conditions or inform the relevant Government departments, Government organizations to carry out inspections.

25. The Ministry may, if it is found that a holder of the prior permission fails to comply with any of the terms and conditions relating to environmental conservation contained in the prior permission, pass any of the following administrative penalties:

(a) causing to comply with in accord with the terms and conditions after warning, causing to sign the bond;

(b) causing to comply with in accord with the terms and conditions after paying a fine.

Chapter XI
Insurance

26. The holder of the prior permission shall effect insurance according to the category of his business, work-site or factory, workshop for any accident that may cause impact on the environment, in accord with the existing law.

27. The Ministry shall give the remark if it is requested by the Myanmar Insurance on the extent and potential environmental impact in respect of the business, department or organization which carries out the business to be insured under section 26.

Chapter XII

Prohibitions

28. No one shall, without the prior permission, operate business, work-site or factory, workshop which is required to obtain the prior permission under this Law.

29. No one shall violate any prohibition contained in the rules, notifications, orders, directives and procedures issued under this Law.

30. No one shall, without permission of the Ministry, import, export, produce, store, carry or trade any material which causes impact on the environment prohibited by the Ministry.

Chapter XIII
Offences and Penalties

31. Whoever, without the prior premission, operates business, work-site or factory, workshop which is required to obtain the prior permission under this Law shall, on conviction, be punished with imprisonment for a term not exceeding three years, or with fine from a minimum of one hundred thousand kyats to a maximum of one million kyats,or with both.

32. Whoever violates any prohibition contained in the rules, notifications, orders, directives and procedures issued under this Law shall, on conviction, be punished with imprisonment for a term not exceeding one year, or with fine, or with both.

33. Whoever shall:

(a) if convited under section 32, be passed an order to compensate for damage due to such act or omission;

(b) if ordered under sub-section (a), and fails to pay the compensation to be paid, be recovered in accord with the existing revenue laws.

34. Whoever imports, exports, produces, stores, carries or trades any material prohibited by the Ministry due to its impact on environment shall, on conviction, be punished with imprisonment for a term from a minimum of three years to a maximum of

five years, or with fine from a minimum of one hundred thousand kyats to a maximum of two million kyats, or with both. Moreover, he shall incur the expenditure for the treatment and disposal of such material until the process that has no impact on the environment.

Chapter XIV
Miscellaneous

35. In prosecuting an offender under this Law, prior sanction of the Ministry shall be obtained.

36. The Ministry may, with the approval of the Union Government, exempt or relieve any Government department, organization or private business from complying with any provision contained in this Law for the interests of the Union and its people.

37. If any Government department, organization or individual incurs the expenditures for any action due to the declaration of environmental emergency, such expenditures are entitled to claim from the environmental management fund.

38. The relevant Government department, Government organization authorized to issue licence, permit or register for enabling operation of category of business, work-site or factory, workshop which is required to obtain the prior permission shall issue such licence, permit, or register only to the business, work-site or factory, workshop which has obtained the prior permission under this Law.

39. (a) The Ministry shall, if the person obtained the prior permission who was imposed with administrative penalty under section 25 fails to comply with the terms and conditions, inform the relevant Government department, Government organization authorized to issue licence, permit or register for the relevant business, work-site or factory, workshop to enable to take action as may be necessary.

(b) The Government department, Government organization received information under sub-section (a) may, after making necessary inquiries if it is found that any terms and conditions of environmental conservation contained in the prior permission is not complied with, cancel the issued licence, permit or register or suspend it for a limited period.

40. The offence contained in section 32 is determined as the cognizable offence.

41. The provisions relating to environmental conservation contained in the laws, rules, orders, directives and procedures issued before the enactment of this Law shall remain in force unless it is contrary to the provisions contained in this Law.

42. In implementing the provisions contained in this Law:

(a) the Ministry may issue necessary rules, regulations and by-laws with the approval of the Union Government;

(b) the Committee and the Ministry may issue necessary notifications, orders, directives and procedures.

I hereby sign under the Constitution of the Republic of the Union of Myanmar.

(Sd.) Thein Sein

President of the Union

Republic of the Union of Myanmar