

**Official Bulletin N° 5118 of Thursday 19 June 2003
Dahir N° 1-03-59 of 10 Rabii I 1424 (12 May 2003) promulgating law N° 11-03
pertaining to the protection and improvement of the environment.**

ONLY GOD BE PRAISED !

(The Great Seal of His Majesty Mohammed VI)

Let it be known herewith –may God elevate and strengthen the contents !

That our Cherifian Majesty,
in view of the Constitution and notably Articles 26 and 58 thereof,

has decided the following :

Law N° 11-03 pertaining to the protection and improvement of the environment, as adopted by the Chamber of Representatives and the Chamber of Counsellors, is promulgated and will be published in the Official Bulletin, following the present Dahir.

Done at Rabat on 10 Rabii I 1424 (12 May 2003)

Countersigned by
The Prime Minister
Driss Jettou

Law N° 11-03 Pertaining to the Protection and Improvement of the Environment

Chapter I : General

Section I : Objectives and General Principles

Article 1 : The objective of the present law is to decree the basic rules and the general principles of the national policy in the field of the protection and improvement of the environment. These rules and principles are aimed at :

- protecting the environment against all forms of pollution and degradation of whichever origin ;
- improve the environment and living conditions of man ;
- define the basic orientations of the legislative, technical and financial framework concerning the protection and management of the environment ;
- set up a specific regime of responsibility that guarantees the restoration of damages to the environment and compensation for victims.

Article 2 : The application of the provisions of the present law is based on the following general principles :

- Protection, improvement and good management of the environment are an integral part of the integrated policy for economic, social and cultural development ;

- The protection and improvement of the environment are of public utility and constitute a collective responsibility that requires participation, information and the determination of responsibilities ;
- The institution of a necessary balance between the requirements of national development and those of the protection of the environment when elaborating sectorial development plans and the integration of the concept of sustainable development when elaborating the implementation of those plans ;
- Taking into consideration the protection of the environment and the ecological balance when elaborating and implementing town and country development plans ;
- The effective application of the principles of « the user has to pay » and « the polluter has to pay » as far as the execution and management of economic and social projects and the provision of services is concerned ;
- The respect of international covenants in the field of the environment when elaborating development plans and programmes and environment laws.

Section 2 : Definitions

Article 3 : within the context of the present law the terms hereafter should be understood as follows :

1.- *Environment* : all the natural elements and human settlements as well as the economic, social and cultural factors that further the existence and development of living organisms and of human activities.

2.- *Environment protection* : the preservation and improvement of the constituents of the environment, the prevention of their degradation and their pollution or the reduction of the said pollution.

3.- *Sustainable development* : a process of development that endeavours to satisfy the needs of the present generations without jeopardizing the capacity of future generations to meet their needs.

4.- *Ecological balance* : the relations of interdependence between the elements that constitute the environment and enable the existence, the evolution and the development of man and of the other living beings.

5.- *Human settlements* : all the urban and rural agglomerations of whatever nature or size as well as all the infrastructures at their disposal to guarantee a healthy and decent existence to their inhabitants.

6.- *Historical and cultural heritage* : all movables or real estate immovables that present a particular character in the field of archaeology, history, architecture, litterature, folklore, art, religions and sociology.

7.- *Specially protected areas* : land or sea spaces with a particular natural or cultural value within which imperative measures for the protection and management of the environment must be taken.

8.- *Biological diversity* : all living animal and plant species that live in the various land, marine and aquatic ecosystems.

9.- *Continental waters* : all waters, whether surface or underground, with the exception of sea water and underground salt water.

Surface water consists of the rivers and streams, the natural lakes and the water volumes of dams, the ponds, the marshes, the canals, the brooks, the drinking water canals and any other form of collecting water in land basins.

Underground waters consist of the ground water, springs, underground drainage galleries and flows.

10.- *Air* : the gaseous envelope that surrounds the earth and the modification of whose physical or chemical characteristics may be detrimental to living beings, to ecosystems and to the environment in general. This definition also includes the air at the working place and in closed and semi-closed public places.

11.- *Public place* : space intended for the public or for a category of persons for a specific purpose.

12.- *Closed public place* : public space in the form of an integral construction and where air only accesses through openings intended to this effect. Means of public transport are considered as closed public places.

13.- *Parks and nature reserves* : any classified space of the national territory, including the maritime public domain, when the ecological balance requires the protection of its animals, plants, soils, subsoils, air, water, fossils, mineral resources and, generally, of its natural environment. These parks and nature reserves take on a special interest that requires the protection of this environment against all human activities that may threaten its form, its constitution or its development.

14.- *Marine resources* : the underground marine and fresh water on the littoral and all the biological and non-biological resources contained in the marine spaces under national sovereignty or jurisdiction as defined by law.

15.- *Standards* : references that allow to standardize the methods and modalities of analysing and assessing the various scientific and technical permanent features.

16.- *Norm* : compulsory limiting value that is not to be exceeded.

17.- *Pollution of the environment* : any direct or indirect impact or alteration of the environment caused by a human act or activity or by a natural factor likely to damage health, public health, the security or well-being of persons or to constitute a hazard for the natural environment, goods, values and the lawful uses of the environment.

18.- *Marine pollution* : any direct or indirect spilling or introduction into the sea of a product that is likely to damage marine living beings and vegetation, to constitute a hazard for human health, to hamper marine activity such as fishing and other lawful uses of the sea or to affect the nature and the quality of the sea water.

- 19.- *Related interests* : any interest with a heritage value likely to be directly or indirectly, temporarily or permanently affected by pollution.
- 20.- *Effluents* : used liquid discharge or any other liquid of domestic, agricultural, hospital, commercial and industrial origin, treated or untreated and directly or indirectly discharged into the water environment.
- 21.- *Liquid waste* : water used for domestic, agricultural, commercial, industrial or handicraft purposes and whose nature and components have been modified or that are likely to create pollution due to use without treatment.
- 22.- *Classified installations* : all installations designated in the texts that regulate insalubrious, inconvenient or dangerous establishments exploited by or belonging to a public or private legal entity or an individual and likely to constitute a danger or a nuisance for the neighbourhood, health, security, public health, agriculture, sea fisheries, sites, monuments or any element of the environment.
- 23.- *Waste* : any residue resulting from a process of extraction, exploitation, transformation, production, consumption, use, control or filtering, and, generally, any object and material that has been abandoned or that the holder must eliminate so as not to prejudice health, public health and the environment.
- 24.- *Dangerous waste* : all forms of waste that owing to their dangerous, toxic, reactive, explosive, flammable, biological or bacterial nature are likely to constitute a danger for the ecological balance such as defined by the international norms in this field or contained in additional annexes laid down in regulations.
- 25.- *Polluting products and factors* : all solid, liquid or gaseous products, noise, radiations, heat or sound vibrations resulting from human activity and likely to directly or indirectly pollute the environment or to favour its degradation.
- 26.- *Polluter* : any legal entity or individual causing or taking part in a state of pollution.
- 27.- *Maritime species* : biological and mineral maritime natural resources on the bottom of the sea, of the neighbouring waters or below the sea bed.

Chapter II : Protection of the Environment and of Human Settlements

Section 1 : Human settlements

Article 4 : The planning and development of human settlements falls within the scope of the plans and documents for town and country development that ensure the harmonious organisation of land within the respect of the conditions of existence and well-being of their inhabitants.

Article 5 : Town development documents must take into account the needs of environment protection and in particular the respect of the natural settings and cultural and architectural specificities when defining areas of interest for economic activities, housing and recreation.

Article 6 : Building permits and housing development permits are delivered in accordance with the legislation in force and with regard to the possible impact on the environment. They may be refused or subject to special prescriptions if the buildings or housing development are of a kind that

- may generate consequences that are detrimental for the environment, security, the well-being and health of the inhabitants ;
- constitute a risk for the neighbourhood and the monuments.

Article 7 : The competent authorities must take all necessary measures to protect human settlements from the harmful effects resulting from any kind of pollution and nuisance, notably solid waste, liquid or gaseous refuse and noises and vibrations that do not comply with the quality norms and standards for the environment laid down in laws and regulations. They must also take all the necessary measures to protect human settlements from natural and technological disasters.

Section II : Historical and Cultural Heritage

Article 8 : The protection, conservation and enhancement of the historical and cultural heritage constitute a national interest. They are part of the national policy for environment protection and development.

The various measures to be taken to protect and safeguard the elements of historical and cultural heritage from all forms of degradation are laid down in laws and regulations.

Section III : Classified installations

Article 9 : Classified installations are subject to a permit or a statement in accordance with the nomenclature and the procedure defined in the implementation texts.

Article 10 : Applications for building permits relating to classified installations can only be accepted by the administration if accompanied by the permit, the receipt of a statement or an environment impact study as provided for by Articles 49 and 50 of the present law.

Article 11 : Any person owning or exploiting a classified installation must take the necessary measures to prevent and fight environment pollution and the degradation of the natural environment according to the environment laws and regulations, norms and standards in force. They must furthermore accept all possible inspections or controls by the competent authorities.

Article 12 : All classified or non-classified installations must comply with the norms and standards for the quality of the environment as per article 54 of the present law. In the case of new installations, the specifications must include the norms and standards in force at the time of application for a building permit.

In the case of existing installations, the dates of implementation and of respect of the norms and standards are statutorily fixed.

Article 13 : In the event of duly established major risk for the health of man or for the environment in general, the competent administration may decide, following formal notice to the operator, in accordance with the laws in force, to suspend totally or partially the activities of the classified installations causing the risk until such time as the judge in charge of pronouncing an emergency interim ruling at the competent court takes a decision. However, in cases of imminent risk requiring urgent measures, the said total or partial suspension may be decided without formal notice to the operator.

The competent court to which the matter has been referred may decide to forbid the use of the a classified installation that is in breach of the law until such time as the necessary work and improvements have been achieved. The court may also order that the latter be carried out in co-operation with the administration at the expense of the owner or the operator of the installation.

Article 14 : The administration can oblige the operator of a classified installation, within the statutory conditions, to install pollution measurement equipment and to regularly transmit to the administration the readings concerning the nature and quantity of liquid, solid and gaseous refuse.

Article 15 : Areas for the protection of human health, natural sites and monuments may be created around areas of economic activities ; they are defined according to the nature of the activities of the classified installations and the risks and threats for human health and the environment in general that may result from such installations.

Article 16 : The legislative and statutory provisions in force for the regulation and denomination of insalubrious, inconvenient or dangerous establishments will be revised in accordance with the provisions of the present law.

Chapter III : Protection of Nature and of Natural Resources

Section I : Soil and Sub-soil

Article 17 : The soil, subsoil and the limited or non-renewable resources they contain are protected against all forms of degradation and must be exploited in a rational manner .

Article 18 : Special protection measures are decreed to fight against desertification, flooding, endangerment of forests, erosion, loss of arable land and pollution of soils and their resources particularly as a consequence of the use of chemical products and pesticides. These measures may be declared state-approved measures and enforced on any owner or beneficiary.

Article 19 : Soil allocation and development for the purposes of agriculture, industry, mining, tourism, commerce, urban development as well as archaeological research or exploitation of subsoil resources that may jeopardize the environment are subject to prior permission depending on the case and in accordance with the conditions laid down in the legislative and statutory texts. These texts define which authorities are entitled to grant permits as well as the conditions therefore and the nomenclature of the activities or uses that are prohibited on the grounds of the hazards they represent for the soil, the subsoil or the resources they contain.

Section II : Fauna, Flora and Biodiversity

Article 20 : Fauna, flora and biodiversity must be protected through rational management in order to protect all species and to guarantee the ecological balance.

Article 21 : All activities that may jeopardize animal and plant species or their natural environment are forbidden or subject to prior administrative permission in accordance with the legislative and statutory provisions.

Article 22 : The legislative and statutory provisions define:

- the list of animal and plant species that enjoy special protection ;
- the permanent or temporary prohibition of any activity that may prevent the protection of rare, threatened or endangered species as well as their natural environment ;
- the conditions for exploitation, marketing, use, transport and exportation of the species referred to in the previous paragraph ;
- the conditions for the introduction, from whichever origin, of any animal or plant species that may jeopardize protected species and their natural environment.

Article 23 : Forests, whether public or private, are of common public interest. The administration and individuals have a duty to protect them and to exploit them in such a way as to guarantee their balance and the respect of the ecosystems.

Article 24 : Forests must be exploited in a rational and balanced manner. Management plans and development and exploitation work must integrate the environment concerns so that their economic, social, cultural or recreational use should not jeopardize the environment.

Article 25 : Forests must be protected against all forms of degradation, pollution or destruction caused by overexploitation, overgrazing, fire, disease or the introduction of unsuitable species.

Article 26 : It is forbidden to proceed with deforestation without prior permission from the administration in the conditions provided for by the legislative and statutory provisions concerning forestry.

Section III : Continental Waters

Article 27 : The administration must take the necessary measures to ensure a regular and periodic inventory and the rational management of the continental waters and to prevent and fight against all forms of pollution in accordance with the legislation and the regulations in force.

Article 28 : Subject to the legislative and statutory regulations in force, the administration must take the necessary measures to subject any exploitation of the continental waters to prior permission. More restrictive measures may be taken in the event of water shortage or to fight the effects of drought.

Article 29 : Subject to the legislative and statutory regulations on water a regulatory list has been drawn up of substances whose direct or indirect discharge, spilling, immersion or introduction into the continental waters is forbidden or subject to prior administrative permission.

The administration may also create protected perimeters where all activities are forbidden that are likely to alter the quality of water for public use.

Section IV : Air

Article 30 : The air must be protected against the various forms of pollution that contribute to the degradation of its quality, to global heating and to the depletion of the ozone layer.

Article 31 : The emission into the air of any kind of polluting substance, in particular smoke, dust or toxic, corrosive or radio-active gases is forbidden beyond the limits defined in the legislative and statutory provisions.

Article 32 : Legislative and statutory regulations define the measures to be taken to protect the quality of the air and the norms required for the control and monitoring thereof.

Section V : Marine Space and Resources, Including the Coast

Article 33 : In order to protect the marine space and resources under national sovereignty or jurisdiction, legislative and statutory regulations have been put in place to prevent and discontinue those activities that are likely to alter the quality of waters and maritime resources or to jeopardize the health of man or harm the fauna, the flora, the associated interests and the marine and coastal environment in general.

Article 34 : Legislative and regulatory provisions define the following :

- The conditions for the exploration, exploitation and development of marine resources ;
- The measures necessary for the prevention of and fight against marine pollution, including pollution as a result of unforeseeable accidents at sea;
- The criteria necessary for classifying specially protected areas.

Article 35 : Legislative and statutory regulations have been adopted for the protection, the development and the preservation of the coast so as to ensure the integrated and sustainable management of the coastal ecosystem and to prevent the degradation of its resources.

Article 36 : Legislative and statutory regulations set the mechanisms and means of protection of the marine spaces and resources, i.e :

- The methods for elaborating coast management and exploitation schedules and plans ;
- The criteria required for classifying parts of the coast as specially protected areas such as defined in article 38 of the present law ;
- The conditions for exploitation, improvement and development of the coast resources.

Section VI : Country and Mountainous Areas

Article 37 : In order to protect the rural areas and to preserve and develop the ecosystems of the country and of mountainous areas, legislative and statutory regulations have been put in place to ensure the integrated and sustainable management of the ecosystems and to protect them against the degradation of their resources and of the quality of the environment in general.

The legislative and regulatory provisions define the following :

- The methods for elaborating management and exploitation schedules and plans for the country and mountainous areas;
- The criteria necessary for classifying the country and mountainous areas as specially protected areas such as they are defined in article 38 of the present law ;
- The conditions for exploitation, improvement and development of the country and mountainous areas.

Section VI : Specially Protected Areas, Parks, Nature Reserves and Protected Forests

Article 38 : Land and marine areas of the national territory, whose human or natural environment presents a special interest that should be preserved, may statutorily be declared specially protected areas, after consultation of the local communities and organisations concerned and after a public survey has been conducted. These areas are protected and preserved from all interventions and actions that are likely to modify or degrade them.

If the importance of the specially protected area so requires, the competent authorities can declare it a park or a nature reserve in accordance with the procedure provided for by the legislative and statutory texts in force.

Article 39 : When the decision to classify a specially protected area, a park or a nature reserve entails direct and definite material prejudice as a result of the limitation of the previous activities in the area concerned, the owners or their eligible parties are entitled to compensation subject to the conditions set out in the laws and regulations in force.

Article 40 : If so required for the protection of the ecological balance, any forest area, whoever be the owner, may be declared a protected forest where all activities or exploitation of the soil liable to alter the quality of the trees are forbidden. The decision to declare a forest a protected forest creates the entitlement to compensation under the same conditions as those provided for by article 39 above.

Chapter IV : Pollution and Nuisance

Section I : Waste

Article 41 : The administration and the local communities and their organizations must take all the necessary measures to reduce the danger of waste and to manage, process and eliminate waste in a way that is appropriate to avoid or reduce harmful effects on human health, natural resources, fauna and flora and on the quality of the environment in general.

Article 42 : For the implementation of article 41 above, legislative and statutory measures define the conditions and operations for the elimination of waste and notably its collection, sorting, storing, transport, importation, exportation, putting in controlled rubbish dumps, exploitation, re-use, recycling or any other means of permanent treatment, management or elimination.

Section II : Liquid and gaseous refuse

Article 43 : All spilling into the natural environment of liquid or gaseous refuse of whichever origin that is likely to harm human health or the environment in general and that exceeds the norms and standards in force, is forbidden.

Article 44 : The legislative and statutory provisions lay down the following :

- The list of liquid and gaseous substances the spilling of which is forbidden, their composition and degree of concentration as well as the substances in circulation that require prior permission or declaration ;
- The conditions for the operations of collection, storage, treatment, recycling, re-use and permanent elimination of this refuse ;
- The chemical and microbiological characteristics of liquid and gaseous refuse.

Section III : Hazardous and Dangerous Substances

Article 45 : Circulation of all hazardous and dangerous substances is forbidden without administrative permission. Their use is subject to control and monitoring by the administration on the grounds of their toxicity, their radioactivity or their concentration that constitute a threat for the biological ecosystems when spilled into the natural environment.

Article 46 : The legislative and statutory provisions lay down the following :

- The list of hazardous and dangerous substances the spilling of which into the natural environment is forbidden or subject to prior permission or declaration by the administration ;
- The list of hazardous and dangerous substances the transport of which within the national territory or across the borders is forbidden or subject to prior permission or declaration by the administration ;
- The conditions, methods of conditioning and storage, the itinerary and dates of transport of these substances.

Section IV : Sound and Olfactory Nuisances

Article 47 : Noise and sound vibrations of whichever origin or nature that are likely to cause discomfort for the vicinity, harm human health or jeopardize the environment in general, notably in the course of activities of production, services, starting machines and materials and of the use of alarms and loudspeakers, must be eliminated or reduced pursuant to the legislative and statutory provisions put in place to enforce the present law. These provisions determine the acceptable limiting sound values, the cases when all sound or noise is forbidden as well as the measurement systems and the means of control.

Article 48 : The emission of smells that due to their concentration or nature are offensive and exceed the regulatory norms is forbidden.

Chapter V : Instruments for the Management and Protection of the Environment

Section I : Environmental Impact Studies

Article 49 : If the achievement of developments, works or projects is likely to jeopardize the environment owing to their effect on the natural environment, the owner or the applicant for a permit must carry out a study to assess the impact of the project on the environment and its compatibility with environment protection requirements.

Article 50 : Laws and regulations define the works, activities, projects and developments that are subject to environmental impact studies are defined by as well as the objectives and the contents of such studies and the methods for monitoring compliance with preventive norms and measures.

Section II : Emergency Plans

Article 51 : Emergency plans must be elaborated by the administration in co-operation with the local communities and the instances concerned in accordance with the regulatory conditions in order to face critical situations generating serious pollution of the environment as a result of unforeseeable accidents or of natural or technological disasters.

Article 52 : The implementation texts for the present law determine the domains, the conditions of elaboration, the contents and the implementation of emergency plans as well as the conditions and cases that require the requisition of persons and goods and the temporary occupation and crossing of private property.

Article 53 : The owner of installations that are declared to be subject to permission must establish an emergency plan for his installation foreseeing the alert of the competent authorities and the neighbouring populations, the evacuation of staff and the means that make it possible to contain the causes of accidents that may result from the installation.

Installations that existed prior to the publication of the present law are allowed transitional delays defined in regulations in order to elaborate an emergency plan in accordance with the provisions of the previous paragraph.

Section III : Norms and Standards for the Quality of the Environment

Article 54 : The norms and standards that are essential for maintaining the quality of the environment are defined in legislative and statutory provisions.

Article 55 : The norms and standards for the quality of the environment mentioned in Article 54 above have been determined while taking the following into account :

- the most recent scientific data in the field ;
- the state of the environment that receives waste and refuse ;
- the self-purification capacity of water, air and soil ;
- the requirements of sustainable national economic and social development ;
- the financial profitability of each of the sectors concerned ;
- health requirements.

Article 56 : Besides the norms and standards of a national scope, the administration determines, together with the instances concerned, more stringent norms and standards for certain polluting sectors or for areas that are particularly concerned by or likely to be concerned by pollution or characterized by a particularly fragile ecological balance.

Article 57 : In accordance with the texts for the implementation of the present law the administration sets up a national observatory of the environment and regional observation networks for the control and continuous monitoring of the quality of the environment. These networks periodically monitor, in their various fields, the components and pollutants of the environment ; they transmit the data to the competent authorities and may request the

assistance of research centres, scientific institutes and universities and of the competent authorities.

Section IV : Financial and Fiscal Incentives

Article 58 : In accordance with the texts for the implementation of the present law and with outline law N° 18-95 that constitutes the investment charter, a system of financial and fiscal incentives encourages investment in and financing of projects relating to the protection and development of the environment.

Article 59 : The texts for the implementation of the present law referred to in Article 58 above determine the State subsidies, partial or complete exemption from customs duties, taxes, long term loans, reduced interest credit and any other incentive measures.

Section V : National Fund for the Protection and the Development of the Environment

Article 60 : A national Fund for the protection and the development of the environment is created. The legal framework, tasks, resources and expenditure of this fund are determined by implementation texts.

Article 61 : The activities and tasks of the said fund are monitored by the government authority in charge of the environment.

Article 62 : The resources of the national fund are earmarked for financing the incentive measures provided for by the present law and, exceptionally, for financing pilot projects in the field of the environment and experimentation.

Chapter VI : Rules of Procedure

Section I : Special Regime of Civil Liability

Article 63 : Any individual or legal entity that stocks, transports or uses hydrocarbons or hazardous or dangerous substances, or any owner of a classified installation, as defined by the implementation texts of the present law, who have directly or indirectly caused bodily or material damage linked to the exercise of the above activities, are responsible even in the absence of proof of fault.

Article 64 : The person responsible for compensating the said prejudice, according to article 63 may request the limitation of responsibility to a global amount per incident. The amount is fixed by regulations.

Article 65 : There are no grounds for applying for the limitation of responsibility provided for by article 64 above if the incident is caused by a fault of the person mentioned in article 63.

Article 66 : To obtain the limitation of responsibility provided for by article 64, the person who has responsibility for compensating the prejudice must deposit with the court where action is brought a guarantee the amount of which equals the limit of his responsibility. The said guarantee must be constituted by depositing an amount of money, or by presenting a bank guarantee or by any other guarantee allowed by the legislation in force.

Article 67 : Sharing the amount of the guarantee stipulated in article 66 between creditors must be done proportionally to the amount of the claims that have been accepted.

Article 68 : If prior to sharing the amount of the above guarantee, the person that is responsible for compensating the prejudice has paid compensation for damages by pollution, he will be exempted, up to the limit of the amount paid, from the compensation that the compensated person would have received in accordance with the present law.

Section II : Restoration of the Environment

Article 69 : Subject to the prevailing texts and without prejudice to the application of the penal sanctions provided for by the legislation in the field of civil compensation, the administration can compel whoever commits an infringement of the law resulting in degradation of the environment, to restore the environment as soon as such restoration is possible.

Article 70 : The administration can compel any owner who exercises an activity that has resulted in degradation of the environment to restore the latter even if the degradation is not due to an infringement of the provisions of the present law and the implementation texts thereof.

Article 71 : In the cases provided for by articles 69 and 70 above, the administration determines for each case the objectives of restoration of the environment to be achieved as well as the dates for carrying out the operations for the development of the environment. At the conclusion of the work the administration must inspect the sites and take a decision giving full discharge if the work has been carried out in accordance with the instructions.

Article 72 : If the environment has not been restored according to the conditions set out in Article 71 above and in the case of lack of specific procedures defined by the legislative or statutory provisions, the administration may, after notification of the person concerned by the measures taken, proceed with the said work at the expense of the person concerned.

Section III : Transaction Procedure

Article 73 : The competent authorities, in relation, if necessary, with the authority in charge of the environment, are authorised to enter into a compromise concerning the fines that the present law and its implementation texts provide for and approve. A report is drafted to this effect by the said authorities, fixing the details of the transaction, its amount and the dates of execution. The transaction cannot take place before the final sentence has been pronounced. The amount of the transaction cannot be less than the fine provided for by the law.

Article 74 : The transaction referred to in Article 73 above is executed without prejudice to possible civil compensation due to victims of damages and subject of court proceedings.

Article 75 : Legal proceedings are only extinguished after full payment of the amounts due for the transaction such as fixed by the competent authorities and agreed with the offender. Non-respect of the provisions defined in the report under Article 73 leads to the resumption of the application of the penal procedure.

Section IV : The Procedure and Prosecution of Infringements

Article 76 : Any legal entity or individual that has suffered prejudice due to the emission or spilling of substances, sounds, vibrations, radiation, heat or smell that have jeopardized their health or damaged their goods has the right to request an administrative inquiry within a

period of ninety days from establishing the damages. The results of the inquiry must be notified to the plaintiff.

In case the plaintiff urgently requests an inquiry, the authorities must notify him within 60 days. Refusal or closure of the request must be justified by the administration .

Article 77 : The following are in charge of establishing infringements of the provisions of the present law, subject to the legislation and the regulations in force and the texts for their implementation: criminal investigation officers, civil servants and officers assigned to this effect by the competent administration, officers of local communities assigned by the presidents of the local councils and persons that have been sworn in accordance with the legislation on oaths applicable to officers reporting offences as well as any expert or legal entity exceptionally put in charge of this task by the administration.

Article 78 : The above persons, within their respective fields of competence and within the limits of the responsibilities and attributions given to the authority they are answerable to may access, in accordance with the provisions of the penal procedure code, a property, an installation or building other than a housing property, or a vehicle in order to collect samples, install measuring equipment or do tests when there are reasons to believe that activities are being carried out or have been carried out therein that may constitute an infringement of the present law or of the texts for its implementation.

Article 79 : The persons in charge of establishing infringements must draft a report that notably indicates the circumstances and the nature of the infringement as well as the explanations of the offender. These reports must be passed on, as soon as possible, to the court that is competent and to the governor of the prefecture or the province concerned, subject to other legislative and statutory provisions providing for set delays for administrative measures to be taken prior to action being brought in order to notify the offender and to compel him to carry out the necessary restoration and to eliminate the effects that jeopardize the environment.

Chapter VII : Final Provisions

Article 80 : All earlier legislative and statutory provisions that are contrary to the provisions and general principles of the present law have been abrogated. The present law comes into force on the date of its publication in the Official Bulletin.