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ONLY GOD BE PRAISED !

Dahir no 1-03-60 Of 10 Rabii I 1424 (12 May 2003) promulgating Law No 12-03 pertaining to environmental impact studies.

The Great Seal of His Majesty Mohammed VI

Let it be known herewith- May God elevate and strengthen the content!

That our Cherifian Majesty, in view of the Constitution and notably articles 25 and 58,

has decided the following:

Law no 12-03 pertaining to environmental impact studies, 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 no 12-03 Pertaining to Environmental Impact Studies

Chapter One: Definitions and Scope

Article 1: Within the context of this law, the following mean:

- 1- Environment: All the natural elements and human settlements as well as the economic, social, and cultural factors that favour the existence, transformation and development of the natural environment of living organisms and of human activities.
- 2- Environmental Impact Study: An preliminary study that allows for the evaluation of direct or indirect impacts that can affect the environment in the short, medium and long term as a result of the implementation of economic and development projects and of the development of basic infrastructures and for determining the measures for eliminating, alleviating or compensating the negative impacts and for improving the positive effects of the project on the environment.
- 3- Petitioner: Legal entity or individual that is the author of an application for permission or approval concerning a project subject to the environmental impact study

4- Environmental acceptability: Decision expressed by the government authority in charge of the environment, in conformity with the opinion of the National Committee or the Regional Committees on environmental impact studies, ascertaining the feasibility, from the environmental point of view, of a project subject to an environmental impact study.

5- Project: All projects for activities or work undertaken by any private or public legal entity or individual that, because of their nature, size and location in sensitive or protected areas, must be the object of an environmental impact study.

6- Guidelines: Reference documents defining the main elements that must be integrated in the terms of reference of the impact study of a project subject to this study.

7- Terms of reference: Reference document defining the important environmental aspects and requirements that must be taken into consideration when elaborating the impact study. It determines the method that must be adopted to detect and analyse the likely repercussions of the project on the environment.

8- Sensitive areas: Humid areas, protected areas and areas of biological and ecological utility as well as those located over water tables or over water drainage sites.

Article 2: All the projects mentioned in the list annexed to the present law are subject to an environmental impact study, whether undertaken by a private or public legal entity or individual, that by virtue of their nature, size or location may generate negative impacts on the biophysical and human environment.

Article 3: When a project that is subject to an environmental impact study is subdivided into several complementary modules or when the implementation of that project is spread in time, the impact study must cover the entire project.

Article 4: Projects that fall under the authority in charge of national defence are not subject to the present law. However, those projects must be implemented in such a way as not to jeopardise the population or the environment in general.

Chapter II: Objectives and Contents of the Environmental Impact Study

Article 5: The objective of the environmental impact study is:

1- To evaluate in a systematic and preliminary way the possible repercussions, the direct and indirect, temporary and permanent impacts of the project on the environment and particularly on man, fauna, flora, soil, water, air, climate, the natural environment and the biological balance, on the protection of goods and historical sites and possibly on the comfort of the neighbourhood, hygiene, public sanitation and security while taking into consideration the interactions between these factors.

2- To eliminate, alleviate and compensate the negative impacts of the project

3- To promote and improve the positive impacts of the project on the environment.

4- To inform the relevant general public about the negative impacts of the project on the environment.

Article 6: The environmental impact study consists of:

- 1- An overall description of the initial state of the site that is likely to be affected by the project, especially its biological, physical and human components;
- 2- A description of the main components, characteristics and phases of implementation of the project, including manufacturing processes, the nature and quantities of raw materials and the energy resources used, the liquid, gaseous, and solid waste as well as the waste generated by the implementation or the exploitation of the project;
- 3- An evaluation of the positive, negative and harmful impacts of the project on the biological, physical and human environment that could be affected during the implementation, exploitation or development phases on the basis of the terms of reference and guidelines intended for that purpose;
- 4- Measures envisaged by the petitioner to eliminate, reduce or compensate the harmful consequences of the project on the environment as well as measures aimed at promoting and improving the positive impacts of the project;
- 5- A monitoring and follow up programme of the project as well as the measures envisaged in terms of training, communication and management aimed at ensuring that implementation, exploitation and development are in accordance with the technical specifications and with the environmental requirements adopted by the study;
- 6- A concise presentation on the legal and institutional framework pertaining to the project and to the premises where it will be implemented and exploited as well as a forecast of the cost of the project;
- 7- A synoptic note on the content and conclusions of the study;
- 8- A simplified summary of the information and essential data contained in the study for the attention of the public.

Article 7: The authorisation of any project subject to an environmental impact study is subordinated to the environmental acceptability decision. This decision constitutes one of the main documents in the application dossier submitted for obtaining permission to proceed with the project.

Chapter III: National Committee and Regional Committees on Environmental Impact Studies

Article 8: A national committee and regional committees on environmental impact studies are established, within the government authority in charge of the environment. The assignment of these committees is to examine the environmental impact studies and to express their position on the environmental acceptability of the projects.

The formalities for the establishment of the national committee and of the regional committees, their functional modalities and their mandate are laid down in regulatory texts.

Article 9: Every project that is subject to an environmental impact study is the object of a public inquiry. The inquiry aims at allowing the public concerned to be aware of the possible impact of the projects on the environment and to record relevant observations and suggestions. Those observations and suggestions are taken into account during the examination of the environmental impact study.

Projects that are subject to another public inquiry by virtue of other legislative and regulatory texts are exempted from the public inquiry mentioned in the first paragraph of this article provided that the public be apprised of the environmental impact study in the course of the inquiryhearings. The conditions under which the inquiry is organised are defined in a regulatory text.

Article 10: The administration must take all the necessary measures for the relevant information and conclusions of the environmental impact study to be accessible for the public during the public inquiry, with the exception of information and data that are deemed confidential.

To this effect, the petitioner is responsible for notifying the administration in writing of the information and data he deems confidential.

In accordance with the first paragraph of this article information and data pertaining to the project, whose dissemination may cause prejudice to the interests of the requester are considered confidential, except when the information concerns the negative impacts of the project on the environment. The conditions and modalities for consultation of impact studies are laid down in regulatory texts.

Article 11: In the discharge of their duties or when carrying out the consultation or the scrutiny of the environmental impact studies or during the follow-up of projects subject to such studies, the agents commissioned by the Administration and the members of the national committee and the regional committees mentioned in article 8 above, are bound by professional secrecy and any disclosure of information concerning projects subject to environmental impact studies will be punished in accordance with the provisions of the penal code in force.

Article 12: The costs accrued from public hearings are borne by the petitioner. The modalities of implementation of the present article are defined in regulatory texts.

Article 13: The expenses related to the environmental impact study are borne by the petitioner, except where the existing legislation contains provisions to the contrary.

Chapter IV: Cases of Non-Compliance and the Right to Sue

Article 14: The officers of the judicial police and the sworn agents commissioned by the administration and the local authorities are mandated to establish and to identify infringements of the provisions of the present law and of the regulatory texts for its implementation.

Article 15: In case of non compliance with the provisions of the present law and the texts for its implementation, the commissioned agent, once the infringement established, must draft a report a copy of which is sent, within fifteen days, to the authority directly concerned by the project and another copy to the government authority in charge of the environment. The latter, after having notified the relevant government authority, issues an order for the offender to comply with the legislation in force.

Article 16: When the offender, who has received a formal order, refuses to comply and when the construction, exploitation or development are ongoing, the government authority in charge of the environment, after notification of the relevant government authority, must send a copy of the statement of infringement to the Governor of the Province or Prefecture and to the President of the Community Council to order that the works be discontinued, pending the verdict of the competent jurisdiction.

In case of emergency, the immediate suspension of the work, the destruction of constructions and installations and the banning of activities that are contrary to the provisions of the present law, may be ordered.

Article 17: The discontinuation of the work, construction, exploitation or development and the rehabilitation of the premises to their original state do not constitute an impediment for the right to lodge a complaint, either at the initiative of the government authority in charge of the environment or at the initiative of any legal entity or individual with the quality and interest to bring the case before a court.

Article 18: When a case brought before a competent jurisdiction against a permission or a decision to approve a project, is based on the lack of an environmental acceptability decision, the same competent court orders the urgent cancellation of the permission or the decision as soon as this lack has been observed.

Article 19: Projects that have obtained an environmental acceptability decision and that have not been implemented within a five year period from the date the decision was obtained, must be subject to a new environmental impact study.

Article 20: The provisions of the present law enter into force on the date of its publication in the *Official Bulletin*. However, they are not applicable to the applications for permission that have been submitted to the Administrative services prior to the date of its publication.

Annex of the Projects Subject to the Environmental Impact Study

- 1- Premises that are unhygienic, unhealthy or dangerous, classified in the first category
- 2- Projects for infrastructures
 - Road construction (national roads and highways)
 - Railroads
 - Airports
 - Town planning and development
 - Planning and development of industrial area

- Commercial ports and yachting harbours
- Dams or any other installation intended for permanently retaining and storing water
- Tourist complexes, especially those located on the coast, in the mountains and in rural areas
- Installations for waste storage or elimination, regardless of their nature and of the methods for elimination.
- Used water purification stations and related installations
- Marine evacuation conduits
- Transport of dangerous or toxic substances

3- Industrial projects

3.1 Mining industries

- Mines
- Sand and gravel quarries
- Cement factories
- Plaster industry
- Cork processing

3.2 Energy industry

- Premises for the storage of gas or flammable substances
- Oil refineries
- Large-scale energy transfer
- Thermal power stations and other calorific power combustion installations of at least 300MW
- Nuclear power plants
- Hydroelectric power stations

3.3 Chemical industry

- Installations for the manufacturing of chemical products, pesticides, pharmaceutical products, paint and varnish, elastomers, and peroxides
- Launching of new chemical products in the market
- Extraction, processing and transformation of asbestos

3.4 Metal smelting

- Steel mills
- Metal casting
- Furnaces and metal equipment

3.5 Food processing industry

- Canning of animal and vegetable products
- Manufacturing of dairy products
- Breweries
- Manufacturing of drinks and sweets
- Fish flour and fish oil factories
- Industrial starch mills
- Molasses processing and sugar mills
- Flour mills
- Oil factories

3.6 Textile, leather, wood, pulp, cardboard and pottery industries

- Manufacturing of paper paste
- Leather tanning and processing
- Cellulose production and treatment
- Fibre dyeing
- Manufacturing of fibre, particles and plywood panels

- Textile industry and dyeing

- Pottery

3.7 Rubber industry

- Manufacturing and treatment of ‘elastomere’ based products

4. Agriculture

- Projects for the regrouping of rural land

- Reforestation projects exceeding 100 hectares

- Projects pertaining to the allocation of uncultivated land or semi natural sites to intensive agricultural exploitation

5. Aquaculture and pisciculture projects