

**The Government of the Republic of the Union of Myanmar**

**Ministry of Environmental Conservation and Forestry**

**Notification No. 50 / 2014**

The 8<sup>th</sup> Waxing Day of Nayon, 1376 M.E.

( 5<sup>th</sup> June, 2014)

The Ministry of Environmental Conservation and Forestry, in exercise of power conferred under sub-section (a) of section 42 of the Environmental Conservation Law, hereby issues these rules with the approval of the Union Government.

**Chapter I**

**Title and Definition**

1. These rules shall be called the **Environmental Conservation Rules**.
2. The expression contained in these rules shall have the same meanings as contained in the Environmental Conservation Law. Moreover, the following expressions shall have the meaning as follows:
  - (a) **Law** means the Environmental Conservation Law;
  - (b) **School** means any university, college, institute, school established by any Government department, Government organization or established by any private, private organization and recognized by the Government;
  - (c) **Environmental management** means the management of human activities which affect all living and non-living things which influence living things in the world and their relations;
  - (d) **Environmental Impact Assessment** means the process of systematic study whether or not there are potentials or impact processes that may cause on the physical, human, biological, social and socio-economic of environment which is required as part of the decision making process any project, business, service or activity proposed to carry out;
  - (e) **Third person or organization** means any other person or organization except a person or an organization that implements the project, business, service or activity or a person or an organization that scrutinizes and allows it;
  - (f) **Initial Environmental Examination** means the initial process which studies whether or not potential impacts of a project, business service or activity is significant, whether or not it is necessary to carry out environmental impact assessment and whether or not it is necessary to prepare and submit other stipulated documents;
  - (g) **Environmental Management Plan** means project which expressed methods and plans which carried out to mitigate cause to effect bad or to avoid or to protect cause

to effect bad to environment and performance steps by steps of work such as construction, implementation, operation, termination, closure of plan, business, service or activity and any other cause which relevant such performance. Such expression includes the activities relating to environmental conservation and change of environment situation and the prior management in respect of emergency situation relating to environmental impact;

- (h) **Form** means the form contained in these rules;
- (i) **Environmental Conservation Officer** means the staff officer and senior officers from the Environmental Conservation Department.

## **Chapter II**

### **Adopting Policy Relating to Environmental Conservation**

3. The Committee shall prepare the necessary policies relating to environmental conservation according to relevant sector in coordination with the suitable organization, person from the relevant Government department, Government organization and private sector and submit to the Union Government. The policies relating to environmental conservation approved by the Union Government shall be released for public awareness by the suitable manners.
4. The Committee shall, if it considers that policies relating to environmental conservation should be amended according to the guidance of the Union Government or at the advice or on the submission of the Ministry or at the advice of the relevant Government department, Government organization, private sector and the public, amend it with the approval of the Union Government.
5. The Ministry shall, when it is necessary to consider, to adopt or amend the policies relating to environmental conservation, submit its finding and advice for adoption or amendment of such policies to the Committee.
6. The Ministry shall implement the Myanmar National Environmental Policy and other policies relating to environmental conservation issued by the Committee according to rule 3 with the approval of the Union Government.

## **Chapter III**

### **Environmental Conservation**

7. The Committee shall coordinate the following educational and organizational measures, development activities relating to environmental conservation studies in coordination and cooperation with the relevant Government departments, Government organizations, civil society and private organizations:
  - (a) arranging and holding talks relating to environmental conservation in schools;
  - (b) dissemination of knowledge on environmental conservation through media such as newspaper, journal, magazine, periodical, radio, television, internet etc.;

- (c) drawing and adopting programmes for talks and seminars relating to environmental conservation in urban and rural areas and coordination and carrying out with the relevant administrative bodies, school administrators, organizations relating to environmental conservation;
- (d) carrying out for the development of environmental conservation studies and research works;
- (e) carrying out educational and organizational activities relating to other environmental conservation.

8. The Committee may carry out the following activities relating to environmental conservation in coordination and cooperation with relevant Government departments, Government organizations, other organizations relating to environmental conservation:

- (a) growing tree, inserting fingerlings and carrying out supporting activities relating to environmental conservation;
- (b) exhibiting exhibitions; holding competitions, concerts, opera and entertainments relating to environmental conservation;
- (c) carrying out collective cleansing sanitation;
- (d) holding commemorative days relating to environmental conservation;
- (e) carrying out other activities relating to environmental conservation;
- (f) carrying out for the conservation and safeguarding of endangered species and rehabilitation and regeneration in the habitats.

9. The Committee:

- (a) may advise and encourage to insert and to enable to amend, as may be necessary, the lessons on environmental conservation contained in school curriculum to the relevant department;
- (b) shall scrutinize, from time to time, the situation of implementation in respect of the advice by the relevant Government department, Government organization.

10. The Committee may, if any of the following situations arises, send necessary advices or encouragements to the relevant Government department, Government organization:

- (a) guiding by the Union Government in respect of environmental conservation;
- (b) asking advice by the relevant Government departments, Government organizations;
- (c) finding out according to investigation relating to environmental conservation;
- (d) considering according to any report or by his own motion, that it is necessary for environmental conservation.

11. The Committee may assign duty to the Ministry to scrutinize whether or not complies with and carries out in accord with the advice or encouragement under rule 10 by the relevant Government department, Government organization.

12. The Committee, for the conservation and enhancement of environment:

- (a) may ask suitable manner for necessary proposals, advices, remarks from the relevant Government departments, Government organizations, international organizations, local and international non-governmental organizations, civil society, experts and the public for particular case or generally;
  - (b) may guide to the Department to hold workshops, conferences if it is necessary;
  - (c) may accept and obtain the local or foreign technical assistances;
  - (d) may cause maintain the list, using and managing from the Ministry the technical assistances obtained in accord with sub-rule (c);
  - (e) may make causing to obtain technology assistances from local and foreign and giving necessary assistances for enabling to receive so;
  - (f) shall coordinate and carry out to inform to the committee receiving the technology of the relevant Government department, Government organization which received the technological assistance and the progressive performance situation of work at the time of completion of relevant work or annually.
13. The Committee, in respect of occurrence environmental damage or situations which could be damaged the environment;
- (a) may inform to amend and carry out, as may be necessary, within the stipulated period not to cause environmental damage, if it is found that it is occurred because of the Government department, Government organization-owned enterprise, mill, factory, work centre, service or place, to the relevant Government department, Government organization; if it is found that it is occurred because of the private-owned, joint-venture company, mill, factory, work centre, service or place, to the relevant owner; and to the Government department, Government organization which issues permission, license, permit, order to operate the work to them;
  - (b) shall inform to the relevant Government department, Government organization to take action until such business is terminated, if it is not complied with information under sub-rule (a) within the stipulated time;
  - (c) shall ask and carry out for the policy from the Union Government and carry out if it is necessary.
14. The Ministry shall implement the relevant work programmes with the whole country or the local work programmes in respect of environmental management with the approval of the Committee.
15. The Ministry shall cooperate and coordinate so as to comply with and carry out in accord with the stipulations the work programmes for environmental management, implemented under rule 14, by the relevant Government departments, Government organizations, Nay Pyi Taw Council, Region or State Government Body, Leading Body of the Self-administered Division or Leading Body of the Self-administered Region, District Administrator, Township Administrator of the

General Administration Department; or Ward or Village-tract Administrator, private organization and the public.

16. The Ministry:

- (a) shall adopt the necessary programmes, with the approval of the Committee, for the conservation and enhancement of environment, protection, protect, control not to become the environment pollution, decreasing and disappearing of environment pollution and re-conservation;
- (b) may assign duty to the relevant department and organization under its Ministry or other relevant Government department and Government organization with the guidance of the Committee to implement the programmes contained in sub-rule(a);
- (c) may cause to inspect by forming inspection team in the department or organization under its Ministry or in any relevant other Government department and organization with the guidance of the Committee to monitor and inspect the implementation of programmes contained in sub-rule (a);
- (d) may tender advice for environmental conservation, as may be necessary, in accord with the guidance laid down by the Committee, if the relevant Government departments, Government organizations, private organizations and persons asks the advice or it considers that it enhancement of environment, protection, control and reduction of pollution in environment, or if it considers that it is necessary.

17. The organization which monitors, inspects and supervises the implementation of the programmes according to sub-rule (c) of rule 16 shall submit the report which relevant the situation of their work performance to the Ministry.

18. The Ministry:

- (a) may assign duty to the Department to prepare and submit the proposals for incentive manners and conditions relations relating to economic which causes least affect the environment or cannot affect the environment for continuously development in addition to legal matters and guidelines which relevant environment;
- (b) shall scrutinize the proposals submitted by the Department and submit to the Committee with its comment.

19. The Ministry:

- (a) may assign duty to the Department to support in settling such dispute smoothly if an environmental dispute arises between the Government department, Government organization; between Government department, Government organization and private, private organization, or public; between private, private organizations; between private, private organization and public;
- (b) may form each conciliation body, if it is necessary, comprising representatives from the relevant Government department and Government organization, representatives of

both parties, and suitable citizens, to conciliate and settle the dispute. Moreover, it may determine the functions and duties of such body;

- (c) may reform the conciliation body if the formation of the conciliation body is objected, with sufficient reason, by any of the parties to the dispute or by both parties;
- (d) shall submit to and ask for the guidance of Union Government for the disputes which cannot be settled by conciliation body.

20. The Ministry shall, according to the power contained in sub-section (h) of section 7 of the Law, determine the categories of hazardous materials which may significantly affect the environment at the present situation or in the short term or long term in accord with the international conventions and international agreements which relevant environmental conservation accepted by Myanmar, to prohibit import, export, production, storing, transport, selling or buying of them.

21. The Ministry may assign duty to the Department to implement the policies, orders, work programmes and guidelines relating to environmental management, conservation and enhancement which laid down for the matters of protection of ozone layer, biodiversity conservation, conservation of coastal environment, mitigation and adaptation of global warming and climate change, combating against desertification, management of persistent organic pollutants and other environmental matters.

22. The Ministry shall, if the Union Government assign other functions and duties in respect of environmental conservation, implement by the Ministry itself or, if it is necessary, by coordination and cooperation with the relevant Government departments, Government organizations and persons.

23. The Department:

- (a) shall negotiate and draw the relevant short term, medium term and long term plans with the whole country, relevant region in respect of environmental management and carry out implementation, supervision, and scrutinization on implementation with the approval of the Ministry;
- (b) shall implement the plans for environmental conservation and enhancement, control not to become the environmental pollution, control and decreasing and disappearing to environmental pollution in accord with the guidance of the Ministry;
- (c) shall monitor on the implementation of the plans and programmes contained in sub-rules (a) and (b), if it is necessary, carry out in cooperation and coordination with other Government departments, Government organizations, non-governmental organizations, and submit the report which relevant the work performance situation to the Ministry.

24. The department shall, after preparing the proposals, submit to the Ministry for incentive manners and conditions relating to economic which cause least affect the environment or cannot affect the environment for continuously development in addition to necessary legal matters, guidelines which relevant with the environment.

25. The Department shall prepare necessary facts so as to enable to determine the categories of hazardous substances which may affect the environment at the present situation or in the short term and long term in accord with the relevant international conventions, international agreements relating to environmental conservation accepted by Myanmar, to prohibit the import, export, production, storing, transport, selling and buying of them, and submit them to the Ministry.

26. The Department shall also carry out the following functions and duties for conservation of environment:

- (a) collection and compiling of data for the conservation and enhancement of environment, doing research and carrying out training programmes;
- (b) mitigation the climate change and laying down the programmes which carried out in accord with the policy relating to the compliance;
- (c) implementation and carrying out programmes for the dissemination of environmental information and enhancement of environmental awareness;
- (d) managing and carrying out environmental education and information awareness works for enabling teaching environmental subjects in schools and public participation in environmental conservation processes;
- (e) scrutinizing and submitting so as to enable to issue necessary permissions respect of business, mill, factory which may affect the environmental quality which would be carried out by the government departments, government organizations, private, private organizations;
- (f) giving remark after scrutinizing on the certificate of the relevant departments and organizations in respect of import, export and transport of hazardous materials which are restricted or prohibited according to international agreements, national existing laws and which may damage the environment;
- (g) determining and issuing guidance relating to environmental impact assessment process;
- (h) drawing environmental impact assessment system and submitting it to the Ministry;
- (i) preparing and submitting state of the environment report for the whole country;
- (j) publishing the state of the environment for the whole country or a regional or a regional or for a particular case to the public in accord with the guidance of the Ministry.

#### **Chapter IV**

#### **Cooperation International, Regional and Bi-lateral which relevant Environmental Conservation**

27. The Committee may, if it considers that it is necessary to take part in international, regional, bi-lateral agreements, instruments which relevant environmental conservation, assign duty to the

Ministry to carry out as may be necessary after submitting to and obtaining approval of the Union Government.

28. For the conservation and enhancement of environment, to perform in accord with the international conventions, regional agreements, bi-lateral agreements which relevant environmental conservation which implemented by Myanmar, the Committee:

- (a) may coordinate and discuss with the relevant Government departments, Government organizations;
- (b) may coordinate for cooperation of the Ministry and the relevant Government departments, Government organizations in implementation.

## **Chapter V**

### **Environmental Management Fund**

29. The Committee, for conservation of environment:

- (a) may accept the donation, aid and other incomes in cash or by account transfer or by any other means;
- (b) shall cause to deposit donation, aid and other incomes contained in sub-rule(a) to the environmental management fund;
- (c) shall expend the environmental management fund only for environmental conservation matters except otherwise decided and carried out by the Committee;
- (d) shall direct the incomes received under sub-rule (a) to make maintenance the list, using inspection and management by the Ministry.

30. The Ministry:

- (a) may determine with the approval of the committee the necessary facts including the amount of money which would be compensated and to cause compensate by the polluter to environment in environment damage;
- (b) may determine, with the approval of the Committee, to contribute fund by the organizations which obtain benefit from the natural environmental service system and other necessary facts including the amount of money to be contributed for contributing in environmental conservation works from a part of benefits from the businesses which extract, trade and use the natural resources.

31. The Ministry shall establish the environmental management fund with the following incomes to enable effective implementation of environmental conservation works:

- (a) income received from the State budget;
- (b) income received by the Ministry in carrying out its functions and duties relating to environmental conservation;
- (c) loan, donation, aid and other official income received by the Committee and the Ministry from inland and abroad;



- (d) compensation by the polluter under sub-section (o) of section 7 of the Law and rule 30, and contribution to environmental conservation fund by the organizations which obtain benefit from the natural environmental services and contribution to environmental conservation works funds a part of benefit from business which extract, trade or use the natural resources.
32. The Ministry may assign duty to the Department to carry out for depositing, managing, drawing and using, transfer and keeping accounts of the environmental management fund under rule 31, in accord with the guidance of the Committee.
33. The Department with the supervision of the Ministry, the environmental management fund:
- (a) shall open and entrust the drawing account in any State-owned bank;
  - (b) shall keep accounts and records separately according to categories of materials, cash donations, aids;
  - (c) shall draw and carry out the management in accord with the financial regulation;
  - (d) may draw, use, transfer the expenses from the fund.
34. The Department shall carry out depositing to the environmental management fund, keeping accounts, reporting the list to the Ministry monthly.
35. The Ministry may contribute and expend from the environmental management fund for the expenditure for the special matters relating to the environmental management, conservation and enhancement of environment for the protection of ozone layer, biodiversity conservation, conservation of coastal environment, mitigation of and adaptation to the global warming and climate change, pollution control, management of persistent organic pollutants, doing research and development works relating to environmental conservation and other environmental matters.

## **Chapter VI**

### **Environmental Emergency**

36. The Committee:
- (a) shall, if it knows by itself and believes or if it receives sufficient information from the Ministry or any other Government department or Government organization or by any other means that any situation of environmental emergency arises or likely to arise in the Myanmar entire country or Nay Pyi Taw or any Region or State or any area, submit immediately to the Union Government to enable to declare the occurrence of an environmental emergency;
  - (b) if it is considered that emergency situation is over, it shall submit to the Union Government to enable to declare the termination of emergency.
37. The Ministry:

- (a) shall prepare, in advance, the emergency response plans in respect of the environmental emergency in coordination with the relevant Government departments and Government organizations;
- (b) shall carry out, as may be necessary, in coordination and cooperation with the relevant Government departments, Government organizations, non-governmental organizations and experts, in accord with the guidance of the Union Government, to enable to prevent environmental damage which is caused or likely to be caused by environmental emergency.

## **Chapter VII**

### **Environmental Quality Standards**

#### 38. The Ministry:

- (a) may declare and determine, with the approval of the Union Government and the Committee, by notification, the environmental quality standards contained in sub-section (d) of section 7 and section 10 of the Law for conservation and enhancement of environment for the whole country, or for any area or urban or rural area, river, stream, lake or any part of them;
- (b) may coordinate and cooperate as may be necessary, with the relevant Government department, Government organization which is assigned duty to determine standard, other Government departments, Government organizations, Nay Pyi Taw Council, Region or State Governments, City Development Committees, local development bodies and the relevant non-governmental organizations in determining the environmental quality standards under sub-rule (a);
- (c) may amend such determination under sub-rule (a), as may be necessary, for the interest of the public according to the time and location;
- (d) may carry out, as may be necessary, for the observance of and carrying out the stipulations for environmental quality standard issued under sub-rule (a), by the public in addition to the relevant Government departments, Government organizations.

#### 39. The Department:

- (a) shall coordinate with the relevant Government department, Government organization, other Government departments, Government organizations, Nay Pyi Taw Council, Region or State Governments, City Development Committees and local development bodies, relevant non-governmental organizations which is assigned duty to determine standard as may be necessary and prepare the facts relating to environmental quality standard, for enabling to determine the environmental quality standards by the Ministry under sub-rule(a) of rule 38 and submit to the Ministry;
- (b) may carry out necessary special inspections or surveys, at necessary times, periods and locations to enable to determine environmental quality standards.

## Chapter VIII

### Management of Urban Environment

40. (a) The Ministry may give, as may be necessary, advice for environmental conservation, if the relevant Government departments, Government organizations, private organizations and persons ask for advice for the management of urban environment contained in section 17 of the Law in accord with the guidance laid down by the Committee, or if it considers necessary to give advice;
- (b) The Department shall submit to the Ministry, with its comment, if it is necessary to give advice for the management of urban environment.

## Chapter IX

### Waste Management

41. The Ministry, in carrying out industries, agricultural businesses, mineral explorations, livestock breeding and fisheries, waste disposal and other works, shall determine coordinate with the relevant Government department or organization, categories and classes of hazardous wastes which may come out from producing or using chemicals or other hazardous materials.

42. The Ministry, to enable to promote the establishment of necessary facilities or **plants** for the treatment of solid waste, liquid waste and emissions which contain poisonous and hazardous materials, in cooperation with the relevant Government departments, Government organizations, experts:

- (a) shall cause to carry out waste treatment by the categories of business which emit or produce solid wastes, liquid wastes, emissions, radiations which contain poisonous and hazardous materials which determined by establishing their own facility or centre, or collective facility or **plants**;
- (b) shall determine the period to establish waste treatment facilities or plants by the businesses which are established before the issue of these rules and which are responsible to establish their own or collective waste treatment facility or plants;
- (c) may assign duty to the Department to inspect and report whether or not comply with as contained in sub-rule (a) relating to the waste treatment by the relevant businesses.
43. The Ministry:
- (a) may determine terms and conditions for treatment of effluent in industrial areas, special economic zones and other necessary areas and buildings, and terms and conditions relating to emissions of machine, vehicle and machineries;
- (b) may prescribe manners for supervision relating to confiscation, storing, keeping safety measures, transport, import, export of disposed hazardous material, management, treatment and disposal of such material by **advanced** technology;

- (c) may adopt necessary better measures relating to the maintenance, store, transport and destruction of solid waste in coordination with the relevant Government departments and Government organizations;
  - (d) may adopt manners for cleaner production mechanisms and recycling of natural resources and wastes in industries and businesses.
44. The Department shall coordinate and prepare, in carrying out industry, agricultural business, mineral exploration, livestock breeding and fishery, waste disposal and other works, the categories and classes of hazardous wastes which may come out from producing or using chemicals or other hazardous materials with the relevant Government departments, Government organizations, if it is necessary, suitable non-governmental organizations, in accord with the guidance of the Ministry and submit to the Ministry.
45. The Department shall inspect whether or not the businesses which are responsible to establish waste treatment facility or **plant** under rule 42 comply with the stipulations in respect of waste treatment and carry out, and submit in accord with the guidance of the Ministry.
46. The Department:
- (a) shall prepare terms and conditions for treatment of effluent in industrial areas, special economic zones and other necessary areas and buildings, and terms and conditions relating to emissions of machine, vehicle and machineries and submit to the Ministry;
  - (b) shall prepare manners for supervision relating to confiscation, storing, keeping safety materials, transport, import, export of disposed hazardous materials, management, treatment and disposal of such material by advanced technology and submit to the Ministry;
  - (c) shall cause to implement and supervise the measures adopted by the Ministry for the betterment of the destruction, keeping, store, and transport of solid waste;
  - (d) shall submit to the Ministry after inspecting whether or not the manners adopted by the Ministry for cleaner production mechanisms and recycling of natural resources and wastes are complied with and applied in industries and businesses.

## **Chapter X**

### **Conservation of Natural Resources and Cultural Heritages**

47. The Department:
- (a) shall scrutinize as may be necessary, in accord with the guidance of the Union Government and the Committee, the situation of performance relating to conservation of natural resources, management, beneficial use, sustainable use, enhancement of regional cooperation contained in section 18 of the Law which carried out by the relevant Government departments or Government organizations, and report to the Ministry;

- (b) shall, in carrying out matters contained in sub-rule (a), coordinate and carry out with the relevant government department and Government departments or Government organizations not to deplete the habitats of natural plants and living things.

48. The Ministry may carry out or assign duty to the Department for such cooperation and carrying out with the relevant Government departments, Government organizations in the matters of environmental conservation for the perpetuation of cultural heritage areas, natural heritage areas, cultural monuments and buildings, and natural areas stipulated under any existing law.

49. The Ministry may assign duty to the Department to cooperate with the relevant Government departments and Government organizations for making proper land use for the perpetuation of natural resources and cultural heritages contained in section 18 of the Law.

50. The Ministry may communicate, coordinate and carry out with the international organizations, as may be necessary, to enable to obtain necessary technology, skill assistance for the perpetuation of natural resources, cultural heritages.

## **Chapter XI**

### **Environmental Impact Assessment**

51. The Ministry may assign duty to the Department for enabling to adopt and carry out the environmental impact assessment system.

52. The Ministry shall determine the categories of plan, business, service or activity which shall carry out environmental impact assessment.

53. The Ministry may, so as to scrutinize whether or not it is necessary to conduct environmental impact assessment, determine the proposed plans, businesses service or activities which do not include in stipulation under rule 52 as the categories which are required to conduct initial environmental examination.

54. The business, department, organization or person who would carry out categories of plan, business service or activity stipulated under rule 52:

- (a) shall conduct environmental impact assessment for his plan, business service or activity;
- (b) submit to the Ministry in advance by which organization person or third person, the environmental impact assessment is intended to be carried out;
- (c) submit the environmental impact assessment report to the Ministry.

55. The Government department, organization or person which carry out the plan, business service or activity which are responsible to carry out the environmental impact assessment or initial environmental examination which is established before the issue of these rules;

- (a) shall submit to the Ministry, after drawing environment management plan in accord with the procedure relating to the environmental impact assessment.

- (b) shall implement and carry out the environment management plan which approved and scrutinized by the Ministry and matters stipulated by the Ministry within the time stipulated by the Ministry.

56. The person who carries out any project, business, service or activity shall arrange and carry out for conducting the environmental impact assessment for the project, business or activity by a qualified third person or third party accepted by the Ministry.

57. The Ministry shall, on submission to the Ministry in advance by which organization or third person, the environmental impact assessment is intended to be carried out under sub-rule (b) of rule 54, determine and decide, after making scrutiny by the Ministry, whether or not it is suitable level of international organization or third person to carry out the environmental impact assessment. The decision of the Ministry relating to such matter is final and conclusive.

58. The Ministry shall form the Environmental Impact Assessment Report Review Body with the experts from the relevant Government departments, Government organizations for reviewing the Environmental Impact Assessment.

59. If the private persons are included in the Environmental Impact Assessment Report Review Body, honorariums, allowances and aids for them may be borne from the environmental management fund.

60. The Ministry may assign duty to the Department to scrutinize the report of environmental impact assessment prepared and submitted by a third person or organization relating to environment impact assessment and report through the Environmental Impact Assessment Report Review Body.

61. The Ministry may approve and reply on the environmental impact assessment report or environmental management plan with the guidance of the Committee.

## **Chapter XII**

### **Prior Permission**

62. The Ministry shall determine and declare categories or business, workplace, or factory which may affect the environmental quality **and necessary** to obtain prior permission after obtaining the approval of the Committee and the agreement of the Union Government.

63. The owner or person in possession of the category of business, workplace, or factory stipulated under section 21 of the Law and rule 62 shall apply to the Ministry in the application **(Form-1)** to issue the prior permission.

64. The Ministry shall, if the application for prior permission is allowed after scrutiny, issue the prior permission in **(Form-2)** by prescribing terms and conditions to be followed. The businesses, workplace, or factories which are issued prior permission shall be registered and kept records.

65. The Ministry may, if it refuses any application to issue prior permission as it is not in conformity with the stipulations, as may be necessary, securitize and allow to reapply for the issue of prior permission if it has carried out completely in conformity with such stipulations.

66. The Ministry, in issuing prior permission, whether or not it is complied with the stipulated terms and conditions:

- (a) may assign duty to the Department to scrutinize and submit;
- (b) may inform to the relevant Government department or Government organization to scrutinize and reply.

67. The persons who desirous to carry out work of investment project shall carry out to obtain the prior approval of the Ministry in accord with whether or not it affects the environment.

68. For the goodness of environmental management, the small-scaled private enterprises, mills and factories which are not included in the categories stipulated under rule 52 and 53 and 62 shall obtain the agreement of the Department in accord with whether or not it affects the environment, before applying for permission, license to the relevant Ministry to construct or operate the business.

### **Chapter XIII**

#### **Prohibitions**

69. (a) Any person shall not emit, cause to emit, dispose, cause to dispose, pile and cause to pile, by any means, the pollutants to environment and the hazardous waste or hazardous material stipulated by notification under the Law and any of these rules at any place which may affect the public directly or indirectly.
- (b) Any person shall not carry out the actions which can be damaged to natural environment which is changing due to ecosystem and such system, except the permission of the relevant Ministry in order to the interest of the public.

### **Chapter XIV**

#### **Miscellaneous**

70. The Committee may coordinate, cooperate and carry out to keep contact person or division in accord with environment conservation matters in the relevant Government departments, Government organizations to enable to cooperate and carry out according to sector-wise in the works of environmental conservation.

71. The Ministry may give record or certificate of honour for the goodness of environmental management to the city, place, mill, factory, work etc. which is good in environmental management.

72. The functions and duties determined to be carried out by the Department under these rules shall be carried out by the Environmental Conservation Department under the Ministry of Environmental Conservation and Forestry.

73. The Environmental Conservation Department may carry out its functions and powers, by conferring, to the officer-in-charge of the relevant Region or State Environmental Conservation Department, as may be necessary.

74. Any person who finds the commission of any act or the violation of any prohibitions which may affect the environment may, for environmental conservation, inform to the relevant Township General Administration Department or relevant department, organization or the ward or village-tract administrator.

(Sd.) Win Tun

Union Minister

Ministry of Environmental Conservation and Forestry

No. 2/220(B)(6)/(4301/2014)

Date. 5 June 2014

Distribution:

President's Office

Union Government's Office

Hluttaw Office

Supreme Court of the Union

Constitutional Tribunal of the Union

Office of the Union Election Commission

Union Attorney General's Office

Union Auditor General's Office

Office of the Union Civil Service Board

All Union Ministries

Central Bank of Myanmar

Nay Pyi Taw Council, State and Region Chief Ministers

States and Regional Governments

Chairman, Myanmar Investment Commission

Managing Director, Printing and Publishing Enterprise

(with requesting to publish in Myanmar Gazette)

Floating file

Office copy

By order

Sd.

( Myo Nyunt )

Head of Office

Ministry of Environmental Conservation and Forestry



**Application to Issue the Prior Permission  
(Rule 63)**

To

Union Minister  
Ministry of Environmental Conservation and Forestry

Dated: ..... th, .....

Subject: **Application to issue the prior permission**

1. I, (U/Daw/Mr./Ms.....), residing in ..... (Country).....Region/State  
.....District.....Township.....City.....Ward/Village-tract apply to issue the  
prior permission according to rule 64 of the Environmental Conservation Rules as I am desirous to  
do the business expressed in article 2.

2. The relevant facts are submitted as follows:

- (a) Name of the applicant owner: .....
- (b) Name of Father: .....
- (c) Number of Citizen Scrutiny Card/ Passport : .....
- (d) Place of issue of Citizen Scrutiny Card/Passport: .....
- (e) Citizen / Nationality: .....
- (f) Place of Birth: .....
- (g) Address:
  - (i) local address if he is a citizen: .....
  - (ii) address in the relevant country if he is a foreigner: .....
  - (iii) address residing in Myanmar if he is a foreigner: .....
- (h) Type of business for which prior permission shall be obtained: .....
- (i) Address of work/ work site/ factory/workstation: .....
- (j) Copy of the document registering as a company or organization if it is a company or organization, as attachment.
- (k) Copy of the permission, license, permit etc., if they were obtained from other Government department, Government organization relating to the business, as attachment.

Applicant / Owner

(Mr./ Ms. ....)

**Prior Permission  
(Rule 64)**

Subject: **Issuing the Prior Permission**

1. Relating to the matter of application to issue prior permission for enabling to do business expressed in article 2, by *U/Daw/Mr./Ms.* ....., residing in..... (*Country*)  
.....*Region/State*.....*District*.....*Township*.....*City*  
.....*Ward/ Village-tract*, it is hereby issued the prior permission under rule 64 of the Environmental Conservation Rules by stipulating to follow and implement the terms and conditions expressed in article 3.

2. The facts relating to the business:

Type of the business for which prior permission shall be obtained .....

Address of the work / work site/ factory/workstation:.....

3. Terms and conditions which shall be followed and implemented:

- (a) The money stipulated by the Ministry shall be paid as compensation if the environment is caused to pollute;
- (b) The money stipulated by the Ministry shall be contributed if the benefit is obtained from the natural environment services system;
- (c) If it is a business which explores and exploits the natural resources, a part of benefit shall be contributed to the environmental management fund as stipulated by the Ministry for environmental conservation.
- (d) .....
- (e) .....
- (f) .....



For the Union Minister  
(Person who is authorized to issue prior permission)