



Executive Regulation

For Apprehension of Violations and Imposition of Penalties

For the Environmental Law Issued by the Royal Decree
No. (m/165), dated 19/11/1441 Hijri

***** Note: In the event of any discrepancy between the Arabic original version of this Executive Regulation and its English translation, the Arabic version prevails *****



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Article (1) - Definitions

The following terms and expressions - wherever they appear in this Executive Regulation - shall have the meaning set forth below, except where it is therein expressly otherwise:

Law: Environmental Law.

Executive Regulation: Executive Regulation for Apprehension of Violations and Imposition of Penalties.

Executive Regulations: Executive Regulations of law.

Ministry: Ministry of Environment, Water and Agriculture.

Center: National Center for Environmental Compliance or National Center for Wildlife Development or National Center for Vegetation Cover.

Minister: Minister of the Environment, Water and Agriculture.

Competent Authority: The Ministry or center and/or their branches within its jurisdiction, and as specified in the Executive Regulations.

Person: Any public or private natural or legal person.

Permit: A document issued by the competent authority to a person before undertaking any activity having an environmental impact.

License: A document issued by the competent authority authorizing a person to undertake an environmental activity.

Committee: Violations' Review Committee.

Inspectors: Employees designated by a decision issued by the Minister or the chairman of the board of the Center's board of directors to undertake environmental monitoring and inspections, and to apprehend, investigate, and substantiate violations to the provisions of the law and Executive Regulations.

Security Authorities: Any security authority within the Ministry of Interior, within its jurisdiction.

Violation: Any violation of the provisions of the law or Executive Regulations.

Violation Report: Report issued by the inspectors or security authorities, that is numbered and dated and includes the information required about the violator, the violations, the violator's justification if any, as well as the discussions, observations, facts, evidence, and all related procedures.

Compensations: Monetary amount paid by the person who causes damage, pollution, or environmental degradation to compensate for or eliminate the deterioration resulting from such damage, pollution, or environmental degradation. The compensation includes rehabilitation expenses in the event that rehabilitation was not carried out by the person causing damage, pollution, or environmental degradation.



Environmental Rehabilitation: Any procedure conducted on an environmentally degraded site or one that is affected by environmental damage or pollution, to restore its natural state of environmental balance, in accordance with the standards set by the competent authority.

Article (2) - Violations Apprehension

(1) In implementing the provisions of article (36) of the law:

- a. Violations of the provisions of the law and Executive Regulations are apprehended, investigated, and substantiated by inspectors who can request support and backup from security authorities when needed.
- b. Investigation of the provisions of the law and Executive Regulations refers to the substantiation of violation occurrence and its attribution to the violator through a violation report.

(2) In implementing provisions of article (37) of the law:

Without prejudice to item (1) of this article, security authorities shall be responsible for apprehending violators of the provisions of the law and Executive Regulations and referring them to competent authority to take the appropriate measures and support the inspectors when needed.

Article (3) - Violations Apprehension Procedures

(1) Violations are apprehended through issuance of a violation report containing information about the location of the violation, its date, its details, date and time it was apprehended, violators' names, their nationalities, their ID numbers, and the means of transportation used, in accordance with Appendix (1) of these Executive Regulations, along with the following required documents attached:

- a. Illustrative drawing of violation location supported by photographic evidence substantiating the violation - without violating the security and safety requirements and means of transportation used.
- b. Description of the violation as well as the tools and means utilized in committing it.
- c. The necessary evidence to apprehend the violation, including any data, tools and means utilized, as well as the registration numbers of cars and tools, in addition to the names of their owners.

(2) If needed, inspectors shall extract samples of the substances and items possessed by the person suspected of violating any provision of the law and Executive Regulations, provided that a violation report is issued, exclusive of all the information necessary to corroborate the samples, and the substances and items from which they were extracted, as well as keeping a copy of the records and data of the person under inspection.





- (3) Statements and arguments of the violator or his representative shall be recorded in the violation report or the investigation report. The report issuer is entitled to comment on the statements of the violator or his representative, with the reference to any documents or papers that corroborate or contradict those, in accordance with appendix (2).
- (4) The violator shall sign the violation report. In case of refusal to sign, this shall be indicated in the violation report, and the apprehension of violations and imposition of penalties' procedures shall be completed.
- (5) Reports of apprehending violations that incur penalties more than SAR 100,000 shall be referred to the committee.
- (6) Inspectors shall submit all confiscated items - if any - as well as the violation report to the competent authority.
- (7) The competent authority shall submit the confiscations report to the competent court - within a deadline of (7) working days as of the receipt date of confiscated items and the violation report - to approve or annul the confiscation.
- (8) Security authorities shall be informed of the violation in the following cases:
 - a. In case of escape, resistance, or refusal of the violators to cooperate with the inspectors.
 - b. If the preliminary inspection shows that the violation was intentional.
 - c. In case the violator could not be identified.
 - d. If the violation involves a crime.

Article (4) - Penalties

First:

In implementing provisions of articles (38) and (39) of the law:

- (1) Any person who violates the provisions of the law or Executive Regulations as detailed in the violations' tables attached to the Executive Regulations shall be penalized.
- (2) Inspectors shall suggest penalties whose amounts are no more than SAR 100,000. These penalties are approved by the Center's CEO or his delegate.
- (3) Penalties whose amounts are more than SAR 100,000 are signed by the Committee.
- (4) The Committee shall implement the procedures suitable to the nature of the violation in accordance with section "Second" of article 8 of these Executive Regulations.
- (5) The Minister approves the Committee's decisions with penalties exceeding SAR 5,000,000 or involving cancelation of the permit or license.

Second:



In implementing provisions of articles (40), (41) and (42) of the law:

The relevant court reviews the following violations and imposes the penalties stipulated in the law. The Public Prosecution investigates the violations and conducts prosecution before the competent court in the following cases:

- (1) Dump, discharge, or inject wastewater or any untreated liquid component into underground wells or any environmental domain or aquifer outcrop, for whatever reason.
- (2) Dump or discharge from maritime transport vessels any pollutant resulting from ballast water, cargo residues, waste, liquid components and dissolved antifouling paint particles.
- (3) Dispose of hazardous waste in environmental domains.
- (4) Kill or hunt endangered wildlife organisms, or trade in their derivatives and products.
- (5) Any of the following violations when repeated for a second time or more - within one year from its previous occurrence:
 - a. Cutting, uprooting, transporting or stripping bark, leaves or any other part off trees, shrubs, grasses and plants, or moving or excavating their soil, or trading in them.
 - b. Killing any living wildlife species or hurting them in any way that violates provisions of the law.

Third:

Referring the violations mentioned in “Second” section of this article to the relevant court does not preclude imposing the penalties stipulated in these Executive Regulations on the violator.

Fourth:

In case the violators of the provisions of these Executive Regulations are non-Saudi citizens, they will be referred to the Emirate of the region to be deported from the Kingdom at their own expense.

Article (5) - Rehabilitation and Compensation Payment

In implementing provisions of article (43) of the law:

- (1) The violator must remove the adverse impacts resulting from the violation and rehabilitate the degraded area in accordance with the requirements and standards set by the competent authority.
- (2) The violator shall pay the compensations set by the competent authority, within a deadline of (60) days from the notice date.
- (3) The violator shall pay the compensation financial amount estimated by the competent authority to cover the costs of environmental damages caused by the violation.
- (4) The competent authority shall compute the compensations’ amount and is entitled to seek the





assistance of experts and professionals from the competent authority or from outside.

- (5) The costs of rehabilitation mentioned in clause (1) of this article are deduced from the compensations' amount to be paid by the violator in case the latter conducts the rehabilitation.
- (6) The competent authority computes the compensations' amount referred to in clause (4) of this article taking into consideration the following:
 - a. Direct material losses resulting from the violation.
 - b. Indirect material losses resulting from the violation, including:
 1. Cost of the time spent by the governmental and private sector authorities and cost of the equipment used to deal with the violation.
 2. Negative effects of the violation on public health, tourism, and foreign investments in a specific development sector, as well as other effects; in addition to the societal anxiety resulting from the violation.
 3. Cost of rehabilitation and returning the environmental state to what it was before the violation to the extent possible, or less than it was before the violation, and computing that difference financially.
- (7) Collected compensations shall be deposited in the Environment Fund.

Article (6) - Right to Object

- (1) The violator is entitled to object to the penalties imposed by the Center's CEO or his delegate in accordance with the provisions of the law and Executive Regulations. The objection shall take place before the Committee within (15) working days starting from the date on which he was notified or informed of the penalty decision.
- (2) All Committee's decisions can be objected to before the administrative court, in accordance with the procedures stipulated by the Law of Proceedings Before the Board of Grievances, within (60) days from the date of notification or knowledge of Committee's decision.
- (3) For the objections against the penalty decisions issued by the competent authority that are submitted to the Committee, when 60 days following objection date elapse without a response, the objection is considered declined and the countdown to object before the court commences.

Article (7) - Procedures Regarding the Disposal of Confiscated Items

First:





The Center is entitled to dispose of confiscated items based on the nature of each and in the way that best serves public interest. In particular, the Center is entitled to any of the following:

- (1) Confiscate the weapons employed in the violations of the provisions of the law and Executive Regulations, and hand them over to Ministry of Interior.
- (2) Custody - at the expense of the violator in case the violation is proven - of items confiscated due to the violation (i.e., vehicles, means of transportation and tools used) or those suspected of being used to commit the violation. These items shall be handed over as confiscated objects to the Center or Ministry's branch in the region, as the case may be, provided that this is presented to the competent court within a maximum period of (7) days to confirm the custody and confiscation or annul it.
- (3) Except for weapons, the Center has the right to dispose of all other confiscated items after the confiscation decision is taken by the court, as deemed beneficial and valid to public interest.
- (4) The Center has the right to dispose of any recovered products of the vegetation cover or wildlife species which were confiscated - dead or alive - their products and derivatives, in accordance with the provisions of the law and Executive Regulations.

Second:

Financial amounts generated from the disposal of the confiscated items - if sold - shall be deposited in the Environment Fund, following the validation of the decision by the end of the fixed legal deadline, or if the pertinent court decision is irrevocable.

Article (8) - Violations' Review Committee

First: Formation of the committee

- (1) One or more committees are formed by a decision of the Minister for a period of three renewable years.
- (2) Each committee is composed of at-least three members who are designated from the employees of the Ministry or the Center. The competent authority submits its suggestions to the Minister.
- (3) The Committee members shall have the appropriate specialized skills and expertise, and the Committee shall be presided by an expert in Sharia law or regulations.
- (4) The Committee issues its decisions by majority.
- (5) The Committee's decisions shall be justified and based on several criteria e.g., the gravity of the violation and its direct and indirect adverse impact on the environment, the amount of





required compensations, the impact of damage on humans, facilities and utilities, and whether the violation is governed by regional or international treaties.

- (6) The Committee shall consult experts and specialists in its field of work, and they shall not have the right of voting.

Second: Scope of Committee Work

The Committee is responsible for examining violations of the provisions of the law and Executive Regulations, and imposing one or more penalties from among the ones mentioned below:

- (1) Imposing penalties not exceeding SAR 20,000,000.
- (2) Suspending the license or permit for a duration not exceeding six (6) months.
- (3) Cancelling the license or permit.
- (4) Imposing a penalty for every day the violation continues after the violator has been notified of the Committee's decision, provided that the computation of this penalty shall start from the date specified in the Committee's decision.
- (5) Doubling the penalties referred to in clauses (1) and (2) of section "Second" of this article - in case the same violation occurs within one year from the previous penalty's final decision.
- (6) Based on the type of violation, its gravity, and its impact: Publishing the summary of the decision - at the violator's expense - in a local newspaper issued in his place of residence. If no newspapers are published in his place of residence, then he shall publish it in the nearest region or in any other suitable medium of communication. The publication of the decision shall occur once it is valid – after the elapse of all legal deadlines - or when the ruling is final and irrevocable.
- (7) Reviewing objections submitted by those concerned on the penalties imposed by the competent authority and issuing pertinent decisions.
- (8) Requesting the competent court's ruling on the confiscation of items related to the violation.

Third: Remunerations of Committee Members

The Minister sets out – by a ministerial decision - the remunerations of Committee's members.





Appendix (1) - Environmental Law Violation Report Template

On day dated .../.../14. H at the exact time of (.....), at location /.....
Province/District /..... in area/....., and under my knowledge
I/..... working as (job title), and in application of
the provisions of the Environmental Law issued by Royal Decree No. (165/M) dated 19/11/1441
H, and according to the texts and provisions of the Environmental Law and its Executive
Regulations, we detected that the violator/..... ID/Residency Number
Nationality/ has committed a violation of the Environmental Law as follows
....., and all tools used to commit the violation were identified and
confiscated/..... The equipment or tool used to commit the violation is:
..... Type Model: Plate number:, and the
evidence which were found on-site are:

.....
The damage caused by the violation is presented as:

.....
With reservation to/.....

The violator was handed/..... Under his
responsibility to preserve it until a decision is issued regarding them, and the violator, whose
complete data and contact are mentioned above, commits to appear within (15) days before the
Branch/Office of Ministry of Environment, Water and Agriculture in to complete
the procedures.

Violator's full name /..... Violator's signature /..... Mobile
number/.....

Observations of the report writer:

1-.....

2-.....

Accordingly, the report is closed and referred to the competent authority for consideration and
necessary action.

Report Writer:

Position:

Signature:





Appendix (2) - Investigation Report Template no... dated .../.../14.. H

On day dated .../.../14.. H at (exact time.....) in (location)....., the investigation report was opened, with my knowledge, I/....., working as (job title) to hear the statements of the violator /..... ID or Residency no./..... on the allegations against him in the Violation Report dated .../.../14.... H, so he answered as follows:

Q: What is your full name, age, job title, and place of residence?

A:

Q: How do you respond to the allegations in the Violation Report dated .../.../14... H?

A:

Q: Why did you commit this violation?

A:

Q: What quantity was confiscated during the presence of the inspector, and the tools used?

A:

Q: When was the violation reported?

A:

Q: Do you have any other statements to make?

A:

The aforementioned statements were completed and read aloud before the violator who approved and signed before me.

Violator's Full Name/..... Signature/..... Date/.....

Observations of the report writer:

1-.....

2-.....

The report is closed based on the validation of the above-mentioned information.

Report writer:

Full name:

Signature:

