

---

## Regulation EN-8.0: Administration and Enforcement

8.1..... Administration

8.2..... Violations and Penalties



## Regulation EN–8.0: Administration and Enforcement

### 8.1 Administration

#### 8.1.1 Access and Inspection of Records / Facility

To ensure effective administration, each regulated activity / facility shall, during business hours, allow Trakhees Officers to:

- a. enter its place of business
- b. examine records
- c. make copies of the records
- d. inspect and photograph the facilities, property and animals as the officials consider necessary
- e. document, by photographs and other means, conditions and areas of non-compliance

#### 8.1.2 Conduct of Inspection

Inspection of facilities is being conducted based on the type of Permit / No Objection Certificate (NOC) that has been issued. Inspections related to EIA, Permit and/or NOC shall be scheduled in coordination with the concerned Clients and/or Consultant. Other than the above-mentioned activities, all other inspections e.g. compliance-monitoring shall be made unannounced. The conduct of inspection is detailed on Table 14.1.

#### 8.1.3 Facilities

The use of a room, table or other facilities necessary for the proper examination of the records and inspection of the property, equipment or animals shall be extended to official by the regulated entity.

Table 8.1 – Conduct of Inspection

Type of Permit / NOC	Conduct of Inspection
Activities covered by the Environmental Impact Assessment (EIA) Process	<p>Upon receipt of Scope of Work (SoW) Report or Initial Environmental Examination (IEE) Report, an inspection shall be conducted, as needed, within the five (5) day turn-around time for SoW review. The need for inspection shall depend on the location of the proposed project. Any significant issues noted during the inspection, shall be listed as one of the review comments.</p> <p>For any expansion project, an inspection may be conducted on the existing/operational facility as deemed determined by the Trakhees Officer.</p>
Facilities with approved	Upon receipt of application of these Permits / NOC, an



Regulation EN–8.0: Administration and Enforcement

Permit to Operate – Captive Marine Mammal Facility, Permit to Operate Public Aquarium, NOC – Management of Marine Area and Coral Translocation Permit	inspection shall be conducted. In case of any non-compliance, a follow-up inspection, on a case to case basis, shall be conducted upon notification of the Client that the noted non-compliance has been corrected. The above Permits / NOC shall not be issued unless the facility is in full compliance of the requirements.  After a Permit / NOC has been issued, monthly inspection shall be conducted as part of the compliance monitoring. Any non-compliance noted during an inspection shall be communicated to the Client. Follow-up inspection, on a case to case basis, shall be conducted depending on the severity of the issues and all other relevant documents.
Facilities with approved Permit / NOC other than the above	Upon receipt of application of these Permits / NOC (whether new or renewal), an inspection shall be conducted, as needed. In case of any non-compliance, a follow-up inspection, on a case to case basis, shall be conducted upon notification of the Client that the noted non-compliance has been corrected. The Permits / NOC shall not be issued unless the facility is in full compliance with the requirements.

**8.2 Violations and Penalties**

Violations in relation to all other Trakhees Environmental Regulations shall be classified as Minor, Major (violations which will pose potential danger to the environment) and Critical (violations which will pose direct and indirect and immediate or long term environmental damage). The classification of the violation shall be based on the overall impact of the violation and/or at the discretion of the Trakhees Environment Department Manager. On some special cases that violation codes are developed, these documents shall serve as basis in determining severity of the violations and the corresponding penalties.

Table 8.2 – Actions to be taken for Minor, Major and Critical Violations

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Minor	Warning Notice	Final Warning Notice	AED 200,000 (maximum)
Major	Warning / Correction Notice	AED 200,000 (maximum)	Prohibition Notice AED 200,000 (maximum) EIA Approval Suspension
Critical	Prohibition Notice, AED 200,000 (maximum), EIA Approval Suspension		

As a supplement and/or alternative to the above actions to be taken for violations of relevant Environmental Regulations, Tree Plantation Service Program has been launch. Table 14.3 details the Tree Planting Service Program.



## Regulation EN–8.0: Administration and Enforcement

Table 8.3 – Tree Planting Service Program

#	Issuances on Violations	Equivalent Number of Trees to be Planted and Grown
1	Warning Notice – Failure to Meet Stack Emission / Harbour Discharge / Irrigation Water Quality Standards	5 trees + 2 trees for every failed parameter
2	Imposition of Lumpsum Financial Penalty on other violations	1 tree for every AED 500/-

*Note: Scheme #1 under the Tree Planting Service Program is mandatory whereas scheme #2 is an option for the Client – the Client may pay for the financial penalty or engage in the above program.*

Suspension of EIA Approval does not necessarily mean that the Client is released of its responsibility in implementing its approved Environmental Management Plan (EMP).

The scope of violations and penalties to be imposed other than those stated above shall be as per the Table 14.3.

Penalties for violations specified in Table 14.3 shall be enforced in the following manner:

- a. The Client concerned shall be notified of their violation either through written communication or a meeting. However, if there will be a succeeding failure of the same nature of offense, even for their other facility in other location, a Warning Notice and/or other administrative sanctions defining the necessary corrective action and appropriate completion date shall be issued.
- b. If there is a persistent failure to remedy the offense or no action has been taken after issuance of a Warning Notice, Final Warning Notice and/or other administrative sanctions specifying the required corrective action and the required completion date shall be issued.

However, if there is a succeeding failure to remedy the offense or no action has been taken after the issuance of a Final Warning Notice, administrative / financial penalty shall be imposed. The amount of the financial penalty shall be decided by the Trakhees Environment Department Manager as per the approved Trakhees tariff or based from the violations and penalty documents developed for a specific activity or facility.



Regulation EN–8.0: Administration and Enforcement

Table 8.4 – Violation and Penalty Matrix

	Scope of Violation	Penalty
Activities covered by the EIA Process	<ul style="list-style-type: none"> <li>⇒ Misrepresentation in the Environmental Impact Statement (EIS) or Initial Environmental Examination (IEE) Report – all misrepresentations, whether material or minor, constitute violations on the theory that full disclosure in the EIS or IEE Report is the key to the effective use of the EIA System as a planning and management tool</li> <li>⇒ Major changes on project process or technology resulting in unmitigated significant impacts not addressed by approved EMP</li> <li>⇒ Non-compliance / violation of the conditions set in the EIA Approval – Certificate of Environmental Compliance (CEC), Environmental Management Plan (EMP) Commitments</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Suspension of EIA Approval / CEC issued</li> <li>⇒ Financial Penalty</li> </ul>
Facilities with approved Permit to Operate – Captive Marine Mammal Facility, Permit to Operate Public Aquarium, NOC – Management of Marine Area and Coral Translocation Permit	<ul style="list-style-type: none"> <li>⇒ Misrepresentation in all of the relevant documents submitted</li> <li>⇒ Non-compliance / violation of the conditions set in the Permit / NOC issued</li> <li>⇒ Offenses listed in the Marine Mammal and Public Aquarium Regulations Violation Code</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Suspension of relevant Permit / NOC issued</li> <li>⇒ Financial Penalty</li> </ul>
Facilities with approved Permit / NOC other than the above (e.g., Permit to Cut and/or Relocate Trees, NOC – Dredging and Reclamation, etc.)	<ul style="list-style-type: none"> <li>⇒ Misrepresentation in all of the relevant documents submitted</li> <li>⇒ Non-compliance / violation of the conditions set in the Permit / NOC issued</li> </ul>	<ul style="list-style-type: none"> <li>⇒ Financial Penalty</li> </ul>