

Lebanese Republic

Chamber of Deputies

Law No. 251 of 15/04/2014

(Official Gazette No. 17 of 22/04/2014)

Law

**On the Allocation of Dedicated Advocates -General and
Investigating Magistrates for Environmental Affairs**

Single Article:

- *The Draft Law contained in Decree No. 7841 of May 23, 2012 on the establishment of the Environmental Public Prosecutor's Office, as amended by the Joint Parliamentary Committees, is hereby ratified.*

- This Law shall come into effect upon its publication in the Official Gazette.

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**On the Allocation of Dedicated Advocates-General and
Investigating Magistrates for Environmental Affairs**

Article 1:

Article 11 *bis* shall be added to the Code of Criminal Procedure after Article 11, as follows:

"Article 11 bis:

a. One or more dedicated environmental advocates-general, to be assigned by the Public Prosecutor at the Court of Appeals, shall be among the advocates-general set out in the second paragraph of Article 11 to prosecute environmental crimes in accordance with the procedures set out in the laws in force.

b. Advocates-general shall bring charges relating to environmental offenses and name the defendants.

They may bring charges against an unknown party before an investigating magistrate, thereby initiating a public prosecution or direct prosecution before the competent courts.

c. Environmental offenses shall be deemed to be offenses resulting from:

1. Violation of the laws and regulations related to the protection of forest resources, forests, nature reserves, and biological diversity, protection of the air, water, and soil from pollution, as well as those offenses related to damage resulting from sound and noise.

2. Violation of the laws and regulations related to quarries, sand pits, and crushers.

3. Violation of the environmental laws and regulations setting out environmental conditions for institutions of all kinds.
 4. Violation of the environmental laws and regulations that protect the public and private property of the state and municipalities, regional waters, and environmental transgressions against sea, river, and groundwater property.
 5. Violation of the laws related to the various types of waste disposal, especially hospital medical waste and chemical and nuclear waste.
 6. Violation of the provisions contained in Law No. 444 of 29/07/2002 and all legal provisions related to environmental protection, wherever found.
 7. Violation of the laws and regulations that protect antiquities and cultural and natural heritage.
- d. Environmental advocates-general may enlist the assistance of specialists in environmental affairs, antiquities, and cultural heritage to perform the technological and technical duties they assign to them, after taking a legal oath if they are not a sworn expert.
- e. Head registrars at the competent courts must inform the Ministry of Environment of each final environmental criminal ruling issued against a natural or legal person within three months from the date such ruling is finalized, so that the ruling may be recorded in the special register referred to in item (b) of Article 5 hereof.
- f. The rulings and decisions issued on environmental cases shall be published in two local newspapers, including decisions to discontinue a case."

Article 2:

The following text shall be added to Article 38 of the Code of Criminal Procedure:

"6. Fire department officers and civil defense center heads, with regard to environmental offenses.

8. Forest monitors, town wardens, and guards of antiquities sites duly assigned, with regard to environmental offenses.

Article 3:

The following text shall be added to Article 51 of the Code of Criminal Procedure:

"The First Investigating Magistrate shall assign one or more investigating magistrates to environmental offense cases, in addition to the work assigned thereto."

Article 4:

The following text shall be added to item 3 of Article 54 of Legislative Decree No. 150 of 16/09/1983 (Law of the Judicial Courts):

"The subject of environmental law shall be added to the subjects taught at the Institute of Judicial Studies."

Article 5:

Article 8 of Law 690 of 24/08/2005 on the Specification of the Tasks and Regulations of the Ministry of Environment shall be amended to read as follows:

"a. An office of the Ministry of Environment shall be established in each governorate to represent all agencies of the Ministry. An environmental police shall also be established with the number of members and regulation of its work

being specified under a decree adopted in Parliament based on a proposal from the Minister of Environment. The Environmental Police shall have the capacity of the Judicial Police with regard to environmental offenses and shall, in the performance of its duties, be subject to the supervision of the environmental advocate-general according to territorial jurisdiction.

b. A special register shall be kept at the Ministry of Environment to record the prosecutions and criminal rulings issued against natural or legal entities for environmental offenses."

Article 6:

This Law shall come into effect upon its publication in the Official Gazette.