

**STATUTORY INSTRUMENTS SUPPLEMENT**

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**2020 No. 47.**

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# STATUTORY INSTRUMENTS

2020 No. 47

**The National Environment (Audit) Regulations, 2020**  
*(Under sections 126 and 179 of the National Environment Act, 2019,  
Act 5 of 2019)*

IN EXERCISE of the powers conferred upon the Minister by section 179 of the National Environment Act, 2019 and in consultation with the National Environment Management Authority, these Regulations are made this 11th day of October, 2019.

## PART I—PRELIMINARY

### 1. Title.

These Regulations may be cited as the National Environment (Audit) Regulations, 2020.

### 2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the National Environment Act, 2019;

“Authority” means the National Environment Management Authority established under the Act;

“authorised officer” means an officer of the Authority or lead agency or any other person authorised to act on behalf of the Authority or lead agency under the Act and these Regulations;

“currency point” has the value assigned to it in Schedule 1 to these Regulations;

“developer” means a person who proposes to undertake a new project or to rehabilitate, repair, extend, maintain or operate an existing project with potential effects on the environment;

- “environmental and social assessment” means a procedure that ensures that the environmental and social impacts, risks or other concerns of a given project are taken into account in approving a project for implementation;
- “environmental audit” means a systematic, documented, periodic evaluation used to determine how well specified projects or an organisation’s management system, facilities and equipment are performing in conserving the environment and its resources and conform to the requirements of the Act, these Regulations and any other applicable law;
- “environmental auditor” means a person or firm of experts certified and registered to conduct environmental audits in accordance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations 2003;
- “environmental audit report” means a report prepared after an environmental audit that describes the attributes of the audit and the audit findings and conclusions, and includes an environmental enforcement audit report, environmental compliance audit report or a voluntary environmental audit report;
- “environmental compliance agreement” means an agreement between the developer and the Authority as provided for in regulation 21;
- “environmental compliance audit” means a mandatory environmental audit carried out to determine the compliance status of a project with environmental and health regulatory requirements and relevant permits, licences and approval conditions;
- “environmental enforcement audit” means an environmental audit undertaken by the Authority or lead agency to enforce

compliance with environmental and health regulatory requirements and relevant permits, licences and approval conditions;

“environmental inspector” means a person designated as an environmental inspector under the Act;

“lead agency” means a ministry, department, agency, local government or public officer in which or in whom the functions of control or management of any segment of the environment are vested;

“project” means the execution of construction or renovation work or other developments, installations, schemes, activities or other interventions in the natural surroundings and landscape which may have an impact on human health and the environment.

### **3. Application of Regulations.**

(1) These Regulations apply to an environmental audit for a project or activity for which environmental and social assessment has been undertaken and any other project or activity as may be prescribed by the Authority.

(2) An environmental audit shall be undertaken to ensure compliance by the developer with the Act, regulations and standards made under the Act, conditions in permits and licences and any other applicable law, environment management systems and the environmental management and monitoring plan of the developer.

## **PART II—ENVIRONMENTAL ENFORCEMENT AUDIT.**

### **4. Environmental enforcement audit.**

The Authority or lead agency may, at its own instance or following a petition by any person, carry out an environmental enforcement audit for a project or activity that has or may have adverse human health, environmental, socio-economic or cultural impacts.

**5. Environmental enforcement audits at the instance of the Authority or lead agency.**

(1) The Authority or lead agency may conduct or cause to be conducted an environmental enforcement audit on any project or activity where there is reason to believe that—

- (a) the operations of the project or activity have or are likely to have adverse impacts on human health or the environment;  
or
- (b) the operations of the project or activity violate or are likely to violate the Act, regulations made under the Act or any other applicable law.

(2) The Authority or lead agency may carry out an environmental enforcement audit with or without notice to the developer.

(3) The notice under subregulation (2) shall be in writing.

**6. Environmental enforcement audit arising out of a petition.**

(1) A person who has reason to believe that an environmental enforcement audit should be undertaken on a project or activity may petition the Authority or lead agency in writing.

(2) The petition referred to in subregulation (1) shall contain—

- (a) the name, signature, address and contact information of the petitioner;
- (b) the names and signatures of at least ten adults in support of the petition, from persons who may or are likely to be affected by the operations of the project or activity, where applicable;
- (c) the location of the project or activity that is the subject of the petition;
- (d) the reasons why the petitioner requires the project or activity to be the subject of an environmental enforcement audit, including proof, where available; and

(e) any other matter relevant to the petition.

(3) The Authority or lead agency may, on receipt of the petition—

(a) notify the developer of the project or activity which is the subject of the petition, and require a response within seven days from the date of receipt of the notice; or

(b) inspect the project or activity within twenty one days from the date of receipt of the petition to determine whether an environmental enforcement audit should be carried out.

(4) The Authority or lead agency may, where it determines after reviewing the petition that there is public interest or cause to believe that a project or activity has or may have adverse impacts on human health or the environment—

(a) carry out an environmental enforcement audit; or

(b) instruct the developer to carry out an environmental compliance audit within a specified period determined by the Authority.

(5) The Authority or lead agency may reject a petition, where it deems that a project or activity has or may have adverse impacts on human health or the environment.

(6) The Authority or lead agency may reject the petition under subregulation (5) within twenty eight days of receipt of the petition, giving reasons in writing for the rejection.

(7) The decision by a lead agency to reject a petition under subregulation (5) shall be made in consultation with the Authority.

(8) Where the Authority or lead agency determines that an environmental enforcement audit is to be undertaken under subregulation (4), it shall—

- (a) draw up terms of reference for undertaking the environmental enforcement audit; and
- (b) require the developer to meet the costs of the audit.

**7. Powers of entry to project or activity site.**

(1) The Authority or lead agency may, for the purposes of carrying out an environmental enforcement audit, enter a project or activity site and—

- (a) require persons at the project or activity site to participate in the audit;
- (b) have access to, and interview any employee;
- (c) examine, make copies of or retain all or any documents and records relating to the design, performance and effects of the project or activity;
- (d) take samples for analysis;
- (e) take photographs and make audio or visual recordings; and
- (f) undertake any other activity necessary for the audit.

(2) For the avoidance of doubt, an environmental enforcement audit under subregulation (1) shall be undertaken by an authorised officer.

**8. Public involvement in environmental enforcement audits.**

(1) The Authority or lead agency may, in conducting an environmental enforcement audit, consult the members of the public affected or likely to be affected by the project or activity being audited.

(2) The consultation referred to under subregulation (1) may include—

- (a) an invitation to provide information, comments or raise concerns on the effects of the project or activity; or
- (b) meetings or interviews.



**9. Conduct of environmental enforcement audit.**

(1) The Authority or lead agency shall, in the conduct of an environmental enforcement audit under regulation 5 or 6, appoint suitably qualified and technically competent persons, including a lead auditor, to undertake the environmental enforcement audit on such terms and conditions as the Authority or lead agency considers necessary.

(2) The persons appointed under subregulation (1) shall include—

- (a) a representative of the lead agency, where the appointment is by the Authority; and
- (b) a representative of the Authority, where the appointment is by the lead agency.

(3) An environmental enforcement audit shall be conducted in a transparent and professional manner.

(4) The lead auditor shall ensure a systematic approach to the environmental enforcement audit, including—

- (a) planning the audit to establish the objective, scope, criteria and methodology for the audit;
- (b) identification of the key areas, processes or activities to audit and the staff of the developer to interact with or interview;
- (c) start-up meetings with the developer to introduce the purpose of the audit and to plan the conduct of the audit, including the availability of resources;
- (d) reviewing the necessary background documents, including the environment management system and the environmental management and monitoring plan, where applicable;

- (e) conducting and documenting the audit, including by physically inspecting the facility and making critical observations for purposes of identifying non-conformances with—
  - (i) relevant laws and standards; and
  - (ii) conditions of licences, permits, certificates and other approvals; and
- (e) an audit closure meeting, to give preliminary communication of the audit findings to the developer, including a discussion of possible corrective actions to the identified non-conformances.

#### **10. Environmental enforcement audit report.**

(1) The Authority or lead agency shall, on completion of an environmental enforcement audit, prepare an environmental enforcement audit report in the format specified in Schedule 2 to these Regulations.

(2) Where a lead agency prepares an environmental enforcement audit report under subregulation (1), it shall submit a copy of the report to the Authority within thirty days from the date of completion of the audit, indicating the areas of concern.

(3) The Authority may, on receipt of an environmental enforcement audit report under subregulation (2), take any actions it deems necessary.

#### **11. Corrective measures following an environmental enforcement audit.**

(1) The Authority shall notify the developer of the findings of the environmental enforcement audit and require the developer to take specific corrective measures within a specified period.

(2) Where the developer agrees to the findings of the environmental enforcement audit and accepts to implement the

corrective measures specified by the Authority, the developer and the Authority shall enter into a compliance agreement in accordance with regulations 21 and 22.

(3) Where the developer fails to implement the corrective measures within the period referred to in subregulation (1) or refuses to agree to the findings referred to under subregulation (2), the Authority may issue and enforce notices, orders, administrative fines and penalties under the Act.

### PART III—ENVIRONMENTAL COMPLIANCE AUDIT.

#### *Environmental Compliance Audit*

#### **12. Environmental compliance audit.**

(1) The developer of a project or activity listed in Schedule 3 to these Regulations shall carry out an environmental compliance audit.

(2) Notwithstanding subregulation (1), the Authority may require a developer of a project not included in Schedule 3 to these Regulations, to undertake an environmental compliance audit.

(3) The environmental compliance audit referred to in subregulation (1) shall be undertaken annually, unless otherwise required by the Authority.

(4) The developer shall ensure that an environmental compliance audit is undertaken by an environmental audit team of persons duly certified and registered in accordance with the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003.

(5) The audit team referred to in subregulation (4) shall be supervised by a duly certified and registered lead environmental auditor.

(6) The audit team may, in the event of knowledge gaps, include relevant experts to provide specialist knowledge and to assist with understanding and interpreting technical aspects of the project or activity to be audited.

**13. Terms of reference for an environmental compliance audit.**

(1) An environmental compliance audit shall be conducted in accordance with environmental audit guidelines issued by the Authority and the terms of reference developed by the developer in consultation with the environmental audit team.

(2) The terms of reference referred to under subregulation (1) shall include an environmental audit plan.

**14. Factors to consider in the conduct of an environmental compliance audit.**

The developer shall, during the conduct of an environmental compliance audit—

- (a) ensure compliance with the Act, regulations made under the Act, conditions in permits, licences, certificates and other approvals, and any other applicable law or international agreement;
- (b) assess the effectiveness of the environment management system and compliance with the environmental management and monitoring plan of the project or activity; and
- (c) undertake consultation with the members of the public affected or likely to be affected by the environmental and social aspects of the project or activity.

*Environmental Compliance Audit Report.*

**15. Content of environmental compliance audit report.**

(1) The environmental compliance audit report shall be prepared in accordance with Schedule 2 to these Regulations.

(2) The environmental compliance audit report shall contain a declaration, dated and signed by all the members of the environmental audit team, stating that the audit was conducted in accordance with these Regulations, the National Environment (Conduct and Certification of Environmental Practitioners) Regulations, 2003 and any other applicable law.

(3) The developer is responsible for the content of the environmental compliance audit report and shall ensure that the report is prepared in accordance with the Act, these Regulations and any other applicable law.

**16. Submission of environmental compliance audit report.**

(1) The developer shall submit two hard copies and an electronic copy of the environmental compliance audit report to the Authority.

(2) The developer shall, on submission of the environmental compliance audit report, pay a fee prescribed in regulation 20 and Schedule 3 to these Regulations.

(3) Notwithstanding subregulation (1), the Authority may request additional copies of the environmental compliance audit report where it considers necessary.

(3) Where the audit findings indicate non-compliance, the developer shall submit an audit corrective action plan as part of the environmental compliance audit report.

(4) The corrective action plan referred to in subregulation (3) shall contain—

- (a) proposed actions and specific deliverables;
- (b) responsibility assignments;
- (c) an implementation schedule with proposed timeframes for correcting any non-compliance; and

- (d) a commitment that the developer shall adopt an improved environment management system or undertake other measures, to avoid the recurrence of non-compliance, as appropriate.

*Review of Environmental Compliance Audit Report.*

**17. Review of environmental compliance audit report by the Authority.**

(1) The Authority shall review the environmental compliance audit report submitted under regulation 16(1) to determine its adequacy in terms of content and corrective measures included in the corrective action plan.

(2) The Authority may, in considering the environmental compliance audit report, verify the content of the report by—

- (a) conducting an inspection of the project or activity; or
- (b) requesting the relevant lead agency to inspect the project or activity with reference to the audit report and to submit its findings to the Authority.

**18. Review of environmental compliance audit report by lead agency.**

(1) The Authority may, comment within fourteen days of receipt of the report, submit the environmental compliance audit report to a lead agency for review.

(2) The lead agency shall review the environmental compliance audit report, including the audit corrective action plan and submit comments to the Authority within thirty days of receipt of the report.

**19. Decision of the Authority on the environmental compliance audit report.**

(1) Where a lead agency submits comments or fails to submit comments to the Authority within the period specified in regulation 18(2), the Authority shall consider the environmental compliance audit report and may—

- (a) require the developer to carry out special or further investigation;
- (a) if dissatisfied with the standard or quality of the environmental compliance audit report, reject the environmental compliance audit report, stating reasons for the rejection, and require the developer to conduct an environmental compliance audit again;
- (b) enter into an environmental compliance agreement with the developer in accordance with regulation 21;
- (c) issue an environmental restoration order, environmental improvement notice or environmental compliance notice, as appropriate;
- (d) commend the developer where there has been compliance, indicating areas for improvement; or
- (e) take any other decision as it may consider necessary.

(2) The Authority shall, where it takes a decision under subregulation (1), communicate the decision to the developer within ninety days of receipt of the environmental compliance audit report.

*Fees Payable for Environmental Compliance Audit.*

**20. Fees payable for environmental compliance audits.**

The fee referred to in regulation 16(2) and set out in Schedule 3 to these Regulations for environmental compliance audit takes into account—

- (a) the nature and category of the project or activity;
- (b) potential environmental and social impacts or risks of the project or activity;
- (c) the complexity of the project or activity that necessitates additional effort for review of the environmental compliance audit report;

- (d) the possible involvement of specialised skills and external expertise in the review process; and
- (e) the polluter pays principle and precautionary principle that applies to use of environmental audit measures for environmental remediation.

PART IV—ENVIRONMENTAL COMPLIANCE AGREEMENT AND  
ENVIRONMENTAL MANAGEMENT SYSTEM.

*Environmental Compliance Agreement.*

**21. Environmental compliance agreement.**

(1) The Authority and the developer may enter into an environmental compliance agreement where non-compliance has been identified during an environmental enforcement audit or environmental compliance audit.

(2) The environmental compliance agreement referred to under subregulation (1) shall specify—

- (a) the corrective measures required to bring the audited project into compliance with the Act, regulations made under the Act, other applicable law, conditions in permits, licences, certificates and other approvals;
- (b) the restoration or improvement measures that must be undertaken to remedy harm to human health or the environment in accordance with the Act and any other applicable law, where applicable;
- (c) the frequency of periodic reports to be submitted to the Authority; and
- (d) any other action the Authority may consider necessary.

**22. Effect of an environmental compliance agreement.**

An environmental compliance agreement made under regulation 21 has the same effect as an environmental improvement notice enforceable in accordance with section 135 of the Act.



*Environment Management System.*

**23. Establishment of environment management system.**

(1) A developer shall establish, maintain and implement an environment management system in accordance with section 49 of the Act.

(2) An environment management system shall include—

- (a) an environmental management policy and goals, reflecting a commitment by the developer of the project or activity to implement the environment management system and to communicate it to all employees;
- (b) the environmental management and monitoring plan provided for under section 122(3) of the Act and the National Environment (Environmental and Social Assessment) Regulations, 2020;
- (c) structures and assignment of responsibilities for the implementation of the environment management system, including appointment of persons responsible for its implementation and coordination;
- (d) mechanisms for developing capabilities and support systems necessary to achieve the objectives of the environment management system, including training, awareness and competences of employees;
- (e) objectives, targets, procedures and practices for mitigating environmental and social impacts or risks associated with the project or activity and for securing compliance with legal requirements;
- (f) a system of keeping and managing information and records; and

- (g) mechanisms for reporting, monitoring and evaluating the performance of the environment management system to ensure the suitability, adequacy and effectiveness of the system.

(3) A developer shall periodically review the environment management system and demonstrate continuous improvement in the environmental performance of the project or activity.

(4) The developer shall make available to all employees the relevant parts of the documented environment management system for reference in execution of work.

(5) The developer shall ensure that a copy of the environmental management policy is displayed in a conspicuous place at the project or activity site to which it applies.

(6) The developer shall make the documented environment management system available to the Authority or lead agency, upon request.

## PART V—GENERAL

### **24. Documents deemed to be public documents.**

(1) Subject to the Constitution and Access to Information Act, 2005, documents submitted to the Authority under these Regulations shall be public documents.

(2) Subject to section 146 of the Act, a person who desires to access the documents described in subregulation (1) shall apply to the Authority and pay the prescribed fee.

### **25. Guidelines.**

The Authority may, in collaboration with the relevant lead agency, make audit guidelines for different sectors.

## **26. Offences and penalties.**

A person who—

- (a) makes a false or misleading statement in an environmental compliance audit report;
- (b) fraudulently alters an environmental compliance audit report;
- (c) fails to submit an environmental compliance audit report to the Authority;
- (d) fails to implement an environmental compliance agreement; or
- (e) fails to implement a corrective action plan contained in an environmental enforcement audit report or an environmental compliance audit report,

commits an offence and is liable, on conviction—

- (i) in the case of an individual, to a fine not exceeding ten thousand currency points or imprisonment not exceeding five years or both; or
- (ii) in the case of a body corporate, to a fine not exceeding fifty thousand currency points.

## **27. Revocation of S.I. 12 of 2006.**

The National Environment (Audit) Regulations, 2006 are revoked.

## **SCHEDULES**

### **SCHEDULE 1**

#### **CURRENCY POINT**

*Regulation 2*

A currency point is equivalent to twenty thousand shillings.

## SCHEDULE 2.

*Regulations 10(1), 15(1).*

### **CONTENT OF AN ENVIRONMENTAL AUDIT REPORT.**

1. An environmental audit report shall include—
  - (a) the names and composition of the environmental audit team, including their qualifications, specific skills and relevance to a specific subject matter;
  - (b) a description of the project or activity audited and its physical location including a map, coordinates, boundaries of the site, plot number, block number, name of cell, village, parish, ward, sub-county, division, county and district;
  - (c) the identity of the developer or representatives of the developer who took part in the environmental audit and their specific roles;
  - (d) the criteria, objectives, scope, protocol and methodology used during the conduct of the environmental audit and any obstacles encountered, including gaps in knowledge and any other limitations encountered;
  - (e) the period covered by the environmental audit and the dates on which the audit was conducted;
  - (f) the terms of reference for the audit, including where applicable, consideration of the environment assessment baseline, and the date and issues raised in the previous environmental audit, environmental monitoring reports or inspections;
  - (g) a description and an assessment of the effectiveness of the environment management system and the compliance with the environmental management and monitoring plan, including environmental, health and social safeguards associated with the project or activity;

- (h) a description of the observed impacts of the audited project or activity, including both qualitative and quantitative data and information, where applicable;
- (i) the audit findings, including any identified non-compliance, causes of the non-compliance, proposed corrective actions and time-frame for implementing the corrective actions;
- (j) record of consultations with relevant stakeholders;
- (k) an implementation plan, including an audit corrective action plan proposed by the developer in consultation with the audit team that addresses the correction of past environmental non-compliance, the current environmental compliance and prevention of future non-compliance;
- (l) any other recommended action;
- (m) copies of all relevant approval certificates, permits and licences as an annex to the report; and
- (n) any other information the Authority may require.

2. As a separate document, the environmental audit report shall include a statement of the confidential nature of the information obtained or parts of the information, if any.

3. The environmental audit report shall contain a declaration dated and signed by all members of the environmental audit team.

4. The developer shall, every three years, submit, together with the environmental audit report, an updated environmental management and monitoring plan of the project or activity.

### SCHEDULE 3

*Regulations 12(1) and (2),  
16(2) and 20 (1).*

#### **PROJECTS OR ACTIVITIES FOR WHICH ENVIRONMENTAL COMPLIANCE AUDIT IS REQUIRED AND ASSOCIATED FEES.**

PROJECT CATEGORY	CLASS	FEES
<p><b>Projects under Schedule 4 of the Act which require Environmental Compliance Audits:</b></p> <p><b>1. Exploration and power generation, transmission and distribution infrastructure.</b> Hydropower generation plants up to 1 megawatts where—</p> <ul style="list-style-type: none"> <li>(a) impacts are low and can readily be mitigated.</li> <li>(b) footprint of construction works has limited area.</li> <li>(c) limited amounts of water are to be abstracted.</li> <li>(d) labour requirement is low.</li> <li>(e) duration of construction works is less than 2 years.</li> <li>(f) the site is not in an environmentally sensitive area or fragile ecosystem.</li> <li>(g) the requirement for associated infrastructure such as camps, access roads and dump sites is limited.</li> </ul> <p><b>2. Food and beverage industry.</b></p> <ul style="list-style-type: none"> <li>(a) Brewing, distilling or malting of beer, wine, waragi and other spirits for commercial purposes of a capacity of between 500 litres and 1000 litres per day.</li> <li>(b) Production of non-alcoholic drinks of 500 litres and 1000 litres per day.</li> <li>(c) Confectionery or bakeries for commercial purposes.</li> <li>(d) Manufacture of herbal and food supplements, employing more than 50 people.</li> </ul> <p><b>Projects under Schedule 5 of the Act which require Environmental Compliance Audits:</b></p>	1	500,000/=

<p><b>1. Utilisation of water resources and water supply.</b></p> <ul style="list-style-type: none"> <li>(a) Abstraction or utilisation of surface water for agricultural, industrial or urban use of more than 1000 m<sup>3</sup>/day.</li> <li>(b) Abstraction or utilisation of ground water of more than 1000m<sup>3</sup>/day.</li> <li>(c) Valley dams and valley tanks where the threshold is 1,000,000 m<sup>3</sup> or more.</li> <li>(d) Large scale gravitational water scheme of more than 1000 m<sup>3</sup>/day or where the ecosystem is fragile and sensitive.</li> </ul> <p><b>2. Wood industries.</b> Wood preservation facilities.</p> <p><b>3. Metallurgic industry.</b> Manufacture of motorised and non-motorised transport products.</p> <p><b>4. Waste management facilities.</b> Construction and operation of—</p> <ul style="list-style-type: none"> <li>(i) Recovery/re-cycling plant.</li> <li>(ii) Composting plants.</li> <li>(iii) Water/effluent treatment plant.</li> <li>(iv) Sewage treatment plants.</li> </ul>		
<p><b>Projects under Schedule 5 of the Act which require Environmental Compliance Audits:</b></p> <p><b>1. Transport, transportation equipment and related infrastructure.</b></p> <ul style="list-style-type: none"> <li>(a) Construction of public roads not being community access roads, including— <ul style="list-style-type: none"> <li>(i) Enlargement or upgrade of existing public roads.</li> <li>(ii) Construction of flyovers.</li> <li>(iii) Construction of terminals.</li> <li>(iv) Construction of parking facilities, including bus and taxi parks.</li> </ul> </li> <li>(b) Construction of roads to aid specific projects, including petroleum in-field roads.</li> <li>(c) Construction of private roads of more than 6 meters in width, including private roads joining national roads that pass through fragile ecosystems or involve re-settlement.</li> <li>(d) Construction of inland container ports.</li> <li>(e) Construction of large mechanical workshop and vehicle inspection centres, with a capacity of 50 or more vehicles.</li> </ul>	2	1,000,000/=



- (f) Construction of commercial public roadside resting facilities.
- (g) Construction of new railway lines and related facilities or improvement works to existing railway lines and related facilities.
- (h) Construction of underground and other tunnels for transportation purposes.
- (i) Construction of tramways and cable cars.
- (j) Air transport facilities including—
  - (i) Construction, expansion or upgrade of aerodromes, airports or airfields.
  - (ii) Construction, expansion or upgrade of heliports or helipads.
- (k) Water transport facilities including—
  - (i) Construction of new, or expansion of shipyards, ports and harbour facilities, jetty and pier development for loading and unloading connected to land.
  - (ii) Creation of access waterways of more than 10 kilometres.
  - (iii) Facilities used in building and repairing all types of ships above 4,000 tonnes displacement.
  - (iv) Marinas.
- (l) Support facilities to facilities in paragraph (a) to (k).

**2. Exploration and power generation, transmission and distribution infrastructure.**

- (a) Generation of power from solar PV power plants of more than 2 megawatts.
- (b) Exploration and generation of geothermal resources.
- (c) Thermal power generation and other combustion installations.
- (d) Wind power generation farms of a capacity of at least 10 megawatts.
- (e) Generation of power from peat.
- (f) Generation, storage or distribution of electricity from gas and steam energy.

**3. Utilisation of water resources and water supply.**

- (a) Abstraction or utilisation of surface water for agricultural, industrial or urban use of more than 1000 m<sup>3</sup>/day.

- (b) Abstraction or utilisation of ground water of more than 1000m<sup>3</sup>/ day.
- (c) Diversion of water from a river or stream, where the water discharged is more than 400m<sup>3</sup>/day or 30% of Internal Renewable Water Resources over the river catchment.
- (d) Bulk water transfer from one catchment or water body to another.
- (e) Construction of large scale gravitational water schemes of more than 1000 m<sup>3</sup>/day or where the ecosystem is fragile and sensitive.

**4. Housing and urban development.**

Construction and use of warehouses.

**5. Agricultural investments, livestock, range management and fisheries.**

- (a) Large scale application of agro-chemicals for disease and pest control.
- (b) Large scale irrigation of more than 20 hectares.
- (c) Construction of facilities for commercial aquaculture of 200,000 kilos per year or of an area of one hectare.
- (d) Establishment of industrial or commercial fish processing plants.
- (e) Establishment of fish cages for commercial production.

**6. Food and beverage industry.**

- (a) Brewing and distilling of beer, wines, waragi and other spirits for commercial purposes of a capacity of at least 1000 litres per day.
- (b) Production of non-alcoholic drinks of at least 1000 litres per day.
- (c) Milling facilities with capacity of at least 1000kilograms per day, including for grains, cereals, pulse feeds and other agro-products.
- (d) Manufacture and refining of vegetable and animal oils and fats.
- (e) Processing of dairy products.
- (f) Abattoirs /slaughter – houses and meat processing plants.
- (g) Sugar factories and jaggeries

**7. Nature conservation areas.**

- (a) Introduction of new or alien wildlife species; including microorganisms to local ecosystems.
- (b) Wildlife farming, including ranching and breeding.

**8. Forestry.**

Commercial charcoal production.

**9. Hotel, tourism and recreational development.**

Construction of luxury tented camps, lodges, hotels, resort and beach front facilities other than bandas, tents and campsites and construction of other tourism or recreation facilities in wildlife or forest protected areas or near wetlands or other ecologically sensitive areas.

**10. Wood industries**

Manufacture of veneer and plywood.

**11. Textile industry.**

- (a) Pre-treatment or dyeing of fibres and textiles.
- (b) Filature fabric, ginning or carpet mills using dyes (by utilizing chemical or vegetable dyes and/or bleaching agents).
- (c) Denim or garments industry products washing facilities.
- (d) Industrial type facilities where wool or angora is wrapped, de-oiled and bleached.
- (e) Manufacture of all fibre garments.

**12. Metallurgy.**

- (i) Boiler-making and manufacture of reservoirs, tanks and other sheet containers.
- (ii) Manufacture of non-ferrous products.

**13. Electrical and electronics industry.**

(a) Manufacture and assembly of electrical and electro-mechanical products.

(b) Manufacturing of non-metallic products.

- (i) Manufacture of rubber products.
- (ii) Manufacture of glass, glass-fibre and glass-wool.
- (iii) Manufacture of plastic materials.
- (iv) Manufacture of tiles and ceramics.
- (v) Production of kaolin and vermiculite.
- (vi) Manufacture of bricks and brick products for commercial purposes.

<p><b>14. Extraction of non-mineral products.</b></p> <ul style="list-style-type: none"> <li>(a) Extraction of sand, murrum and clay of at least 5m<sup>3</sup> per day.</li> <li>(b) Stone extraction and quarrying of more than 5m<sup>3</sup>per day.</li> </ul> <p><b>15. General.</b> Tobacco processing and storage</p>		
<p><b>Projects under Schedule 5 of the Act which require Environmental Compliance Audits:</b></p> <p><b>1. Exploration and power generation, transmission and distribution infrastructure.</b></p> <ul style="list-style-type: none"> <li>(a) Hydro-power generation facilities including dams with an installed capacity of more than 1 megawatts.</li> <li>(b) Facilities or infrastructure for nuclear reaction.</li> </ul> <p><b>2. Wood industries.</b> Pulp and paper mills.</p> <p><b>3. Tanning and leather industry.</b></p> <ul style="list-style-type: none"> <li>(a) Establishment and expansion of hides and skins processing facilities (tanneries).</li> <li>(b) Manufacture of leather and leather products.</li> </ul> <p><b>4. Chemical industry.</b></p> <ul style="list-style-type: none"> <li>(a) Manufacture formulation or re-packaging of industrial chemicals.</li> <li>(b) Manufacture, formulation or re-packaging of agro-chemicals.</li> <li>(c) Manufacture, formulation or re-packaging of public health chemicals and products.</li> <li>(d) Manufacture, formulation or re-packaging of pharmaceutical products.</li> <li>(e) Battery manufacture and re-cycling.</li> </ul> <p><b>5. Metallurgy.</b></p> <ul style="list-style-type: none"> <li>(a) Manufacture of aluminum, iron, steel and related products.</li> <li>(b) Electroplating.</li> </ul> <p><b>6. Electrical and electronics industry.</b> Manufacture of electrical and electro-mechanical products.</p>	3	2,000,000

**7. Mining industry and mineral processing.**

- (a) Mineral exploration.
- (b) Mining of metal and non-metal minerals.
- (c) Processing of minerals, including smelting and refining of ores.

**8. Extraction of non-mineral products.**

- (a) Extraction of sand, murmur and clay of at least 5m<sup>3</sup> per day.
- (b) Stone extraction and quarrying of more than 5m<sup>3</sup> per day.

**9. Petroleum operations,**

**(1) Upstream—**

- (a) Geophysical and geo-technical surveys for seismic activities.
- (b) Exploration, including drilling, construction, installation and operation of drilling rigs and related facilities.
- (c) Field development and production activities, including—
  - (i) construction of onshore drilling pads.
  - (ii) development of drilling construction, installation; and
  - (iii) operation of onshore drilling rigs and their facilities.
  - (iv) construction, installation and operation of central processing facilities.
  - (v) construction, installation and operation of in-field
  - (vi) pipelines and flow-lines.
  - (vii) construction, installation and operation of fixed platforms and mobile platforms.
  - (iv) construction of facilities, including storage facilities, central processing facilities and, pipelines.
  - (v) construction, installation and operation of accommodation and materials bases, including extension of camps.
  - (vi) offshore platforms for petroleum and natural gas.
  - (vii) construction and installation of water abstraction facilities.

<p>(viii) decommissioning of petroleum facilities and activities.</p> <p>(ix) any other facility or activity for exploration, development, production, transportation, storage and cessation of activities or decommissioning of facilities.</p> <p><b>(2) Midstream—</b></p> <p>(a) Construction of petroleum refinery, conversion plants and other petroleum processing plants.</p> <p>(b) Storage facilities for petroleum and petroleum products.</p> <p>(c) Construction and installation of facilities, including pipelines, storage facilities and camps.</p> <p>(d) Transmission of chemicals, petrochemicals and petroleum in bulk.</p> <p>(e) Decommissioning of midstream facilities and operations.</p> <p><b>(3) Downstream—</b></p> <p>(a) Construction or major modification of installations or</p> <p>(b) Facilities of the petroleum supply chain including—</p> <p>(i) petroleum product depots.</p> <p>(ii) Fuel filling stations and fuel service stations.</p> <p>(iii) Facilities for refilling and storage of liquefied petroleum and natural gas.</p> <p>(c) Petrochemical plants; including asphalt plants.</p> <p>(d) Transmission of petrochemicals and petroleum products.</p> <p>(e) Construction of other facilities for the transportation, processing, supply, storage, distribution, wholesale, retail sale and sale to industrial consumers of petroleum products and related activities.</p> <p>(f) Decommissioning of installations and facilities used in the petroleum supply chain.</p>		
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<p><b>10. Waste management facilities.</b></p> <ul style="list-style-type: none"> <li>(a) Transportation of hazardous waste.</li> <li>(b) Hazardous waste storage and treatment facilities.</li> <li>(c) Construction and operation of waste management facilities, including— <ul style="list-style-type: none"> <li>(i) Landfills.</li> <li>(ii) incineration plants.</li> <li>(iii) recovery/re-cycling plants.</li> <li>(vi) Sewage treatment plants.</li> </ul> </li> <li>(d) Facilities for the disposal of asbestos.</li> <li>(e) Storage or disposal of nuclear and radioactive waste.</li> </ul> <p><b>11. Projects located in or near environmentally sensitive areas referred to in Schedule 7 of the Act.</b></p>		
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### ***Cross References***

Access to Information Act, 2005, Act 6 of 2005.

Constitution of the Republic of Uganda, 1995.

National Environment (Conduct and Certification of Environmental Practitioners) Regulations 2003, S.I. 85 of 2003.

National Environment Act 2019, Act 5 of 2019.

The National Environment (Environmental and Social Assessment) Regulations, 2020.

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