

In exercise of the powers conferred under Section 39 of Balochistan Environmental Protection Act 2012, Government of Balochistan has been pleased to make the following regulations:

1. Short title and commencement. (1) These regulations shall be called Balochistan Environmental Protection (Registration of Environmental Consultants) Regulations, 2021

(2) They shall come into force at once.

2. Definitions. (1) In these regulations, unless the context otherwise requires:

- (a) "Act" means the Balochistan Environmental Protection Act, 2012;
- (b) "Agency" means the Environmental Protection Agency Balochistan;
- (c) "Committee" means the Consultant Registration Advisory Committee established under regulation 5;
- (d) "Convener" means the Convener of the Committee;
- (e) "Director" means a Director of the Agency;
- (f) "Director General" means the Director General of the Agency;
- (g) "Consultant" means an individual consultant; a consulting firm, a consortium joint venture or team of consulting firms engaged in environmental assessments or technical review;
- (h) "Government" means Government of the Balochistan;
- (i) "Guidelines" mean the guidelines prescribed under regulation 14;
- (j) "Environmental assessment" means Initial Environmental Examination or Environmental Impact Assessment within the meanings of the Act;
- (k) "Firm" means a firm incorporated under applicable law;
- (l) "Minister" means the Minister in-charge of Environment Protection Department;
- (m) "Regulations" means the Balochistan Environmental Protection (Registration of Environmental Consultants) Regulations, 2021;
- (n) "Secretary" means Secretary to the Government of the Balochistan, Environment and Climate Change Department;
- (o) "Technical Review" means the review of an environmental assessment submitted to the Agency under section 15 of the Act to ensure that it is technically sound and has been competently performed; covers all aspects of the project to which it relates, is properly documented and meets the recognized requirements of the quality.

(2) All other words and expressions used in these regulations, but not defined herein, shall have the same meanings as are assigned to them in the Act.

3. Environmental assessments to be prepared by registered consultants only. From such date as may be notified by the Government in official gazette, which shall not be later than one calendar year from the date of commencement of the regulations, the Agency shall not accept an environmental assessment under Section 15 of the Act, unless it is prepared by a consultant validly registered with the Agency under regulation 7

4. Application for registration etc.

(1) All application to registrar as a consultant or to renew such registration shall be made to the Director General in such form and manner as may be given in the guidelines.

(2) All applications shall be accompanied by requisite fee as specified in the regulation.

(3) The Director General shall cause all applications to be entered in a register and without any undue delay, submit such applications which are complete in all respects to the Convener for consideration of the Committee.

5. Consultant Registration Advisory Committee: -

(1) There shall be a Committee comprising a Director nominated by the Director General who shall also be the Convener of the Committee, a Deputy Secretary nominated by the Secretary one representative each from Finance and Planning and Development Departments, two recognized experts and one civil society activist dealing with environment, protection to make recommendations to the Director General on registration of consultants and other matters under these regulations.

(2) The two expert members and civil society activist shall be appointed by the Secretary with the approval of Minister.

(3) The Convener may co-opt any person who is otherwise not a member of the Committee to attend any meeting of the Committee for the purpose of advising it on a matter under discussion, but such person so shall have no right to vote.

(4) The Committee shall meet biannually and also as and when required by the Director General

(5) Subject to the regulations and the guidelines, the Committee shall determine its own procedure.

(6) Presence of five members shall constitute the quorum of the meeting of the committee.

7) All decisions of the Committee shall be through majority vote of the members present and voting.

6. Consideration of applications by Committee. —

- (1) All applications submitted to it under regulation 4, shall be considered by the Committee in a meeting.
- (2) The Convener shall enter recommendations of the Committee in a register and without any undue delay, submit them to the Director General for decision.

7. Registration of consultants by Director General

- (1) The Director General shall, after satisfying himself that the recommendations of the Committee are in accordance with the regulations and guidelines, register a consultant for preparation of environmental assessments or carrying out technical review and issue a certificate of practice in the form set out at Schedule I.

Explanation: For the purpose of this regulation, a consultant may either obtain registration for preparation of environmental assessments or carrying out technical review and not both at the same time.

- (2) The registration shall be subject to such conditions as the committee or the Director General may deem fit to impose.
- (3) The Director General shall maintain a register of registered consultants form as set out at Schedule II.

8. Undertaking a technical review. —

- (1) The Secretary shall, with the approval of Minister, through a notification in the official gazette, prescribe categories of projects involving serious adverse 'environmental impacts' whose environmental assessments shall be technically reviewed by a consultant.
- (2) The Director General shall refer environmental assessments pertaining to such projects to a consultant registered for technical review at the expense of their proponents.
- (3) The cost of technical review for various categories of projects shall be fixed by the Secretary from time to time, with the approval of the Minister; through a general or specific order published in the official gazette.
- (4) The Director General shall not refer an environmental assessment to a consultant who is or has been involved in any manner in the preparation of the

environmental assessment or otherwise had or has an interest in the project to which the environmental assessment relates.

- (5) The consultant to whom an environmental assessment is referred shall furnish Conflict of Interest Disclosure Certification on the form given at Schedule III.

9. Performance evaluation of The Consultants

- (1) The Committee shall evaluate the performance of each consultant against following basic parameters and such other parameters as may be prescribed by the Secretary at least once every calendar year or as and when so required by the Director General

- (a) the number and quality of environmental assessments prepared and technical reviews carried out;
- (b) adherence to any timelines for preparation and submission of environmental assessments or technical: reviews; and
- (c) degree of adherence to the conditions of registration,

- (2) The Convener shall without undue delay, submit all evaluation reports to the Director General.

10. Annual reports by consultants:

Every registered consultant shall submit to Director General a report on all environmental assessments and technical reviews undertaken during the calendar year no longer than thirty first day of January of the succeeding year in such form and manner as the Director General may from time to time direct.

11. Code of conduct for consultants. –

- (1) The Secretary shall, with the approval of the Minister, issue a code of conduct for consultants for the purposes of the regulations.
- (2) Any violation of the code of conduct shall constitute a misconduct by the consultant for the purpose of regulation 12

12. Suspension or revocation of registration:

- (1) The Director General may, on the recommendation of the Committee, suspend registration of consultant if that consultant:
- (a) falls to apply for renewal of registration after lapse of six months. From the date of expiry; or
 - (b) fails to submit annual report as required under regulation 10;

- (c) fails to perform satisfactorily as per evaluation carried out under regulation 9; or
 - (d) fails to abide by any condition of registration
- (2) The Director General may, on the recommendation of the Committee, revoke registration of consultant if that consultant.
- (a) Fails to apply for registration despite two notices to such effect given at reasonable intervals after lapse of six months from the date of expiry of registration.
 - (b) Fails to improve performance despite two notices to such effect given at reasonable intervals.
 - (c) knowingly Submits a false, incorrect or incomplete technical review or environmental assessment, or conceals important information relevant to the technical review or environmental assessment
 - (d) knowingly submits false, incorrect or incomplete information, or conceals any important information, for the purpose of registration
 - (e) despite two notice given at reasonable intervals, fails to submit annual report as required under regulation 10
 - (f) despite notice, fails to abide by the conditions of registration.
 - (g) involves in a conflict of interest situation within the meanings of regulation 9; or
 - (h) involves in misconduct within the meaning regulation 11.
- (3) The Director General shall not revoke or suspend registration without first providing a reasonable opportunity of hearing to the consultant clearly stating the reasons for such an action.
- (4) The consultant whose registration has been revoked under regulation (2) above shall not be eligible to apply for registration until lapse of at least one year from the date of such revocation.

13. All orders to be in writing: All orders shall be made in writing and where applicable communicated to the consultant without any unnecessary delay.

14. Guidelines. - The Secretary shall with the approval of the Minister, through a notification in the official gazette, prescribe guidelines to define detailed procedure for registration of consultants, applicable fee for registration, renewal of registration and certificate of practice, accreditation of individual consultants and professionals engaged by consulting firms, their work under the regulations and ancillary matters.

SCHEDULE I
(SEE REGULATION 7)
CERTIFICATE OF PRACTICE AS REGISTERED ENVIRONMENTAL CONSULTANT

Registration No.....

It is hereby certified that _____ is a registered Environmental Consultant
in Category _____ with the Provincial Environmental Protection Agency,
Government of the Balochistan.

Date of Issue: _____

date of Expiry: _____

Director General
Environmental Protection Agency
Balochistan

SCHEDULE II
(SEE REGULATION 7)

CONTENTS OF CONSULTANTS REGISTRATION REGISTER

1. Application tracking number
2. Name of consultant
3. Category in which registered (as per Regulations)
4. Name and designation of contact person
5. Office address and contact details
6. Date of initial registration
7. Date of issue of Certificate of Practice
8. Fee payment history
9. Registration renewal history
10. Performance evaluation history
11. Cancellation or suspension history

Schedule III
[(See Regulation 8(5))]
CONFLICT OF INTEREST DISCLOSURE CERTIFICATION

Except as otherwise fully disclosed below (attach additional pages as needed), the Environmental Consultant affirms, to the best of its knowledge, information and belief, that he, or in case of consulting firm or joint venture of firms, any person with any association with the firm(s) has any interest, direct or indirect, in the preparation of the environmental assessment of the project name of the project, or has received or will receive any benefit, directly or indirectly, in connection with the environmental assessment or the project.

Name of the Consultant

Signature of Authorized

Consultant's Address
City / Postal Code

Person / Date
Name / Title of Signer
Email Address

Sworn to before me this _____ day of _____, 20_____
Notary Public

IMPORTANT NOTES AND EXPLANATION.

- a) For the purposes of this certification, "associated" persons include: a spouse, child, parent or sibling of an employee of environmental consultant.
- b) Environmental consultants are encouraged to disclose any other connection that could create an appearance of a conflict of interest, regardless of whether it meets the listed definitions.
- c) A materially false statement willfully or fraudulently made in connection with this certification, and / or the failure to conduct appropriate due diligence in verifying the information that is the subject matter of the certification may result in rendering the environmental consultant non responsible for the purpose of contract award, and a materially false statement willfully or fraudulently made in connection with this certification may subject the person making the false statement to criminal charges.

DIRECTOR GENERAL
ENVIRONMENTAL PROTECTION AGENCY