

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

মঙ্গলবার, ডিসেম্বর ২৯, ২০১৫

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
BANGLADESH ECONOMIC ZONES AUTHORITY
PRIME MINISTER'S OFFICE

NOTIFICATION

Date: 29 November 2015 AD / 15 Agrahayon 1422 BE

S.R.O.No. 354-Law/2015.—In exercise of the power conferred by sub-article (1) of article 47 of the Bangladesh Private Economic Zones Policy, 2014, the Bangladesh Economic Zones Authority is hereby pleased to publish the following authentic English text of the policy, namely:-

CHAPTER I
GENERAL PROVISIONS

1. Title and commencement.- (1) This policy may be called the Bangladesh Private Economic Zones Policy, 2015.

(2) It shall come into force at once.

2. Definitions.-In this policy, unless there is anything repugnant in the subject or context,-

(1) “**on-site infrastructure**” means the infrastructure situated inside the perimeters of a Private Economic Zone and shall also include the generation of electric power, other utilities or services and residence of workers;

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- (2) “**authorized private economic zone activity**” means any lawful economic activity undertaken by a private enterprise or a private economic zone resident including any agricultural, industrial, manufacturing, service providing, commercial, technological, tourism, residential, recreational or electricity generation, distribution or transmission activities and any warehousing, logistics, transportation, training, education, financing, insurance, healthcare and scientific-research pursuits which-
- (a) shall not be contrary to the policies relating to public morality, order, public safety or public health;
 - (b) shall not violate environmental laws or policies;
 - (c) shall not endanger health or life of human, animal or plant;
 - (d) shall not infringe any intellectual property rights;
 - (e) are not prohibited, restricted or excluded under any other applicable laws including sections 5 (3), 15 and Schedule-1 of the Act;
- (3) “**operator**” means any private enterprise assigned with the duties to operate, maintain and promote a Private Economic Zone having lawful authority under any Operator Agreement or any other applicable laws;
- (4) “**Operator Agreement**” means a Private Economic Zone Operator Agreement executed between the Licensee and any enterprise for operation, maintenance and promotion of a Private Economic Zone;
- (5) “**off-site infrastructure**” means the infrastructure situated outside the perimeters of a Private Economic Zone and shall also include the public utility, transport and other structure connected to a Private Economic Zone;
- (6) “**infrastructure**” means basic facilities, installations and utilities required for encouraging the development and activities of any Private Economic Zone and shall, with other related services, also include the following matters, namely:-
- (a) buildings or other similar structures;
 - (b) systems for collection, treatment, disposal and management of liquid waste, solid waste, industrial waste etc.;
 - (c) generation, transmission and distribution of electric power;
 - (d) supply and distribution of other energy including gas;

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- (e) facilities for collection, treatment and disposal of rain water;
 - (f) facilities of sewerage and waste-treatment;
 - (g) transportation networks including roads and bridges;
 - (h) telecommunications and information technology;
 - (i) supply and distribution;
 - (j) education and medical facilities;
 - (k) undertaking training programme for capacity building and development; and
 - (l) any other physical infrastructure required for the proper functioning of the private economic zone activities;
- (7) “**Act**” means the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010);
- (8) “**applicant**” means an enterprise that has applied for a private economic zone licence for establishment, development, operation, maintenance and promotion of any Private Economic Zone in Bangladesh;
- (9) “**competent agency**” means any national or local government agency, Ministry, Division, Directorate, Department or local government institution or any other organization having concurrent or shared regulatory jurisdiction over operation or activities of any private economic zone area and shall also include any competent national security, police, labour, immigration, environmental, business-registration, urban planning, health, safety, customs and tax authorities;
- (10) “**One-Stop Service Office**” means a One-Stop Service Office established under article 18;
- (11) “**Authority**” means the Bangladesh Economic Zones Authority established under section 17 of the Act;
- (12) “**consortium**” means an association formed, formally or informally, comprising more than one person or organization;
- (13) “**Governing Board**” means the Governing Board of the Authority;
- (14) “**developer**” means an enterprise which develops, designs, finances, constructs, and provides services in, any Private Economic Zone under a Developer Agreement or pursuant to any other lawful authority under any applicable law;

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- (15) “**developer and operator**” means an enterprise assigned with the duties for development, designing, financing, construction, providing services, operation, maintenance and promotion of a Private Economic Zone under the Developer and Operator Agreement or pursuant to any other lawful authority under any applicable law;
- (16) “**Developer and Operator Agreement**” means an agreement executed between the Licensee and the Authority under article 7(5) or any Private Economic Zone Developer and Operator Agreement executed between the Licensee and an enterprise for development, designing, financing, construction, providing service, operation, maintenance and promotion in any specific land of a Private Economic Zone;
- (17) “**Developer Agreement**” means a Private Economic Zone Developer Agreement executed between the Licensee and an enterprise for designing, financing, construction, development and providing services in any specified land of a Private Economic Zone;
- (18) “**Schedule**” means any Schedule of this policy;
- (19) “**enterprise**” means any private entity established under any applicable law, such as company, partnership, sole proprietorship, branch, joint-venture entity, or other organization or consortium including any Bangladeshi or foreign enterprise;
- (20) “**Private Economic Zone**” means any Private Economic Zone declared under section 5, subject to the provisions of section 15 of the Act, for the purposes of clause (b) or (d) of section 4;
- (21) “**private economic zone user**” means a private enterprise in favour of which private economic zone user permit has been granted under article 30;
- (22) “**private economic zone user permit**” means a private economic zone user permit issued under article 30 by the Authority or, as the case may be, by the Licensee or the operator or the developer and operator of the Private Economic Zone;
- (23) “**private economic zone resident**” means any person or worker having obtained a residency certificate issued under articles 36 and 37 for residing within the residential area of a Private Economic Zone;

- (24) “**private economic zone residency certificate**” means a certificate issued by the Authority to a person or worker for residing within the residential area of a Private Economic Zone according to articles 36 and 37;
- (25) “**private economic zone enterprise**” means the Licensee, developer, operator, developer and operator or any private economic zone user enterprise registered in Bangladesh;
- (26) “**person**” means a Bangladeshi or foreign natural person or enterprise;
- (27) “**licence**” means a private economic zone licence granted under sub-article (3) of article 7;
- (28) “**Licensee**” means an enterprise in favour of which a private economic zone licence has been granted;
- (29) “**asset**” or “**property**” means any movable or immovable, tangible or intangible property of monetary value, situated in, or in relation to, a Private Economic Zone and shall also include the private economic zone investments (except debt-instrument), private economic zone lands, easements, plants, equipment, vehicles, infrastructure, improvements, currency, other public or private property rights and any other asset prescribed in the resolution taken by the Governing Board.

CHAPTER II

ESTABLISHMENT OF PRIVATE ECONOMIC ZONES, LICENCES, ETC.

3. Establishment of Private Economic Zones, etc.-(1) For the purposes of clauses (b) and (d) of section 4 of the Act, Private Economic Zones may be established in any suitable private land in Bangladesh, except, as provided in sub-section (3) of section 5 of the Act, in the land within the jurisdiction of City Corporation, Municipality or Cantonment Board.

(2) In selection of private economic zone sites, priority shall be given to barren land, unfertile land and less developed area and the land identified as ecologically important under Bangladesh Environment Protection Act, 1995 shall be kept out of the scope of such selection.

(3) The private economic zone licence shall be deemed to be the administrative approval for establishing any Private Economic Zone.

(4) No enterprise shall, without licence, undertake or initiate, as a developer or operator, any activity in a Private Economic Zone or appoint any developer or operator or developer and operator for development, designing, financing, construction, operation, maintenance and promotion of a private economic zone.

4. Application for private economic zone licence.-(1) Any enterprise may apply to the Authority for obtaining a private economic zone licence for the establishment and development of a Private Economic Zone and for the operation, maintenance and promotion thereof.

(2) At the first stage, the enterprise shall have to submit an application under article 5 for obtaining a pre-qualification letter and thereafter, submit an application for licence under article 6 within 12 (twelve) months from the date of issuance of the pre-qualification letter.

5. Requirements and procedure of application for pre-qualification letter.-(1) For the pre-qualification letter, an enterprise shall have to submit an application to the Authority in the form set out in Schedule- 4 along with the following information, namely:-

- (a) information indicated in Schedule-2 with documents;
- (b) lump sum non-refundable fee fixed by the Authority;
- (c) a project description of the proposed Private Economic Zone and a list of all activities to be performed within the zone as detailed in the application form;
- (d) construction map of the Private Economic Zone, estimated time schedule for starting works; and
- (e) any other information and documents which may be considered by the Authority as relevant.

(2) The Authority shall scrutinize the application in the light of the Act and this policy within 30 (thirty) days from receipt of the application under sub-article (1) and, if necessary, may direct the applicant to furnish further information within reasonable time and, along with the following information, publish it in the widely circulated national dailies and Gazette-

- (a) any person, who is likely to be affected by the proposed Private Economic Zone, may submit his opinion to the Authority within 21 (twenty one) days from the date of publication of the notification; and
- (b) the geographical location, specific measurement, map, description of registration and proposed activities of planned Private Economic Zone shall be described in the notification.

(3) Upon completion of the process under sub-article (2), the Authority shall, after scrutiny, with approval of the Governing Board, issue a pre-qualification letter to the applicant or, as the case may be, reject the application assigning reasons thereof and convey the matter to the applicant in writing.

6. Requirements and procedure for licence.- (1) For final approval of the licence, the applicant shall submit the second phase application in the form set out in Schedule- 4 accompanied with the following information to the Authority within 12 (twelve) months from the date of issuance of the pre-qualification letter under sub-article (5), namely:-

- (a) information mentioned in Schedule- 3 with documents;
- (b) lump sum non-refundable fee fixed by the Authority;
- (c) feasibility study report with the master plan of the proposed Private Economic Zone;
- (d) environmental impact assessment with an environmental management plan;
- (e) rehabilitation plan (where applicable);
- (f) schedule of approximate time-frame to be spent for preparation of map of the activities, construction, commencement of the proposed Private Economic Zone with the work plan;
- (g) schedule of approximate time-frame for the completion of the work for establishing the proposed Private Economic Zone;
- (h) list of fees to be charged for any goods, services or infrastructure provided, directly or indirectly, by the applicant within the proposed Private Economic Zone;
- (i) written statement specifying the verified financial resources for the project including total capital and debt; and
- (j) any other information and documents which may be considered by the Authority as relevant.

(2) In the case of feasibility study and master plan of the Private Economic Zone as mentioned in clause (c) of sub-article (1), the applicant shall satisfy that the following essential conditions have been fulfilled, namely:-

- (a) the master plan is comprehensive and has included the land use planning and land zoning, on-site infrastructure plan and phasing plan;
- (b) the proposed land area is in close proximity to actual or proposed off-site infrastructure;

- (c) the project's economical and financial viability and social suitability has been demonstrated in the feasibility study;
- (d) environmental and social impact assessments relating to approved environmental management plans containing sufficient health and safety schemes to mitigate negative impacts;
- (e) it has been demonstrated in the feasibility study that the project will be beneficial for Bangladesh, for example, instances of increased investment, creation of job opportunities, diversification of exports which, as a result, will be more beneficial than the costs incurred by the Government for implementation of the project; and
- (f) the ownership of the land comprising the proposed Private Economic Zone is not disputed and is not the subject of actual or impending legal liability or contingency, which may give rise to legal claim and in these respect, the applicant shall submit an affidavit.

7. Necessary arrangement for declaration of Private Economic Zone and issuance of private economic zone licence.- (1) Within 30 (thirty) days from receipt of application under sub-article (1) of article 6, the Authority shall complete the formalities according to the provision of sub-article (2) of article 5.

(2) Within 60(sixty) days after completion of formalities under sub-article (1), the Authority shall, if satisfied upon scrutiny, obtain approval of the Governing Board on issuance of licence to the applicant and make necessary arrangement for declaring the proposed area of land as the Private Economic Zone according to the provision of sub-section (1) of section 5 of the Act:

Provided that the Authority may, for any legitimate administrative reason, extend the time limit for further 60 (sixty) days.

(3) If the proposed area of land is declared as the Private Economic Zone under sub-article (2), the Authority shall issue licence to the applicant and, by notification in the official Gazette, publish the particulars of the land declared as the Private Economic Zone along with the information regarding approval of licence and the name, address, necessary information of the Licensee.

(4) The private economic zone licence shall contain the following information including the specific terms and conditions governing the establishment, development, operation, maintenance and promotion of the Private Economic Zone, the rights and obligations of the Licensee in respect of development, operation, maintenance and promotion of the Private Economic Zone and power of delegating such rights and obligations to any third party, namely:-

- (a) name of the Licensee;

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- (b) duration of licence;
 - (c) conditions for renewal of licence;
 - (d) geographical location, specific metes and bounds and registrations of the lands located within the area declared as the Private Economic Zone;
 - (e) master plan of the Private Economic Zone;
 - (f) schedule of phase wise time frame for execution of all approved activities relating to the Private Economic Zone;
 - (g) schedule relating to completion of work of establishing economic zone within specified time; and
 - (h) all prohibited and restricted activities.

(5) If a licence is issued under sub-article (3), the Authority and the Licensee shall sign the Private Economic Zone Developer and Operator Agreement.

(6) If the licence is issued under sub-article (3), the Licensee shall be authorized, from date of giving effect to the licence, to commence all approved activities including development, operation and maintenance of the Private Economic Zone in accordance with the provisions of the Act, this policy and any other applicable laws and the terms and conditions mentioned in the licence.

(7) If, after scrutiny, the application is rejected, the Authority shall in form the matter to the applicant in writing.

8. Rights and obligations conferred under the licence.- (1) Subject the conditions stipulated under the Act, this policy, other applicable rules-regulations and the licence, the Licensee shall be authorized to carry out the following activities in the Private Economic Zone, namely:-

- (a) establishment, development, operation, promotion and protection of the designated area;
- (b) appointment of developer or operator or developer and operator;
- (c) issuance of licence or permit to any other Bangladeshi Enterprise through a sub-contract or legal arrangement for the development, operation, promotion and maintenance of any part or whole of such area.

(2) Notwithstanding anything contained in clauses (b) and (c) of sub-article (1), the Licensee shall bear the ultimate legal responsibilities for the development, operation, promotion and maintenance of any Private Economic Zone, regardless of whether any part or whole of such responsibilities is delegated to any other Bangladeshi Enterprise and in such case, if the Licensee is a consortium, all the enterprises affiliated to such consortium shall be liable jointly and severally.

(3) Where a Licensee delegates any part or all of its rights and obligations for the development, operation, promotion and maintenance of the designated area to any other enterprise, the Licensee, by virtue of the sub-contract shall hold such level of control over the enterprise that enables the Licensee to discharge all of its legal responsibilities under the Act and this policy.

(4) The provision of sub-article (3) shall also apply to the sale or transfer of any land of the Private Economic Zone by a Licensee to any other enterprise for carrying out the activities of development, operation, promotion and maintenance under the Act and this Policy.

(5) No Licensee shall sell or transfer any part or whole of the licence.

(6) The Licensee shall have to complete the work of establishing the economic zone within the time limit as scheduled in the licence.

9. Cancellation of licence, etc.-(1) Where any Licensee violates any provisions of the Act, this policy, other applicable laws, rules and regulations, legal instruments, any terms and conditions of the agreement or licence, the Authority giving the concerned Licensee 60 (sixty) days' notice to show cause and an opportunity of being heard, may, with the approval of the Governing Board, cancel or suspend the licence in part or as a whole, by publication in the official Gazette.

(2) Notwithstanding anything contained in sub- article (1), the Authority giving 60 (sixty) days' notice in writing and an opportunity of being heard to the Licensee may, in the manner prescribed by rules and with the approval of the Governing Board according to section 28 of the Act, cancel his licence, by publication in the Gazette, if the Licensee-

- (a) sells, transfers or shifts to any third party the whole or any part of the licence in contravention of the provisions of sub- article (5) of article 8;

- (b) fails to adhere to the schedule mentioned in the licence in performing the activities of development, operation, promotion and maintenance of the Private Economic Zone and receives notice in writing twice from the Authority for such non-performance of obligations;
- (c) is declared bankrupt;
- (d) fails to pay all fees, taxes or other dues owed to the Authority or any other competent agency;
- (e) obtains licence upon furnishing false information, declaration or statement in the application;
- (f) is engaged in any prohibited, unlawful or illicit activity specified in the licence or Schedule 1.

(3) Notwithstanding anything contained in sub-article (2), where the Licensee fails to complete the work of establishing the economic zone within the time scheduled in the licence or the investment is delayed, the Authority giving the Licensee 60 (sixty) days' notice in writing and an opportunity of being heard, may, with the approval of the Governing Board, cancel or renew the licence by publication in the official Gazette.

(4) The licence shall be treated to have been finally canceled if no objection is received from the concerned Licensee within 45 (forty five) days from the date of publication in the Gazette of the decision of cancellation or suspension of licence under sub-articles (1), (2) and (3).

(5) Upon final cancellation of licence of any enterprise, the enterprise shall cease to hold the status as a Licensee and the agreement between the Authority and the Licensee shall also be treated to have been terminated.

(6) Where the licence of a Licensee is canceled, the Authority or any other competent agency may take legal steps against the Licensee according to the Act and any other law in force.

10. Provisions relating to the events consequent to cancellation of the licence.-(1)The holder of the canceled licence shall make over all the liabilities with all the papers, documents, designs and other instruments to the Authority within 7 (seven) days from the date of cancellation of any licence under article 9.

(2) The Government may acquire the properties under the ownership of the holder of canceled licence under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982) and the provisions of the Ordinance shall be applicable in disposal of any other matters including the compensation of the acquired land.

11. Appointment of substitute Licensee, etc.-(1) Where any licence is canceled under article 9, the Authority may appoint a substitute Licensee for the rest of the period for the completion of the remaining work.

(2) For appointing any substitute Licensee, the Authority shall issue notice and, subject to the provisions of the Act and this policy and with the approval of the Governing Board, shall issue substitute licence.

(3) Compensation as mentioned in sub-article (2) of article 10 shall be recoverable from the substitute Licensee.

(4) If no eligible applicant to substitute for the holder of canceled licence is found available within 270 (two hundred and seventy) days after the publication of the notice mentioned in sub-article (2), the Authority shall coordinate with the concerned economic zone developer, economic zone operator, economic zone developer and operator or private economic zone user to arrive at a practical solution to continue the activities of the affected Private Economic Zone.

(5) The solution referred to in sub- article (4) shall be such as to continue and maintain all the economic zone activities up to the term of the canceled licence, keeping consistency, so far as possible, with the terms and conditions of the canceled licence, the Developer Agreement, the Operator Agreement, the Developer and Operator Agreement and private economic zone user permit.

(6) During the transitional period between appointment of substitute Licensee and taking measure under sub-articles (4) and (5), the Authority shall, in consultation with the competent agencies, make necessary arrangements for the protection of interest of the economic zone users and residents.

CHAPTER III

SPECIAL FACILITIES AND GUARANTEES OF THE PRIVATE ECONOMIC ZONE INVESTORS

12. Foreign ownership.-A foreign national or foreign enterprise may, subject to the provisions of the applicable laws and registration in Bangladesh, acquire 100% (one hundred percent) ownership of any Private Economic Zone.

13. Equal treatment for national and foreign enterprises in respect of enjoying facilities and privileges.-In respect of acquisition, development, expansion, management, activities, operation, sale, shifting or otherwise transfer, the foreign investors and the foreign-owned enterprises shall have the same rights to enjoy the facilities and privileges in the economic zone as the Bangladeshi investors enjoy according to the agreements executed with all the national, regional and local authorities including the Authority.

14. Gender equality.- (1) According to the provisions of laws applicable in the Private Economic Zone, equality between men and women shall be guaranteed.

(2) All the female workers employed in an enterprise of the Private Economic Zone shall be entitled to equal protection under the Act, this policy and applicable laws, and the enterprise shall ensure the following matters, namely:-

- (a) provisions for equal remuneration and benefits for the equal works;
- (b) providing legal protection to the pregnant women under the applicable laws.

15. Transfer of funds.-(1) In accordance with the provisions of sections 10 and 13 of the Act and the applicable laws, the Private Economic Zone enterprise, or an investor or the foreign workers employed in an enterprise shall, subject to payment of taxes under the applicable laws, act in accordance with the decision of the Government in collecting the foreign exchange from the Private Economic Zone and in transferring the fund within and outside Bangladesh including all transactions of foreign exchange, and such transfer shall also include the following money, namely:-

- (a) repatriation of paid up capital, initial and subsequent capital contributions and capitalization of retained earnings of the company;
- (b) distribution of company profits and dividends and any earnings derived from the investment in a Private Economic Zone;
- (c) payments and transfer of profits under the Islamic lending principles;
- (d) licence fees or royalties, management fees, technical assistance fees;
- (e) sums derived from the remunerations, salaries and wages earned by the foreign employees of the investors and private economic zone enterprises;
- (f) capital gains derived from the private economic zone;
- (g) repatriation of net proceeds from the sale of all or any part, and partial or complete liquidation of any investment in a Private Economic Zone;
- (h) payments made under a foreign contract, payments of principal loan amount under foreign loan agreement, payments arising out of agreement of technology-transfer and payments made to suppliers for the purchase of any goods or services of foreign origin; and

- (i) sums received from the Government as compensation for expropriation of any private asset of an investor or Private Economic Zone or enterprise or the sums derived from the proceeding relating to dispute resolution.

(2) The transfers, referred to in sub-article (1), shall be made effective through any scheduled commercial bank or financial institution approved by the Bangladesh Bank to operate in a Private Economic Zone.

16. Protection of private property rights in Private Economic Zones.-

(1) Subject to the Constitution of Bangladesh and laws in force, there shall be guarantees of legal rights of the principal owner or beneficiaries of the privately owned properties situated in the Private Economic Zone and the rights on all private properties including the intellectual property rights shall be kept protected.

(2) Subject to the requirements of expropriation and nationalization in accordance with the laws in force and the provisions set forth in section 6 of the Act, the Government or the Regional or Local Government shall not generally expropriate or nationalize any rights directly or indirectly to any property or private property or any investment in the Private Economic Zone, but the Government may, if it thinks necessary, expropriate or nationalize such property for public interest, in accordance with the constitutional due-process as envisaged in the Constitution of Bangladesh, applicable laws and the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982), and the provisions of applicable laws and the said Ordinance shall be applicable in respect of disposal of any other matters including compensation of the expropriated and nationalized property.

CHAPTER IV

**HEAD OFFICE, ONE-STOP SERVICE OFFICE AND COORDINATION
WITH COMPETENT AGENCIES, ELECTRONIC LICENSING AND
REGISTRATION, WEBSITE OF THE AUTHORITY**

17. Duties of Head Office and Branch Offices.-(1) The Authority shall have a Head Office and Branch Offices including One-Stop Service Office established under article 18.

(2) The Head Office of the Authority shall be responsible for performing the following duties, responsibilities and functions, namely:-

- (a) to publish Gazette in respect of issuance and cancellation of licence and maintain information thereof and all information regarding the developer, operator or developer and operator of the Private Economic Zone, and maintain and publish the information in respect of registration of private economic zone investors and enterprises in the Website;

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- (b) to exercise powers and discharge duties, responsibilities and functions vested by law; and
 - (c) to discharge such other duties, responsibilities and functions as may be assigned by the Authority and the Head Office.
- (3) The Branch Offices of the Authority shall be responsible for discharging the following duties, responsibilities and functions, namely:-
- (a) to grant private economic zone users' permit;
 - (b) to issue rules and regulations in respect of carrying out day to day administrative functions of the Private Economic Zone, where no authority is delegated under any agreement to the private economic zone developer, operator or developer and operator according to the licence; and
 - (c) to discharge such other duties, responsibilities and functions as may be assigned by the Authority and the Head Office.

18. One-Stop Service Office of the Authority.- (1) Pursuant to clause (a) of section 12 of the Act, the Authority shall, with the approval of the Governing Board, establish One-Stop Service Offices at its Head Office and Branch Offices, and their functions shall be as follows, namely:-

- (a) to provide necessary services to the economic zone developer and the industrial units related to the operation of Private Economic Zones, such as, arrangements for issuance of permission for selection of land for the Private Economic Zones, declaration of Private Economic Zones, clearances, certificates, certificate of origin, permit for repatriation of capital and dividends, licences, private economic zone user permit, permit for construction in the Private Economic Zone, work permit, environmental clearances and according to the Act, this policy and other applicable laws, all other necessary registrations, resident and non-resident visa, permit (including import-export, land construction, labour, health and safety);
- (b) to provide speedy mediation services to the private economic zone investors;
- (c) to provide expeditiously the applicable forms, guidance and administrative assistance to the private economic zone investors; and
- (d) to discharge such other duties, responsibilities and functions as may be assigned by the Authority and the Head Office.

(2) The Authority shall provide and maintain the required office space, equipments and manpower at each One-Stop Service Office.

(3) Each One-Stop Service Office shall be managed by a One-Stop Service and Coordination Manager, hereinafter referred to as the Manager, nominated by the Executive Chairman with the approval of the Governing Board, and the functions, duties and responsibilities of the One-Stop Service Office shall be prescribed by a resolution issued by the Executive Board.

(4) The Manager shall regularly submit a report on the day to day activities of the One-Stop Service Office to the Executive Chairman and supervise other activities including day to day management and manpower of the One-Stop Service Office.

19. Coordination with the competent agencies through One-Stop Service Office.-(1) For maintenance of respective regulatory jurisdiction of the competent agencies over Private Economic Zones and for ensuring control over Private Economic Zones, the Authority shall coordinate with the competent agencies through the One-Stop Service Offices.

(2) To facilitate the development, operation, maintenance, administration and regulation of the Private Economic Zones through One-Stop Service Offices, the Authority shall set up arrangements through One-Stop Service Offices to resolve the disputes relating to providing streamlined intermediation services to private economic zone investors including private economic zone enterprises and private economic zone residents, jurisdictional conflicts with any competent authority and any impediment, delay or any other difficulties with regard to investments of any investor in the Private Economic Zone.

20. Electronic licensing and registration.-(1) Any One-Stop Service Office of the Authority shall, with the approval of the Governing Board, set up an electronic process to receive and approve the applications for licence, private economic zone user permit, private economic zone construction permit, environmental permit and clearance and applications for any other approval.

(2) The Authority shall maintain and publish the electronic application form including the process mentioned under sub-article (1) and the up to date instruction in respect of submission of application form.

21. Website of the Authority.-For facilitating exchange of information and development of administrative skills of Private Economic Zones, the Head Office, Branch Offices and One-Stop Service Offices of the Authority shall maintain, in the official Website of the Authority, the up to date particulars of the following matters and publish information thereof, namely:-

(a) relevant information in respect of Private Economic Zones;

- (b) other application forms in respect of the Private Economic Zones including forms for licence, private economic zone user permit, private economic zone construction permit, environmental permit and clearance, business registration and the investment of the private economic zone investors; and
- (c) information of private economic zone investors and private economic zone enterprises.

CHAPTER V
APPOINTMENT, ELIGIBILITY, RIGHTS AND OBLIGATIONS, ETC.
OF DEVELOPERS AND OPERATORS.

22. Appointment of private economic zone developer or private economic zone operator.-(1) A Licensee may, subject to the provisions of article 23, appoint any developer or operator or developer and operator for development, design, finance, construction, operation, maintenance and promotion of a Private Economic Zone.

(2) Where a person or enterprise is eligible for appointment as a developer or operator or developer and operator under sub-article (1), the Licensee shall execute an agreement with him or it.

(3) The developer or operator or developer and operator shall have to establish exclusive ownership and control over the land of the Private Economic Zone and other assets situated within that land in accordance with the terms of the agreement within 180 (one hundred and eighty) days from the day on which the agreement under sub-article (2) comes into force.

23. Eligibility of developers or operators, etc.-No person or enterprise shall be eligible for appointment as a developer or operator or developer and operator unless the person or the enterprise has the following qualifications, namely:-

- (a) experience in respect of land development; and
- (b) net worth of minimum BDT 50 (fifty) crore.

24. Rights and facilities of developers.-(1) The developers shall, in accordance with this policy, the Act, other applicable laws, rules and regulations, legal documents, licence and the Developer Agreement, be entitled to the following rights and facilities, namely:-

- (a) to have exclusive ownership over the land of the Private Economic Zone and to develop, use and maintain other assets situated within that land;

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- (b) to transfer the land of Private Economic Zone or other assets situated within that land by sub-lease arrangements and to receive money payable for such transfer and collect rental fees;
 - (c) to provide all utilities and other basic services inside or outside the Private Economic Zone and charge fees for providing such services keeping consistency with the requirements of private economic zone users and private economic zone residents;
 - (d) to enter into contract with any private third party and appoint any contractor for development, use and servicing of the on-site infrastructure and other assets of Private Economic Zone;
 - (e) to employ Bangladeshi and foreign nationals to the services;
 - (f) to have any declared incentives;
 - (g) to submit application for modification or amendment to master plan with detailed description of, and reasons for, such modification or amendment and the impact, with detailed market evaluation, of such modification or amendment technically, operationally and financially and, subject to approval of the Authority, amend or modify it;
 - (h) to enjoy any other facilities provided by the Authority.

(2) Any developer or his sub-contractor or a third party enterprise may enjoy the facilities given under sub-article (1) during the time of fulfillment of the conditions under sub-article (3) of article 22.

25. Legal obligations of developers.- The developers shall comply with the following legal obligations, including adherence to this policy, the Act, rules-regulations, legal documents, licence and conditions of the Developer Agreement, namely:-

- (a) to construct buildings including on-site infrastructure, transportation network and quarters of the workers in the economic zone;
- (b) to prepare, either individually or in cooperation with other persons, detailed master plan of the Private Economic Zone including the land-use designations, social problems mitigation measures and zoning plans;
- (c) to develop the Private Economic Zone in a reasonable commercial mode in consistent with long-term sustainable economic development goals of Bangladesh;
- (d) to submit an annual report to the Authority furnishing the following information, namely:-
 - (i) information in respect of private economic zone investments undertaken during the preceding calendar year and the possible investments projected for the coming calendar year;

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- (ii) information in respect of area of private economic zone lands under development and the assets constructed thereon; and
 - (iii) other relevant information required by the Authority;
 - (e) to complete the works in accordance with the time schedule specified in the licence and phased development schedule of the Private Economic Zone Developer Agreement and compliance with the financial development obligations required by the Authority, such as capital and the amount and time schedule of debt financing;
 - (f) to provide technical training to the Bangladeshi workers employed;
 - (g) to comply with the requirements relating to environment and labour as prescribed by sections 33 and 34 of the Act, this policy and other applicable laws;
 - (h) to pay all fees, taxes or other dues payable to the competent agencies;
 - (i) to maintain all company books, records, accounts and financial statements in conformity with the international financial reporting standards;
 - (j) to comply with other requirements.

26. Rights and facilities of operators.-(1) The operators shall, in accordance with this policy, the Act, other applicable laws, rules and regulations, legal documents, licence and Operator Agreement, be entitled to the following rights and facilities, namely:-

- (a) to have exclusive ownership and control over the land of the Private Economic Zone and other assets situated within that land;
- (b) to transfer the land of Private Economic Zone and other assets situated within that land by sub-lease arrangements, and collect money payable for such transfer and rental fees;
- (c) to formulate and issue internal operating policy and procedures in order to run the day to day activities of the Private Economic Zone;
- (d) to operate, maintain and promote the Private Economic Zone;
- (e) to provide all utility and other basic services inside or outside the Private Economic Zone keeping consistency with the requirements of private economic zone users and private economic zone residents and charge fees, subject to the provisions of clause (e) of article 27 of this policy, for providing such services;

- (f) to enter into contracts with private third-party Bangladeshi enterprises for the operation, maintenance and promotion of the Private Economic Zone;
- (g) to employ Bangladeshi and foreign nationals to the services;
- (h) to have the incentives as declared;
- (i) to enjoy any other facilities provided by the Authority.

(2) Any operator or his sub-contractor or a third party enterprise may enjoy the facilities given under the Act and this policy during the time of fulfillment of the conditions under sub-article (3) of article 22.

27. Legal obligations of operators.-The operators shall comply with the following obligations, including adherence to this policy, the Act, rules and regulations, legal documents, licence and conditions of the Operator Agreement, namely:-

- (a) to issue private economic zone user permits where the Licensee delegates such power to the operator;
- (b) to monitor the activities of all private economic zone users and private economic zone residents in accordance with the internal operating policy and procedures of the Private Economic Zone and applicable laws including the policy and procedures related to health, safety and environment;
- (c) to maintain, at all times in fully operational condition, all assets situated within Private Economic Zone, including all on-site infrastructure and all kinds of utilities and other basic services;
- (d) to provide reasonably equal treatment to, and avoid discrimination against, any private economic zone user and private economic zone resident;
- (e) to determine fees for utilities or other basic services provided in the Private Economic Zone keeping in view of the reasonable commercial considerations;
- (f) to publicize the Private Economic Zones, nationally and internationally, in coordination with the Authority;
- (g) to submit an annual report to the Authority furnishing the following information, namely:-
 - (i) information in respect of investments undertaken in the Private Economic Zone during the preceding calendar year and the possible investments projected for the forthcoming calendar year;

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- (ii) information in respect of number of all enterprises, size, employment, investment and business activities of the Private Economic Zone;
 - (iii) information in respect of area of lands under operation in the Private Economic Zone and the buildings constructed thereon; and
 - (iv) other information that are considered relevant by the Authority;
- (h) to submit to the Authority a fortnightly report on the activities undertaken in each month furnishing the following information, namely:-
- (i) employment statistics, including the number of female workers;
 - (ii) information relating to monetary value and volume of all exports from the Private Economic Zone;
 - (iii) information relating to the volume and monetary value of all other sales in the Private Economic Zone including volume of sales in the same or different custom bonded area and domestic tariff area;
 - (iv) information relating to monetary value of total investment;
- (i) to complete the works in accordance with the scheduled time of private economic zone operation specified in the licence and comply with the financial operational obligations required by the Authority, such as capital and amount and time schedule of debt financing;
- (j) to provide technical training to the Bangladeshi workers employed;
- (k) to comply with the requirements relating to environment and labour as provided in sections 33 and 34 of the Act, this policy and other applicable laws;
- (l) to maintain all company books, records, accounts and financial statements in conformity with the international financial reporting standards;
- (m) to pay all fees, taxes or any other dues owed to any competent agency;
- (n) to carry out any administrative function conferred by any competent agency including the Authority;
- (o) to provide adequate security at the perimeter and common areas of the Private Economic Zone; and
- (p) to comply with other obligations.

CHAPTER VI**PRIVATE ECONOMIC ZONES USERS, PERMITS, RIGHTS AND OBLIGATIONS, ETC.**

28. General conditions for economic zone users.-Unless otherwise directed in the industrial policy of the Government and subject to the provisions of section 15 of the Act, no enterprise interested to operate any approved activity in the Private Economic Zone shall undertake any activity without private economic zone user permit.

29. Application requirements and procedure for private economic zone user permit.- (1) For obtaining private economic zone user permit, an enterprise shall have to submit a written application to the Authority or the concerned Licensee or operator or developer and operator, as the case may be, and the following information and documents shall be attached to the application, namely:-

- (a) receipt of payment of lump-sum and non-refundable application fee determined by the Authority;
- (b) valid business-registration certificate of the applicant enterprise;
- (c) a notarised written statement setting forth all relevant commercial information of the applicant enterprise, which shall contain the name, address and nationality of the enterprise, its owners, Board of Directors or equivalent management committee, auditors and bankers and the statement of capital ownership shares of such enterprise;
- (d) proposed activities and explanation of compatibility of such activities with the approved master plan;
- (e) estimated time schedule for the design, construction and activation including phased design, construction and activation facilities given by the applicant;
- (f) approximate number and nationality of the workers to be employed;
- (g) plan of environmental management, if required, according to the applicable laws; and
- (h) proof of compliance with the rules and regulations in force relating to environment, health, safety and risk in respect of proposed installations, activities, goods, materials and waste of the enterprise.

(2) After receipt of an application under sub-article (1), if any defect or deficiency is found in the application, the Authority or the Licensee or the operator or the developer and operator, as the case may be, shall serve notice to the applicant enterprise specifying such defects within 30 (thirty) days from receipt of the application and the applicant enterprise shall submit a rectified application after amendment of the deficiency within 45 (forty five) days from receipt of the notice to the Authority or the Licensee or the operator or the developer and operator, as the case may be.

(3) If the applicant does not take the measures as provided under sub-article (2), the application shall be returned to the applicant.

(4) Notwithstanding anything contained in sub-articles (2) and (3), the Authority or the concerned Licensee or the operator or the developer and operator, as the case may be, may, if it thinks necessary, request the applicant enterprise for furnishing additional information or documents or, on the basis of written application received from the applicant enterprise, permit the applicant enterprise to amend its written application at any time during the process of the application.

30. Issuance of private economic zone user permit.- (1) After completion of the process under sub-articles (2) and (4) of article 29, the Authority or the Licensee or the operator or the developer and operator, as the case may be, shall, upon scrutiny if the application is found correct, grant private economic zone user permit to the applicant or, if it is not found correct, reject the application within 60 (sixty) days.

(2) The Authority or the Licensee or the operator or the developer and operator, as the case may be, shall, upon scrutiny if the application is found correct, issue private economic zone user permit within 60 (sixty) days from submitting the application for private economic zone user permit under sub-article (1) of article 29, and the information of issuance of private economic zone user permit shall be published in the official Website of the Authority.

(3) The user shall, on freehold or leasehold basis, have to acquire, and keep control over, the land of the Private Economic Zone or other assets situated therein in accordance with the terms of the permit within 90 (ninety) days from the date of giving effect to the private economic zone user permit.

(4) No private economic zone user shall sell or transfer the private economic zone user permit, wholly or in part, to any third person.

31. Rights and facilities of private economic zone users.- (1) A private economic zone user shall, in accordance with this policy, the Act, other applicable laws, rules-regulations, legal documents and private economic zone user permit, be entitled to the following rights and facilities, namely:-

- (a) to conduct any authorized activity;

- (b) to acquire, on freehold or leasehold basis, the private economic zone lands;
- (c) to transfer the lands or any asset of the Private Economic Zone in accordance with all applicable laws including the private economic zone user permit and subject to approval of the Authority under article 33;
- (d) to employ Bangladeshi and foreign nationals to the service;
- (e) to have the incentives given;
- (f) to object to the fees charged by any developer, operator or developer and operator for utilities or other basic services provided in the Private Economic Zone by any Bangladeshi enterprise, where such fees do not reflect competitive market conditions; and
- (g) to enjoy any other rights or facilities.

(2) Any private economic zone user shall be entitled to enjoy the rights given under this policy during the time of fulfillment of the conditions under sub-article (3) of article 30.

32. Legal obligations of private economic zone users.- A private economic zone user shall comply with the following obligations, including adherence to the Act, this policy, licence, private economic zone user permit and internal operating policy and rules applicable for the Private Economic Zone, namely:-

- (a) to carry out the activities specified in the private economic zone user permit, operate all activities of the Private Economic Zone including the production and construction in accordance with the Schedule and maintain all facilities and on-site infrastructure in operational condition;
- (b) to provide technical training to the Bangladeshi workers employed;
- (c) to pay all fees, taxes or any other dues owed to any competent agency;
- (d) to submit to the Licensee or operator or developer and operator, as the case may be, an annual report furnishing the following information, namely:-
 - (i) information in respect of investments undertaken in the Private Economic Zone during the preceding calendar year and the possible investments projected for the forthcoming calendar year;
 - (ii) information in respect of number of business activities, size, employment and investment business activities;

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- (iii) information in respect of area of lands under operation in the Private Economic Zone and the buildings constructed thereon; and
 - (iv) other information that are considered relevant by the Authority;
 - (e) to submit a monthly report to the Licensee or operator or developer and operator, as the case may be, on the activities of the Private Economic Zone undertaken in each month furnishing the following information, namely:-
 - (i) employment statistics, including the number of female workers;
 - (ii) information relating to monetary value and volume of all exports from the Private Economic Zone;
 - (iii) information relating to the volume and monetary value of all other sales in the Private Economic Zone including volume of sales in the same or different custom bonded area and domestic tariff area;
 - (iv) information relating to monetary value of total investment;
 - (f) to comply with the requirements relating to environment and labour;
 - (g) to obtain a construction permit before starting construction of any infrastructure including building, utilities or facilities, or other structure in the Private Economic Zone in conformity with the applicable laws, the Act and rules, regulations and notifications made or issued there under.

33. Transfer of land by private economic zone user.- No private economic zone user shall, without the written permission of the Authority or the concerned Licensee or the operator or the developer and operator, fulfill the commitments set forth in the permit through any third party or transfer, wholly or in part, any land or asset situated thereon through any sub-leasing arrangement or in other manner.

34. Suspension or cancellation of private economic zone user permit.-
(1) Where a private economic zone user violates any provision of the Act, this policy, any applicable law, or any term of private economic zone user permit, the Authority, the concerned Licensee, the operator or the developer and operator, as the case may be, may suspend or cancel a private economic zone user permit of such Private Economic Zone by publishing in the Bangladeshi newspaper, upon serving 60 (sixty) days' notice to the private economic zone user and giving due opportunity of being heard.

(2) Notwithstanding anything contained in sub-article (1), the Authority or the concerned Licensee or the operator or the developer and operator, as the case may be, may, upon serving 60 (sixty) days' notice to the private economic zone user and giving an opportunity of being heard, by publishing in the Bangladeshi newspaper, cancel any private economic zone user permit if the user-

- (a) repeatedly violates the conditions of the licence;
- (b) violates the provisions of sub-article (4) of article 30 and article 33, or discontinues the activities under article 35;
- (c) fails to satisfy the performance requirements according to the Schedule referred to in clause (a) of article 32 and, for such failure, is notified twice in written by the Authority or the concerned Licensee or the operator or the developer and operator, as the case may be;
- (d) is declared bankrupt;
- (e) fails to pay any required fees, taxes or other dues owed to any competent agency;
- (f) provides any false information, declaration or representation in the application for a private economic zone user permit;
- (g) is engaged in any prohibited, unlawful or illicit activity mentioned in the private economic zone user permit or in Schedule 1;
- (h) discontinues or ceases its business operations for a continuous period of 45 (forty five) days, subject to any applicable law including any mortgage right of any loan provider without the permission of the Authority or the concerned Licensee or the operator or the developer and operator, as the case may be.

(3) An enterprise shall cease to enjoy the status of a private economic zone user upon suspension or cancellation of its private economic zone user permit under this article, and if necessary, any legal action against such private economic zone user may be taken under any applicable law.

35. Voluntary discontinuation of private economic zone user activities.-

Whenever a private economic zone user intends to voluntarily discontinue its activities relating to a Private Economic Zone, the enterprise shall serve 60 (sixty) days' prior notice in written to the Authority or the Licensee or the operator or the developer and operator before such discontinuation of activities.

CHAPTER VII
ELIGIBILITY, RIGHTS AND OBLIGATIONS, ETC. OF PRIVATE
ECONOMIC ZONE RESIDENTS

36. Eligibility for residing in the residential area of a Private Economic Zone.- (1) A person may reside as a resident in the residential area of a Private Economic Zone upon obtaining a certificate according to the provisions of this article and article 37.

(2) For acquiring any land of a Private Economic Zone and the real estate situated on that land for the purpose of residing in the residential area of a Private Economic Zone, a person shall have to apply to the Authority in the form provided by the Authority and submit, along with the application, the following papers, namely:-

- (a) contingent deed of contract or letter of intention for proposed sale or lease from the prospective seller or lessor or real estate of the land situated in the Private Economic Zone;
- (b) sufficient proof in support of financial solvency of the applicant;
- (c) sufficient proof to the effect that the applicant is of good moral character.

(3) The Authority shall, if satisfied, issue written authorization to the applicant to acquire the land and real estate mentioned in sub-article (2) within 45 (forty five) days from receipt of the application under sub-article (2).

(4) The applicant shall, on freehold or leasehold basis, have to acquire, and keep control over, the land of the Private Economic Zone or real estate situated therein within 150 (one hundred and fifty) days from receipt of the written authorization under sub-article (3).

(5) The applicant shall have to obtain residency certificate from the Authority within 30 (thirty) days from acquisition of, and keeping control over, the land or real estate in the concerned Private Economic Zone according to sub-article (4).

(6) No person shall reside as a resident in the Private Economic Zone under this policy unless the person obtains a residency certificate from the Authority for residing in the Private Economic Zone.

(7) The Authority shall issue a private economic zone residential identity card in favour of the person acquiring the status of a resident in the Private Economic Zone under this article.

37. Eligibility of the persons, workers etc. employed by the private economic zone enterprise for residing in the residential area of a Private Economic Zone.-(1) Notwithstanding anything contained in article 36, if any person or worker, lawfully employed by a private economic zone enterprise, submits to the Authority an application for residing in the Private Economic Zone along with the following papers, the Authority shall issue a residency certificate to the person or worker within 30 (thirty) days from receipt of the application, namely:-

- (a) original appointment letter issued by the employer enterprise to the person or worker concerned;
- (b) labour and immigration authorization, where applicable;
- (c) proof of allotment made by the employer enterprise for a specific house in the residential area of the Private Economic Zone in favour of the concerned person or worker;
- (d) a certificate issued by the employer enterprise to the effect that the applicant is of good moral character.

(2) The Authority shall issue a residency certificate to the person or worker within 30 (thirty) days from the date of receipt of the application under sub-article (1) and where issuance of the certificate is not possible within such time, the person or worker shall be treated to have acquired the status of a resident in the Private Economic Zone.

(3) If any person or worker acquires the status of a resident in a Private Economic Zone under this article, his spouse, unmarried children below 21 (twenty one) years of age and his dependent parents may also acquire and maintain the status of a private economic zone resident as dependent during the period when the person or worker maintains the status of a resident in the Zone.

(4) The Authority shall issue a residential identity card in favour of the person or worker having acquired the status of a private economic zone resident under this article.

(5) The person or worker who resides in the residential area of a Private Economic Zone under this article shall, with his family, leave the concerned area within 120 (one hundred and twenty) days from the expiry of his service period.

38. Rights and privileges of the private economic zone residents.- In accordance with this policy, the Act, other applicable laws, rules and regulations, legal documents and private economic zone residency certificate, the private economic zone residents shall be entitled to the following rights and privileges, namely:-

- (a) to reside in the residential area of the Private Economic Zone; and
- (b) to transfer any land and real estate situated in the residential area of the Private Economic Zone.

39. Legal obligations of private economic zone residents.-A private economic zone resident shall comply with the following obligations, including adherence to this policy, the Act, other applicable laws, rules and regulations, legal documents and private economic zone residency certificate, namely:-

- (a) to pay import duty, internal customs duty, tax, levy, tariff and other customs charges for import of any foreign goods in any residential area of Private Economic Zone located inside the domestic tariff area;
- (b) to pay income tax and other taxes; and
- (c) to refrain from taking part in any activity subversive for the State.

40. Cancellation of private economic zone residency certificate.- (1) If any private economic zone resident repeatedly violates the provisions of the Act, this policy, any applicable law or the terms and conditions of private economic zone residency certificate, the Authority may cancel the private economic zone residency certificate upon serving 120 (one hundred and twenty) days' prior written notice to the private economic zone resident and giving an opportunity of being heard, and the Authority or any other competent agency may, if necessary, take legal steps against such person in accordance with the applicable laws.

(2) If the private economic zone residency certificate of a person or a worker is cancelled and his residential identity card is cancelled, the person or worker and, where applicable, his dependent shall cease to enjoy the status of a private economic zone resident.

CHAPTER VIII

LAWS AND PROCEDURE OF CONSTRUCTION APPROVAL

41. Procedures of approval of a construction.-Any construction or installation works on any land of a Private Economic Zone or any modification to any unit previously built by any economic zone enterprise or any resident shall be undertaken in accordance with the applicable laws, the Act and the rules, regulations or notifications made or issued there under.

CHAPTER IX

CUSTOMS PROCEDURE, EXEMPTION FROM TAXES AND CUSTOMS DUTIES, FACILITIES, INCENTIVES, ETC. OF PRIVATE ECONOMIC ZONES

42. Customs procedure, exemption from taxes and customs duties, facilities, incentives, etc. of the Private Economic Zones.-If according to the provisions of sections 10 and 13 of the Act, special tariff benefits are provided by the Government, by notification in the official Gazette, and special arrangement is introduced according to the provisions of the Customs Act, 1969 (Act No. IV of 1969) and incentives are provided or customs duties and taxes are exempted

under other applicable laws in the Private Economic Zones for facilitating the operations of import and export activities of the enterprises established within the Private Economic Zones, the Authority shall ensure implementation thereof in the Private Economic Zones.

CHAPTER X ENVIRONMENTAL PROTECTION

43. Environmental Protection.- (1) In accordance with the provisions of section 33 of the Act, the Bangladesh Environment Conservation Act, 1995, the Environment Conservation Rules, 1997, all International Treaties, Conventions and Agreements in force relating to environment ratified by Bangladesh and other applicable laws, the Authority shall, in coordination with the Ministry of Environment and Forest, ensure effective implementation of the measures regarding protection of environment, water supply, preservation of biological diversity and sustainable economic development and wastage management in each Private Economic Zone.

(2) For the purpose of sub-article (1), the Authority shall, in coordination with the Ministry of Environment and Forest, enforce in each Private Economic Zone the special provisions and procedures relating to the following matters issued by the Ministry of Environment and Forest under the applicable laws and rules relating thereto, namely:-

- (a) expedited environment impact assessment;
- (b) measures for expeditiously obtaining environmental clearance;
- (c) for preservation of qualitative standards of air, water and soil, ensuring discharge of wastages coming out from the mills and factories within approved standards after treatment;
- (d) performance of the activities of inspection and monitoring and submitting the report regularly;
- (e) ensuring environmental management of injurious and dangerous wastes and chemical substances;
- (f) compliance with the Government's 3R (Reduce, Reuse, Recycle) strategy for reduction, reuse and recycle of waste; and
- (g) enforcement of penalties, fines and remedial actions.

(3) The Authority shall, in coordination with the Ministry of Environment and Forest, by notification in the official Gazette, encourage the utilization of green technology in every Private Economic Zone in accordance with the applicable laws and publish the specific requirements for infrastructure design according to the internationally-recognized Green Technology and Leadership in

Energy and Environmental Design Standards, and those requirements shall be applicable to all infrastructure design of the Private Economic Zone, such as buildings, roads, bridges, power facilities, infrastructure of renewable energy, effluent-treatment plants, telecommunications infrastructure, fire-related construction standards, landscape or garden related design, drainage, storm water and wastewater management systems, water treatment facilities, etc.

(4) In every Private Economic Zone, the Authority shall ensure compliance with the notifications, orders, directions and policies relating to reduction of carbon footprint and use of bio-fuel issued, from time to time, by the Government.

Explanation: “Leadership in Energy and Environmental Design Standards” mentioned in this article, means internationally recognized “Green” building certification system that enhances the skill in construction works of the Licensee, developer and operator according to the metrics including the standards of contemporary building designing, construction, operation and maintenance, such as energy saving, best use of water, reduction in discharging carbon-di-oxide, improved indoor environmental attributes, best use of environmental assets and impact of sensitivity of environmental wealth, etc.

CHAPTER XI

PROTECTION OF RIGHTS OF WORKERS, DISPUT RESOLUTION, ETC.

44. Protection of rights of workers.-In case of protection of rights of all workers, including dispute resolution and relations between workers and employers of the Private Economic Zone, the provisions of the EPZ Workers Welfare Association and Industrial Relations Act shall, *mutatis mutandis*, be applicable according to the provisions of section 34 of the Act.

45. Alternative dispute resolution.-Subject to the provisions of section 36 of the Act and other applicable laws, the disputes arising out of the provisions of this policy may be resolved through alternative procedure.

CHAPTER XII

MSISCELLANEOUS

46. Special provision.-Notwithstanding anything contained in this policy, the Governing Board may take any necessary decision in case of any difficulty that may arise in establishing Private Economic Zones.

47. Publication of English text.-(1) After the commencement of this policy, the Authority shall, by notification in the official Gazette, publish an authentic English text of this policy.

(2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

SCHEDULE-1

[See articles 2(2)(e), 9 (2) (f) and 34(2) (g)]

LIST OF PROHIBITED ACTIVITIES IN THE PRIVATE ECONOMIC ZONES

1. Manufacture, storage, trading, import or entry of any kind of firearms, weapons, gunpowder, ammunition and explosives (other than industrial explosives), equipment or materials used for warfare, etc. in the private economic zones, unless authorized by any competent agency, including the Ministry of Home Affairs, Ministry of Defense or Bangladesh Police.
2. Manufacture, storage, trading, import or entry of any kind of waste or nuclear or radioactive products, including uranium, plutonium and iridium (except radioisotopes for medical or business purposes), in the private economic zones.
3. Causing entry into the Private Economic Zones of any natural resource extracted from reserved forests in Bangladesh.
4. Manufacture of products environmentally harmful as determined by the Authority in consultation with the competent environmental authorities.
5. Manufacture, storage, trading, import or entry of any kind of narcotics, such as-heroin, cocaine, opium, and cannabis and other hazardous or toxic materials in the Private Economic Zones, except for use for medical purposes.
6. Printing money or stamps or minting metal coins in the Private Economic Zones.
7. Manufacture of or trading in active biological and genetic materials in the Private Economic Zones.
8. Manufacture, storage, trading, import or entry in the Private Economic Zones of goods that are declared prohibited by the United Nations.
9. Import or entry into the Private Economic Zones of any fowl or poultry products from countries known to have had outbreaks of pathogenic bird flu or of other diseases specified by the Government.
10. Import or entry into the Private Economic Zones of red meat or cattle products from countries known to have had outbreaks of mad cow's disease or of other diseases specified by the Government.
11. Production of articles or utilization of any inputs or undertaking of any activities harmful for health or life for human, animal or plant in the Private Economic Zones.
12. Any other activity prohibited under by the industrial policy and decision of the Government.

SCHEDULE-2

[See article 5(1)(a)]

STAGE 1: PRE-QUALIFICATION: MAIN COMPONENTS OF BUSINESS PLAN**1. Company background:**

- (a) Company profile/overview:
- (b) Organizational structure and key staff:
- (c) Development Partners/Consortium (if applicable):
- (d) Legal Agreements (if applicable):
- (e) Roles and responsibilities:

2. Project description:

- (a) Location and size of site:
- (b) Components of the project:
- (c) Necessary sectors:
- (d) Positive impact on the economy of Bangladesh:
 - (i) In employment:
 - (ii) In exports:
 - (iii) In domestic marketing:
 - (iv) In diversification of products:

3. Market demand:

General overview on domestic and foreign market demands of the products of the proposed sectors (current market situation and target markets):

4. Site planning and development:

- (a) Description and area of land:
- (b) Land valuation:
- (c) Master plan and phases:
- (d) Master plan (with time schedule of phased development):
- (e) Key infrastructure (on-site and off-site power, water, gas ETP, wastewater, telecom):
- (f) Necessary maintenance actions:

5. Legal framework:**6. Financial performance:**

- (a) Capital investment requirements:
- (b) Expected returns:
- (c) Equity and debt requirements:
- (d) Financing sources:

7. Risk mitigation:

- (a) Market failure:
- (b) Cost escalation:
- (c) Issues of organizational problems:

8. Implementation Plan:

- (a) Project start up:
- (b) Construction plan:
- (c) End of the project:
- (d) Marketing plan:

9. Information:**Supporting documents:**

- (a) Proof of payment of lump sum non-refundable fees for processing the pre-qualification application;
- (b) Trade registration certificate;
- (c) Notarised minutes of Board Resolution or equivalent document showing authority of the applicant for execution of agreement for development of Private Economic Zone.

SCHEDULE- 3

[See article 6(1)(a)]

STAGE 2: FINAL APPROVAL: MAIN COMPONENTS OF THE FEASIBILITY STUDY**1. Project description:**

Project profile/Project overview:

2. Industry sector assessment:

- (a) List of proposed industry sectors:
- (b) Overview of proposed industry sectors' requirements (infrastructure, land and employment):
- (c) Outline of the industry sectors' value chain/logistics/export requirements:
- (d) Demand forecast for 20 years' period:

3. Marketing plan:

- (a) Marketing strategy:
- (b) List of targeted investors and countries:
- (c) Preferred methods of marketing the Economic Zone:

4. Master plan:

- (a) Land survey boundaries:
- (b) Site description, ownership, location, size, general description:
- (c) Existing conditions of the site: topography, qualitative conditions of soil, existing structures, landmarks, constraints, environmental and social issues:
- (d) Planning framework:
- (e) Master plan with plot plan:
- (f) Land use plan:
- (g) Zoning plan:
- (h) Phased development plan:

5. Infrastructure requirements:

- (a) Assessment of on-site and off-site infrastructure and utilities needed and potential improvements:
- (b) Infrastructure plans for key utilities in the proposed site (roads, power, water, drainage, effluent treatment plant, waste water, solid waste and telecom):
- (c) Cost estimates for required infrastructure and utilities:

6. Environmental and social review:

- (a) Environmental impact assessment:
- (b) Environmental management plan:
- (c) Social impact assessment:
- (d) Resettlement plan (if required):

7. Financial model:

- (a) Capital costs for infrastructure construction:
- (b) Operating and management costs:
- (c) Balance sheets:
- (d) Project IRR:
- (e) Sensitivity analysis:
- (f) Proposed leasing/sale pricing:

8. Economic analysis:

- (a) Economic Impacts and Cost/Benefit Assessment:
- (b) Rate of Return of financial benefit for the project:

9. Implementation plan:

- (a) Time schedule of completion all project components:

SCHEDULE- 4

[See articles 5(1) and 6(1)]

Application

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

BANGLADESH ECONOMIC ZONES AUTHORITY

**APPLICATION FOR PRIVATE ECONOMIC ZONE PRE-QUALIFICATION
LETTER/ LICENCE****1. Project information:**

- (a) Name of the proposed Private Economic Zone:
 (b) Location and address of the proposed Private Economic Zone:
 City:

2. Applicant information:

- (1) Applicant's name:
 Father's name:, Mother's name:
 Spouse name:
 Title:, Nationality:
 National Identity No.:, Tax Identification No.(TIN):
 Name of enterprise/ company(if any):
 Address:
 City:, Country:
 Telephone:, Fax:
 E- Mail:

In case of company, a notarised statement that shall contain all relevant information of the company and include institutional structure and the information of Board of Directors or equivalent Board, auditor, banker, lawyer and main shareholders;

- (2) A profile of the company and audited financial statement of last 3 (three) years:
- (3) Example(s) of technical ability and past experience of implementing any large scale development works, infrastructure, real estate, or economic zone project;
- (4) Nature of primary business: general trading/trading/industrial/heavy industrial/service, infrastructure:
- (5) Ownership information:
 New enterprise: Existing enterprise:

(6) Legal entity: Type of existing entity:

Corporation	LLC
Branch/ Subsidiary of domestic company	Branch/ Subsidiary of foreign company

Others (Specify):.....

(7) Parent enterprise /company (If applicable):

Name:.....
 Address:
 City:, Country:
 Telephone:, Fax:
 E- Mail:, Website:
 Total net worth of the parent enterprise /company (20...): Taka/ US\$.....

(8) Applicant's corporate structure/ key personnel:

Names of the corporate	Position	Nationality

Use separate sheet(s) or expand template, if additional space is required.

(9) Current shareholders of the applicant:

Name	Nationality	Number of Shares	Cost per share (Taka/ US\$)	Total cost of paid shares (Taka/ US\$)

Use separate sheet(s) or expand template, if additional space is required.

(10) Capital structure of the enterprise / company:

Loan:%
 Equity:%

(11) Attached enterprises/ companies:

List of enterprises/companies having joint venture investments/projects with the applicant:

Names of enterprises/companies	Capital investment (US\$)

Use separate sheet (s) or expand template, if additional space is required.

(12) Other development projects:

List of other development, real estate or infrastructure projects undertaken by the applicant:

Name of project	Location	Year of establishment	Development costs (Taka/US\$)	Project description

Use separated sheet(s) or expand template, if additional space is required.

3. **Name of legal representative:**

Law firm/Associates (if necessary):

Position:.....

Nationality:..... Passport No./ National Identity No.:

Address:.....

City:, Country:

Telephone:, Fax:

4. **Name of proposer enterprise/company:**

Address:

City:, Country:

Telephone:, Fax:

E- mail:....., Website:

Company Registration No. :, Company Registration Date :

Previous Licence No.:,Licence Date:

Licence Correction:, Others:

5. **Description of land and site of the Private Economic Zone:**

(1) Land size:

Land size:square feetsquare meters

(2) Size of used existing land on site:

Agricultural (indicate crop's name)

Non-agricultural,Industrial.....

Others (specify):

(3) Topography:

Flat

Above sea level

Below sea level

On flood plain

Others (specify):

- (4) Land ownership/rights:
 Full Ownership Leased Joint venture agreement
 Other (specify):.....
- (5) Installations on site:
 Yes No
 Tenants Others.....
- (6) Earthworks required for preventing flooding:
 Yes No
- (7) Resettlement/Resettlement plan required:
 Yes No Others
- (8) Proximity to transport facilities/routes:

Name of main transport facility	Yes	No	Distance (K.M.)
Airport			
Port			
Railway			
National road network			
Local road network			
Others			

Use separate sheet(s) or expand template, if additional space is required.

- (9) Existing off-site infrastructure, utilities and facilities:

Items	Off-site infrastructure availability Yes/No	Provider	Distance (K.M.)	Proposed cost for bringing to site boundaries	Proposed time frame (months)
(Existing/under development Local road network link) towards the entrance of Economic Zone					
Existing electricity network					
Existing water network					
Existing gas network					
Existing telecom network					
Others					

Use separate sheet(s) or expand template, if additional space is required.

6. Project brief:

(1) Status of development:

New development:

Proposed date of opening:

Expected date of construction completion:

Phased development:

Percentage of project completion:

Status of occupancy:

Established area:

Expected date of construction completion (next phase):

Proposed date of opening (next Phase):

Last phase of development:

Date of establishment:

Status of occupancy:

Expected date of construction completion (next phase):

Proposed date of opening (next phase):

(2) Project funding source:

Funding source	Percentage of project

Use separate sheet(s) or expand template, if additional space is required.

(3) Estimated project costs:

Phased development	Size (square feet/square meters)	Estimated project costs (Taka/US\$)
Total project size/costs		
Land acquisition		
Land preparation/Earthworks		
Phase-1		
Land/Infrastructure/Utilities		
Building and Amenities		
Off-site infrastructure/Others		
Others		
Phase- 2		
Land/Infrastructure/Utilities		
Building and Amenities		
Off-site infrastructure/Others		
Others		
Phase- 3		
Land/Infrastructure/Utilities		
Building and Amenities		
Off-site infrastructure/Others		
Others		

Use separate sheet(s) or expand template, if additional space is required.

(4) Proposed project IRR: _____%.

(5) Proposed project components:

Please provide the project breakdown:

Component	Gross area (square feet/square meters)	Net area (square feet/square meters)
Industrial area		
Administrative area		
Commercial/Retail area		
Utilities area		
Open space		
Other areas		
Total		

Use separate sheet(s) or expand template, if additional space is required.

(6) Proposed on-site infrastructure, utilities and facilities-amenities:

Roads	Width	Types of pavement	Estimated costs (Taka/US\$)
Main roads			
Secondary roads			
Tertiary roads			

Use separate sheet(s) or expand template, if additional space is required.

(7) Proposed utilities:

Utility	Source/ Provider	Back-up (Yes/No)	Daily requirement	Capacity	Estimated costs (Taka/US\$)
Electricity					
Water supply					
Drainage					
Water treatment plant					
Wastewater disposal					
Effluent treatment and reuse					
Wastewater treatment plant					
Solid waste disposal					
Telecom					
Fire fighting system					
Other utilities					

Use separate sheet(s) or expand template, if additional space is required.

(8) Proposed facilities and amenities:

Facilities and Amenities	Size (square feet/square meters)	Estimated costs (Taka/US\$)
Customs building(s)		
Administration building(s)		
Commercial/retail/shopping mall/entertainment building(s)		
Institutional/community building(s)		
Residential building(s)		
Operational/utility building(s)		
s Open space		
Others		

Use separate sheet(s) or expand template, if additional space is required.

(9) Proposed improvements to existing facilities (If applicable):

Facilities to be improved	Size (square feet/square meters)	Estimated costs (Taka/US\$)

Use separate sheet(s) or expand template, if additional space is required.

7. Broader economic benefits:

(1) Proposed employment potential (Number of all employments to be created):

Timeframe for jobs to be created:

(2) List of proposed industry sectors:

(3) Information of proposed workers/employment:

Year	Direct employment	Indirect employment
1		
2		
3		
4		
5		
Average		

Use separate sheet(s) or expand template, if additional space is required.

(4) Types of proposed job to be created [In first 5(five) years]:

Please breakdown into local employment and foreign employment.

Type of job	Year 1 (Local/Foreign)	Year 5 (Local/Foreign)	Year 10 (Local/Foreign)
Management			
Administrative			
Technical			
Skilled			
Unskilled			
Women			
Total			

Use separate sheet or expand template, if additional space is required.

(5) Training Programmes:

Year	Potential training courses	Projected number of participants

Use separate sheet(s) or expand template, if additional space is required.

(6) Investors:

List of potential investors and their country of origin:

Name	Country

Use separate sheet or expand templates, if additional space is required.

(7) Business agreements:

List of Trade Agreements which may be utilized for promoting of Economic Zone.

Trade Agreement	Country encouraging investment

Use separate sheet(s) or expand template, if additional space is required.

(8) Marketing/promotional strategy for Economic Zone:

Components of marketing programme	Strategy	Year to be required

Applicant's Undertaking

I/We, the undersigned, hereby declare that-

- (a) I/we have read the Economic Zones Act, 2010 (Act No. 42 of 2010) and this policy in its entirety and the application has been filled in conformity with the policy;
- (b) the Board of Directors or equivalent Board has authorized and permitted to submit this application;
- (c) all the information furnished in the application and its attached papers, if any, are true and correct and all materials are accurate and factually right in all respect;
- (d) all estimates given in this application have been prepared in good faith and with due care;
- (e) no Director of the company or any one of the persons superior to them has ever been convicted for any criminal offence by any Court or is currently or has ever been put under investigation for professional negligence or malpractice by any regulatory authority of any country;
- (f) I/we are capable of operating, on an efficient and viable basis, an Economic Zone for achieving the targets of the authority including the development targets of Bangladesh;
- (g) according to the description of business plan, feasibility study and master plan submitted as part of this application, the proposed project is technically, economically and socially workable;
- (h) I/we propose, in good faith, to market and implement the project to the best of our abilities;
- (i) I/we shall use the appropriate accounting system for ascertaining the revenues, costs, profits and losses of the project mentioned in the application in accordance with the applicable laws and shall produce such financial statistics and accounting information as may be required and requested in future by the Authority;
- (j) I/we shall submit quarterly reports and other information relating to the activities in the Private Economic Zone as may be required according to the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010) and this policy and by the authority;
- (k) I/we shall start and operate the activities of the Private Economic Zone covered by this application within the time as may be fixed by the Authority;
- (l) no board member or officer of the Authority has any direct or indirect investment or financial interest in our enterprise;
- (m) there is no existence of any fraudulent relationship between our shareholders, principal officers or foreign individuals/business entities and/or the Authority.
- (n) I/we shall remain bound to abide by all laws, policies and conditions regulating the Private Economic Zone activities according to the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010) and this Policy.

Date :

Signature of Applicant
Applicant's name:

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STAGE 1: PREQUALIFICATION REQUIREMENTS

Requirements/Respective reports for review:

Items	Submitted	Remarks
Licensing application fee		
Valid business registration certificate		
Notarised board resolution		
Notarised statement containing company information		
Company profile and audited financial statements for 3 (three) years		
Previous experience in implementing large-scale infrastructure or SEZ projects		
Notarised documents title or ownership or a list of owners of lands to be acquired		
A business plan as per Schedule-2		
Others		

Application No.	Pre-qualification file date:/...../..... Day/Month/Year
Pre-qualification approved: -Yes -No	Approval date:/...../..... Day/Month/Year
Pre-qualification issued: -Yes -No	Issue date:/...../..... Day/Month/Year
Signature of receiving officer	Signature of a thorised officer

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STAGE 2: FINAL QUALIFICATION REQUIREMENTS

Requirments/Respective reports for review:

Items	Submitted	Remarks
Approval processing fee		
Proof of ownership if not provided during pre-qualification stage		
Feasibility study as per Schedule-3 of the policy		
Environmental impact assesment with an environmental management plan as per requirments of Department of Environment		
Resettlement plan, if required		
Projected time schedule for design, construction and activation of all phases of development		
List of fees to be charged within the zone		
Verified written statement of financial resources for the project		
Others		

Licensing stage	Date of receiving application for licence:/...../..... Day/Month/Year
Licence approved: -Y -N	Approval date:/...../..... Day/Month/Year
Signature of Receiving Officer	Signature of Athorised Officer

NB: Please read the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010) and other applicable laws and rules-regulations before filling up the application. The Authority may be contacted through e-mail- exe.chairman@beza.gov.bd or telephone- 88-02 8180114 for any query or question. The application shall be cancelled and become ineffective, if any kind of overwriting is done in it. The Authority reserves the rights, if necessary, to refrain from processing any incomplete application and/or to request for submitting additional documents in support of the application.

By the Order of the Governing Board

Paban Chowdhury
Secretary
Governing Board
and
Executive Chairman (Secretary)