

রেজিস্টার্ড নং ডি এ-১

বাংলাদেশ



গেজেট

অতিরিক্ত সংখ্যা  
কর্তৃপক্ষ কর্তৃক প্রকাশিত

সোমবার, অক্টোবর ১২, ২০১৫

Government of the People's Republic of Bangladesh  
**Bangladesh Economic Zones Authority**  
**Prime Minister's Office**

**Notification**

Date, 06-10-2015 AD/21.06.1422 BE

**S.R.O. No. 294-Law/2015**—In exercise of the power conferred by rule 15 of the Bangladesh Economic Zones (Appointment of Developers, etc.) Rules, 2014, the Authority is hereby pleased to publish the following authentic English text of the rules, namely :—

1. **Short title.**—These rules may be called the Bangladesh Economic Zones (Appointment of Developers, etc.) Rules, 2014.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—

- (a) “economic zone” means any economic zone declared by the Government under section 5 of the Act with a view to establishing any industry including small and cottage industry, commercial and tourism establishment, except those identified as the reserved industrial areas in the existing industrial policy of the Government;
- (b) “economic zone developer or developer” means any economic zone developer as defined in clause (2) of section 2 of the Act and also includes the substitute developers;

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- (c) “economic zone user” means any organization permitted to use the economic zone;
- (d) “economic zone resident” means any person permitted to reside within the economic zone;
- (e) “permit” means any permit issued by the Authority for appointment of economic zone developer and also includes any agreement made between the authority and the developer;
- (f) “on-site infrastructure” means the infrastructure situated within the economic zone and also includes the residence of the workers;
- (g) “infrastructure” means the necessary basic facilities, establishments and utilities for promoting development and activities of the economic zone and also includes the following matters along with other related services, namely:—
- (1) buildings or other similar structures;
  - (2) systems for collection, treatment, disposal and management of solid waste and industrial waste, etc;
  - (3) generation, transmission and distribution of electricity;
  - (4) supply and distribution of other energy including gas;
  - (5) facilities for collection, treatment and removal of rain water;
  - (6) sewerage;
  - (7) transportation network including roads and bridges;
  - (8) telecommunication and information technology;
  - (9) supply and distribution of water;
  - (10) medical facilities;
  - (11) adoption of training programme for capacity building and development; and
  - (12) central facilities centre and testing facilities;
- (h) “Act” means the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010);
- (i) “Authority” means the Bangladesh Economic Zones Authority established under section 17 of the Act;
- (j) “Governing Board” means the Governing Board of the Authority;
- (k) “Guidelines” means the Guidelines for appointment of developers formulated under rule 4;

- (l) “agreement” means any agreement made between the Authority and the developer for appointment of developer;
- (m) “person” means any person and also includes any institution, company, partnership business, firm or any other organization.

**3. Classes of economic zone developers.**—The Authority may, for the development of different categories of economic zones and their infrastructural development, operation, management and control thereof, appoint the following classes of developers of economic zone, namely :—

- (a) in the case of establishment of economic zone by public-private partnership, public-private partnership economic zone developer;
- (b) in the case of establishment of special economic zone by public-private partnership, special economic zone developer.

**4. Formulation of Guidelines for appointment of developers.**—For carrying out the purposes of these rules, the Authority may, with the approval of the Governing Board, formulate Guidelines for the appointment of developers.

**5. Appointment, tenure, etc. of developers.**—(1) The Authority may appoint developers in accordance with the Guidelines :

Provided that until Guidelines are formulated, the Authority may, with the approval of the Prime Minister, appoint developers in accordance with the Guidelines for Formulation, Appraisal and Approval of Large Projects, Guidelines for Formulation, Appraisal and Approval of Medium Projects and Guidelines for Formulation, Appraisal and Approval of Small Projects formulated under the Policy and Strategy for Public-Private Partnership (PPP), 2010 issued by the Prime Minister’s Office’s letter No. 03.068.014.03.00.005.2010(Part-2)-323 dated : 01 August, 2010.

(2) If any person becomes eligible to be appointed as a developer under sub-rule (1), the Authority shall make an agreement with the person and issue a permit as a developer.

(3) The tenure of a developer shall be <sup>1</sup>[50 (fifty)] years from the date of signing the agreement :

<sup>1</sup>Substituted by S.R.O No. 94-Law/2015 dated 10 May, 2015.

Provided that if the activities of the developer during the said tenure are satisfactory and the Authority thinks that the tenure of appointment of the developer requires to be extended, it may, subject to the approval of the Governing Board, extend the tenure of appointment of the developer for such period as may be determined by it.

<sup>1</sup>[6. **Qualifications of a developer.**—No person shall be eligible for appointment as a developer unless he has the following qualifications, namely :—

- (a) experience in establishing sole, multiproduct economic zone, special economic zone, industrial park or free port and operation thereof, or experience in development, construction of infrastructure, management and operation of any large project;
- (b) experience in designing or financing of at least one economic zone, special economic zone, industrial park, free port or any large project;
- (c) the amount of gross revenue of 10 (ten) million US Dollar per annum during last 3 (three) years for operation of any economic zone, special economic zone, industrial park, free port or any large project; and
- (d) net worth of at least 25 (twenty five) million US Dollar.

**Explanation :**—For the purposes of this rule, “**large project**” means a project which has a total investment of above BDT 2.5 (two point five) billion, excluding on-going capital for expansion.]

**7. Rights and privileges of developers.**—Any economic zone developer shall, in accordance with the Act, rules made thereunder, other existing laws, rules-regulations, legal documents and agreements, be entitled to the following rights and privileges, namely :—

- (a) to make contract with any third party, subject to prior permission of the Authority, for development, use and maintenance of an economic zone and its land, on-site infrastructure and other properties;
- (b) to appoint local and foreign citizens in employment;
- (c) incentives given by the Authority;

<sup>1</sup>Substituted by S.R.O No. 94-Law/2015 dated 10 May, 2015.

- (d) to transfer any part of earned profit outside of Bangladesh with the approval of Government;
- (e) other facilities stated in the agreement or given by the Authority.

8. **Duties of developers.**—Any developer shall, in accordance with the Act, rules made thereunder, all applicable laws, rules-regulations, legal documents and agreements discharge the following duties namely :—

- (a) to develop, use and maintain economic zone land or other properties situated in such land;
- (b) to provide all types of utility and other basic services keeping consistency with the requirements of the economic zone users and economic zone residents and collect charges in accordance with the contracts made for providing such services;
- (c) to identify the use of land, implement social and economic commitments, prepare, individually or with assistance of any other person, detailed master plan of economic zone, including zoning plan and measures taken for poverty reduction, and obtain approval of the Authority;
- (d) to build installations including infrastructure, on-site infrastructure and transport network on the land of economic zone;
- (e) to do reasonable commercially viable development of the economic zone keeping consistency with the aim of viable economic development;
- (f) to prepare and submit annual reports to the Authority regarding the economic zone with the following information, namely :—
  - (i) information on investment made to the economic zone in the previous calendar year and likely to be made in the next calendar year;
  - (ii) information regarding the area of the economic zone land under development and installations built on it;
- (g) to complete the work in accordance with the schedule specified for periodical development of the economic zone and to comply with the requirements of economic development as may be determined by the Authority, from time to time, such as: capital and the amount and time schedule of loan financing;
- (h) to comply with the requirements relating to environment, fire protection and extinction, and labour safeguard;
- (i) to pay all taxes, fees or any other dues levied by the Government of Local Government;

- (j) to preserve all files, records, accounts and financial statements, subject to audit, in accordance with the standard of international financial report;
- (k) to comply with other obligations.

**9. Suspension, cancellation, etc. of developer's permit.**—(1) If any developer violates any provision of the Act, these rules, any other applicable laws, rules-regulations, legal documents or any condition of the agreement, the Authority may, with the approval of the Governing Board, issuing 30 (thirty) days' notice to the concerned developer to show cause and giving opportunity of being heard, suspend the permit of the developer, wholly or in part, for a specific period, subject to satisfaction of the prescribed conditions, by notification in the *official Gazette*.

(2) If the developer fails to comply with the specified conditions within the time mentioned in sub-rule (1), the Authority may, with the approval of the Governing Board, issuing a further 30 (thirty) days' notice to show cause to the concerned developer and giving opportunity of being heard, finally cancel the permit of the developer.

(3) If the decision is taken to cancel the appointment of the developer finally under sub-rule (2), it shall be published in the *official Gazette* and if no objection from the developer is received within 45 (forty-five) days of Gazette notification, the permit of the developer shall be deemed to have been cancelled finally and also the agreement made in this behalf shall be deemed to have been cancelled.

(4) If the permit of a developer is cancelled, the Authority may, if necessary, take legal action against the developer in accordance with the existing laws.

**10. Appointment, etc. of substitute developer.**—(1) If the appointment of a developer is finally cancelled under rule 9, the Authority may appoint a substitute developer in accordance with the provision of sub-rule (1) of rule 5 for the remaining period to conduct the incomplete work.

(2) Until a substitute developer is appointed under sub-rule (1), the Authority may continue the work by any other developer of other economic zone.

(3) During the interim period of appointment of any substitute developer, the Authority shall, in consultation with appropriate agency, take necessary measures regarding the matters relating to the interest of the economic zone users and economic zone residents.

11. **Special Provisions.**—If the permit of any developer is suspended or cancelled under rule 9—

- (a) all development works of the concerned economic zone shall remain suspended, but the Authority may take necessary measures for keeping the security and urgent services of the site uninterrupted;
- (b) any sub-contract made with the third party shall be deemed to have been cancelled;
- (c) the developer shall have to make over all liabilities and charges including all papers, documents, design and other instruments within 7 (seven) days from the date of cancellation of permit.

12. **Payments of dues, etc.**—If the permit of any developer is cancelled—

- (a) the dues payable to the Authority, if any, shall be realized from the concerned developer; and
- (b) the concerned developer shall be paid with his dues for the works carried out by him and in such case the dues may reasonably be realized from the substitute developer.

13. **Surrender of Permit.**—Subject to the conditions of the permit, the developer may, on reasonable ground, upon payment of compensation, surrender the permit to the Authority without completing the whole work or any part thereof.

14. **Remedy to developers in case of violations of the conditions of permit by the Authority.**—If any condition of the permit is violated by the Authority, the developer may take the following measures and shall be entitled to get remedy, namely:—

- (a) the concerned developer may, upon informing the Authority by issuing notice in writing about such specific violation, request to solve or dispose of the matter within 30 (thirty) days;
- (b) if the Authority fails to solve or dispose of the problem or to provide any remedy within the specified time, the developer may issue a further notice of 30 (thirty) days seeking remedy;
- (c) if the Authority fails to provide any remedy under clause (b), the developer may take the recourse of the court in accordance with the provisions of the Act.

**15. Authentic English text**—(1) After the commencement of these rules, the Authority shall, by notification in the *official Gazette*, publish an authentic English text of these rules.

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

By the order of the President

**NAFIUL HASAN**  
Director  
Prime Minister's Office  
Tejgaon, Dhaka.