Investors’ Guide

A Guide to Invest in Economic Zones

BANGLADESH ECONOMIC ZONES AUTHORITY (BEZA)
PRIME MINISTER’S OFFICE
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INVESTORS’ GUIDE

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Foreword

Bangladesh Economic Zones Authority (BEZA) has emerged as a catalyst to promote industrialization and to nourish socio-economic compliance in the country. In the backdrop of arable land reduction and degradation due to indiscriminate industrialization, BEZA comes forward to house compliant industrialization within a compact smart enclave. Effort have been made to utilize uncultivable barren land for industrialization by developing world class infrastructures, putting investment friendly rules, regulations and providing pro-active services. Bangladesh Economic Zones Act, 2010 is articulated and passed in such a way that an investor can get assurance and state security to protect his/her investment and business interest. Moreover, Foreign Investment (Promotion and Protection) Act, 1980 serves as a helmet to protect Foreign Direct Investment (FDI) and ensure easy repatriation of capital and dividend. As a follow up of Bangladesh Economic Zones Act, 2010, BEZA endeavored to formulate supportive rules, guidelines and policies to ease investment decisions by the Economic Zone Developers and Economic Zone Unit Investors.

To expedite policy formulation and implementation, BEZA is functioning under two tier administration. The first tier is BEZA Governing Board headed by Hon’ble Prime Minister with responsibility, among others, approve to frame investment friendly policy. The second tier is headed by Executive Chairman who is entrusted with the responsibility to implement the policies. BEZA Governing Board has approved competitive incentive package for Economic Zone Developers as well as Unit Investors. In line with the above provisions National Board of Revenue, Bangladesh Bank, Law and Justice Division of Ministry Law, Justice and Parliamentary Affairs and other concerned organs of the Government have issued necessary SROs in the official gazette to facilitate businesses in the Economic Zones. Besides, the Governing Board has approved One Stop Service package for Economic Zones Investors to easily obtain all necessary approvals, permits, clearances and other business related services from dedicated One Stop Service Desk.

BEZA has compiled all the relevant Acts, Rules, Guidelines, Policis, SROs and Circulars in this booklet as a guide to its investors and stakeholders. BEZA believes in the doctrine that tells “There is always Room for Improvement”. The Investors’ Guide will be the torch bearer to our investors. When there will be any policy development regarding investors interest and obligation, BEZA will keep updating this book from time to time. The investors and patrons are invited to endorse views and put forward suggestions to update this Guide.

The “Investors’ Guide” is expected to be useful to our valued investors.

(Pahan Chowdhury)
Executive Chairman (Secretary)
Country Profile

A. Geography & Climate

Official Country Name : The People’s Republic of Bangladesh
Geographical Location : North-Eastern part of South Asia between
& Coordinates 20°34 and 26°38 North Latitude and between
88°01 and 92°41 East Longitude
Area : 1,47,570 sq. km
(Territorial water-12 nautical miles)
Land type : Consists of fertile alluvial land
Capital city : Dhaka
Major Cities : Dhaka, Chittagong, Khulna, Rajshahi, Sylhet,
Rangpur, Barisal.
Standard Time : GMT+6 hours
Climate : Sub-tropical monsoon
Climate Variations : Winter : December-February
Temperature : Average maximum 29°C
Average minimum 11°C
Summer : March-June
Temperature : Average maximum 32°C
Average minimum 21°C
Monsoon : July-October
80% of rainfall occurs during monsoon
Rainfall : 1,194mm to 3,454 mm
Humidity : Highest 99 percent (July)
Lowest : 36 percent (December & January)
Vegetation : Grassland, mixed evergreen and evergreen

B. Demographics

Population : 169 million (estimated)
Male/Female Ratio : 100/99
Population Growth Rate : 1.6%
Population density : 1145/km²
Adult Literacy Rate : 65% (15 years)
Ethnic Groups : Predominantly mixed group of Proto Austroloids/
Dravidians, Mongoloids and Aryans.
Language : Bangla : 95%
           : Dialects : 5%
           : English : Widely spoken
Religion : Muslim : 87%
           : Hindu : 12%
           : Buddhist : 1%
           : Christian : 0.5%
Human Resources : A trained and skilled manpower reserve
                 Professionals include Engineers, Technicians,
                 Physicians, Economists, Accountants, Administrative
                 and Managerial personnel.
                 Low-cost, easily trainable and adaptable, hardworking,
                 intelligent and youthful labour force.
Educational Institutions. : Public University : 37
                           : Private University : 84
                           : Colleges : 3,639
                           : Polytechnic Institutes : 51
                           : Medical Colleges : 30
                           : Dental Colleges : 03
                           : Secondary Schools : 21,665
                           : Primary Schools : 78,363
Labour Force (Labour force survey) 2015 : Civilian Labour Force : 81.95 million
                                        : Male : 51.80 million
                                        : Female : 30.15 million
Sectorial Distribution of labour Force:
                                        : Agriculture : 40%
                                        : Industry : 30%
                                        : Others Services : 30%

C. Resources
Principal Crops : Rice, Wheat, Jute, Tea, Tobacco and Sugarcane
Principal Rivers : Padma, Brahmaputra, Jamuna, Maghna, Karnaphuli,
                  Teesta, Etc. Total 203 rivers including Tributaries.
Mineral Resources : Natural Gas, Limestone, Hard rock, Coal, Lignite, Silica,
                   Sand, White Clay, Radio-Active Sand etc.

D. Government
History : 1971: Emergence of the sovereign state of Bangladesh through 9 months long Liberation War
Government : Parliamentary form of Government headed by the Prime Minister. The President is the Constitutional head of the state.
E. The Economy

Currency : Taka.
GDP growth : 7.01% (2015-2016)
Total Exports : US$ 37.61 billion (2015-2016)
Per Capita GDP : US$ 1508 (2015-2016)

Traditional Export Items : Raw Jute, Jute manufacture (Hessian sacking, Carpet backing, Carpets), Jute products, Tea, Leather, Leather product etc.

Non-Traditional Export Items : Garments, Frozen Shrimps, other Fish Products, Newsprint, Paper, Naphtha Furnace Oil, Urea, Ceramic Products etc.


Major Trading Partners : USA, EU Countries, India, China, Japan, South Korea, Australia, Malaysia, Hong Kong, Taiwan, Indonesia, Thailand, Saudi Arabia, UAE.

F. Air, Sea and River Ports.

International Airport : Hajrat Shahjalal International Airport, Dhaka
Shah Amanat International Airport, Chittagong
Osmani International Airport, Sylhet

Domestic Airport : Dhaka, Chittagong, Sylhet, Cox’s Bazar, Thakurgaon, Syedpur, Rajshahi, Jessore, Ishwardi and Barisal

Major Ports : Chittagong, Mongla and Payra (Ongoing)

Inland River Port : Dhaka, Chandpur, Barisal, Khulna, Bhairab, Narayanganj, Sirajganj etc.
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রবিবার, জুলাই ৮, ২০১২

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়
লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ

প্রধান

তারিখ, ২১ জুন ২০১২ ইং

লঃ ৩৯ (আমে)(লেগে)(যুক্ত) আইন-অনুবাদ-২০১২—শাখকারি কার্যরিকমা, ১৯৮৬ এর প্রথম তফসিল (বিভিন্ন মন্ত্রণালয় এবং বিভাগের মধ্যে কার্যকরণ) এর আইটেম ৩০ এর সংস্থাপিত ৭ ও ১০ এবং মালিকানাধীন বিভাগের বিগত ৩-৭-২০০২ ইং তারিখের সময় গ্রহণী সিদ্ধান্ত সম্মেলনের নিমিত্ত The Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010) এর ইংরেজি অনুবাদ সর্বসাধারণের আওতাতে প্রকাশ করিল।

মোঃ দেলোয়ার হোসেন
সহকারী সচিব (চায় দাবী)।

(১৫৭৬১৩)
The Bangladesh Economic Zones Act, 2010

Act No. 42 of 2010

[ 1st August 2010]

An act to make provisions for the establishment of economic zones in all potential areas including backward and underdeveloped regions and development, operation, management and control thereof including the matters ancillary thereto with a view to encouraging rapid economic development through increase and diversification of industry, employment, production and export.

WHEREAS it is expedient and necessary to make provisions for the establishment of economic zones in all potential areas including backward and underdeveloped regions and development, operation, management and control thereof including the matters ancillary thereto with a view to encouraging rapid economic development through increase and diversification of industry, employment, production and export.

THEREFORE, it is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the Bangladesh Economic Zones Act, 2010.
   (2) It shall come into force at once.

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

   (1) “Economic zone” means any economic zone declared by the Government under section 5;

   (2) “Economic zone developer” means any economic zone developer appointed under section 8;

   (3) “Authority” means the Authority established under section 17;

   (4) “Governing Board” means the Governing Board of the Authority;

   (5) “Chairman” means the Chairman of the Governing Board;

   (6) “Executive Board” means the Executive Board of the Authority;

   (7) “Executive Chairman” means the Chairman of the Executive Board;
3. **Act to override other laws.**—Notwithstanding anything contained in any other law for the time being in force, the provisions of this act shall prevail.

4. **Establishment of economic zones.**—For the purposes of this Act, the government may, with a view to encouraging rapid economic development in potential areas including backward and underdeveloped regions of the country through increase and diversification of industry, employment, production and export and to implement the social and economic commitments of the State, establish any of the following categories of economic zones, such as:

   (a) Economic Zones established through public and private partnership by local or foreign individuals, body or organizations;

   (b) Private Economic Zones established individually or jointly by local, non-resident Bangladeshis or foreign investors, body, business organizations or groups;

   (c) Government Economic Zones established and owned by the Government;

   (d) Special Economic Zones established privately or by public-private partnership or by the Government initiative, for the establishment of any kind of specialized industry or commercial organization.

5. **Site selection and declaration of economic zones.**—(1) For the purposes of this Act, the Government may, by notification in the official Gazette, select any specific land area as an economic zone and declare it as an economic zone.

   (2) The Schedule of Gazette notification issued under sub-section (1) shall contain specific description of the land declared as an economic zone.

   (3) Notwithstanding anything contained in sub-section (1), for the purposes of this Act, no economic zone shall be declared on any land within City Corporation, Municipality or Cantonment Board area.
6. **Acquisition of land for economic zones.**—(1) For the purposes of this Act, the Government may, acquire any land under the Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982) if required for an economic zone or for infrastructure thereof such as roads, bridges etc.

(2) For the disposal of any other matters including the compensation of the land acquired under sub-section (1), the provisions of the Ordinance mentioned in sub-section (1) shall apply.

(3) The land acquired under this section shall be deemed to required for public interest.

7. **Division of an economic zone into several areas.**—(1) The Authority may, issue necessary orders to prepare a master plan for the land connected with any economic zone dividing it into the following areas:

   (a) **Export Processing Area**: Specified for export-oriented industries;

   (b) **Domestic Processing Area**: Specified for industries to be established to meet the demand of the domestic market;

   (c) **Commercial Area**: Specified for business organizations, banks, warehouses, offices or any other organization;

   (d) **Non-Processing Area**: Specified for residence, health, education, amusements, etc.

(2) Any economic zone master plan prepared on the basis of the order issued under sub-section (1) shall be submitted to the Authority for approval, and, if it is approved by the Authority, the divided areas under such plan shall be the specified part of that zone.

8. **Appointment of economic zone developers.**—For the purposes of this Act, the Authority may appoint economic zone developers in such manner as may be prescribed.

9. **Category, etc. of industrial and commercial organizations to be established in the economic zone.**—The Authority may, from time to time, determine the category of industrial and commercial organizations established in an economic zone with a view to providing with benefits.

10. **Special tariff benefits for economic zones.**—Notwithstanding anything contained in any other law for the time being in force, the Government may by notification in the official Gazette, provide with tariff benefits to the
economic zone or any area of it, for a specific period, and, in accordance with the provisions of the Customs Act, 1969 (Act No. IV of 1969), introduce special arrangement to facilitate import and export operations of the organizations established in the economic zone.

11. Financial benefits, etc.—(1) The Government shall provide with such kind of financial incentives and benefits to the industrial units within the economic zones as is provided to the industrial units under Bangladesh Export Processing Zones Authority Act, 1980 (Act No. XXXVI of 1980) and Bangladesh Private Export Processing Zones Act, 1996 (Act No. XX of 1996).

(2) The Government may, by notification in the official Gazette, arrange for special incentives to the exporters outside the economic zone.

12. Other benefits.—The Authority shall—

(a) make arrangements to facilitate the economic zone developers and industrial units in respect of legal documents which include permission for economic zone site selection, declaration of economic zones, clearances, certificates, certificate of origin, permit for repatriation of capital and dividends, resident and non-resident visas, work permits, construction permits etc. through a one-stop service; and

(b) subject to the provision of section 16, make arrangements to allot or lease plots suitable for setting up industries on complete commercial basis.

13. Power to exempt from application of certain laws.—The Government may, by notification in the official Gazette, exempt a zone or any organization thereof from the application of all or any of the provisions of any of the following Acts, or may pass order that the acts or any provision thereof shall, in its application to a zone, be subject to such modification or amendments as may be specified therein, namely:

(a) Municipal Taxation Act, 1881 (Act No. XI of 1881);
(b) Explosives' Act, 1884 (Act No. IV of 1884);
(c) Stamp Act, 1899 (Act No. II of 1899);
(d) Electricity Act, 1910 (Act No. IX of 1910);
(e) Boilers Act, 1923 (Act No. V of 1923);
(f) Foreign Exchange Regulation Act, 1947 (Act No. VII of 1947);
(g) Income Tax Ordinance, 1984 (Ordinance No. XXXVI of 1984);
(h) Building Construction Act, 1952 (E.B. Act No. II of 1953);
(i) Land Development Tax Ordinance, 1976 (Ordinance No. XLII of 1976);
(j) Local Government (Union Parishad) Act, 2009 (Act No. LXI of 2009);
(k) Fire Prevention and Extinction Act, 2003 (Act No. VII of 2003);
(l) Value Added Tax Act, 1991 (Act No. XXII of 1991);
(m) Bangladesh Labour Act, 2006 (Act No. XLII of 2006);
(n) Local Government (City Corporation) Act, 2009 (Act No. LX of 2009);
(o) Local Government (Municipalities) Act, 2009 (Act No. LVIII of 2009);
(p) Any other Act, prescribed by the Government by notifications in the official Gazette.

14. **Permission to conduct banking activities in an economic zone.**—The Authority may subject to the approval of Bangladesh Bank, allow banking activities by any bank in any economic zone.

15. **Establishment of industries in an economic zone.**—Except the sectors identified as reserved industries in the existing industrial policy of the Government, establishment of any sector such as agricultural farms, service-oriented organizations etc. including small and cottage industry may be set up in the economic zones established under this act.

16. **Allotment of land, etc.**—When an individual is permitted to establish an industry or commercial organization in an economic zone under section 15, the Authority shall, on such conditions as determined by it, allot him any land, building or site within the economic zone, or shall lease the same by rent or otherwise.

17. **Establishment of the Authority.**—(1) As soon as may be after the commencement of this Act, the Government, for the purposes of this Act, by notification in the official Gazette, shall establish an Authority to be called the Bangladesh Economic Zones Authority for the purposes of this Act.

(2) The Authority shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.
(3) Until the Authority is established under sub-section (1), the Government may, for the time being, assign any of the organizations under its control, the responsibility for performing its activities as the Authority.

18. **Head office of the Authority, etc.**—The Head office of the Authority shall be located in Dhaka and if necessary, the Authority may, with the prior approval of the Government, establish branch offices at any place in Bangladesh.

19. **Duties and functions of the Authority.**—The general duties and functions of the Authority shall be as follows, namely:—

1. to identify and select sites for industrial or similar sectors on availability of local resources including infrastructure, roads and communications, travel and banking facilities and skilled manpower for ensuring efficient utilization of land in the light of clustering principles;

2. to acquire land for economic zones identified by own initiative or public-private partnership and take possession of the acquired land on behalf of the Government;

3. to appoint economic zone developer on competitive basis to develop and manage the acquired land and different type of infrastructure thereof;

4. to prepare infrastructure development plans of economic zones for implementation and management of own establishment and submit it to the Governing Board for approval;

5. to allot or lease or rent of land, building or site, on competitive commercial basis in prescribed manner, to investors applied for establishing industrial units, businesses and service providers in economic zones for implementation and management of their establishment;

6. to ensure infrastructure development of economic zones within specified period through monitoring of activities of its own and of economic zone developers;

7. to create opportunities for employment through establishing backward linkage industries within or outside economic zones by promoting local and foreign investment including development of skilled labour force;
(8) to ensure efficient use of land in the light of clustering principles by dividing the land based on infrastructure and on availability of local resources to provide a conducive environment and facilities within economic zones;

(9) to encourage more efficient management and monitor programmers for implementing commitments on environment and other matters;

(10) to take steps to establish backward linkage industries in economic zones to meet the requirements of local economy;

(11) to encourage business organizations to relocate polluting and unplanned industries from metropolitan cities through establishing separate economic zones for different industries;

(12) to encourage public-private partnership in the development and operation of economic zones;

(13) to take necessary steps to implement social and economic commitments;

(14) to establish the due rights of workers, to ensure their welfare and to establish conducive relationships between owners and workers;

(15) to take appropriate steps to implement poverty reduction programmes;

(16) to expedite implementation of industrial policy of the country by promoting planned industrialization of the thrust manufacturing and service sectors; and

(17) to convert the areas declared as economic zones into economic centers by developing industrial cities, agro-based industrial zones, trade zones and tourism zones through investment of banking sectors and to facilitate availability of skilled labour and efficient service provisions.

20. Operation etc. of the Authority.—(1) The operation and administration of the Authority shall vest in an Executive Board and the Executive Board may, subject to the provisions of sub-section (2), exercise all powers and perform all functions as may be exercised and performed by the Authority.

(2) The Executive Board in discharging its duties or performing its functions shall follow the orders, directives and guidelines given by the Governing Board from time to time and the Executive Board shall in the exercise of its powers and performing its functions, be accountable to the Governing Board.
21. Governing Board.—(1) For the purposes of this Act, and subject to the provisions of sub-section (2), there shall be a Board to be called the Governing Board consist of the following members, namely:—

(a) the Prime Minister or a member nominated by the Prime Minister, who is a Minister, and he shall also be the Chairman of the Governing Board;

(b) the Ministers/State Ministers of the Ministries or Divisions of Industries, Commerce, Finance, Planning, Science and Information and Communication Technology, Power, Energy and Mineral Resources, Communications, Labour and Employment, Environment and Forests, ex officio;

(c) the Principal Secretary to the Prime Minister, ex officio;

(d) the Governor, Bangladesh Bank, ex officio;

(e) the Executive Chairman, Board of Investment, ex officio;


(g) the President, Federation of Bangladesh Chambers of Commerce and Industries (FBCCI), ex officio;

(h) the representatives of the Chambers of Commerce and Industry of the districts relevant to economic zones, to be nominated by the Government;

(i) two women entrepreneurs to be nominated by the Government;

(j) the President of the Specialized Chamber of Commerce and Industry;

(k) the Executive Chairman, ex officio, who shall also be its Secretary.

(2) Persons mentioned in clause (j) of sub section (1) shall be the member of Governing Board by rotation in such manner as may be prescribed.

(3) The Government may, by a notification in the official Gazette, at any time, co-opt any person as a member of the Governing Board for the purposes and the period as mentioned in the Gazette notification.
22. **Functions of the Governing Board, policy implementation, etc.**—
The functions of the Governing Board shall be as follows:—

(a) to formulate policy regarding development, operation, management and control of economic zones;

(b) to monitor the activities of initiating companies engaged for operation, administration, management and control of economic zones;

(c) to approve proposals for establishing economic zones;

(d) to review the overall activities of the Executive Board and the affairs of the economic zones from time to time; and

(e) to give necessary orders or directions to the Authority to ensure efficient management of the Authority and economic zones.

(2) If any Ministry or Division is concerned in the implementation of any decision taken by the Governing Board under sub-section (1), the Bangladesh Economic Zones Authority shall, subject to the approval of the concerned Ministry or Division, implement it.

(3) The Authority shall, by notification in the official Gazette, publish the policies formulated, permit given, licenses granted or orders or directions issued by the Governing Board under sub-section (1).

(4) If any notification is issued under sub-section (3), the policies, permit, licenses and orders or directions mentioned in the notification shall be implemented by the concerned Ministries or Divisions or Authority on priority basis.

23. **Meetings of the Governing Board.**—(1) Subject to the other provisions of this section, the Governing Board shall determine the procedure of its meetings.

(2) The Executive Chairman, in consultation with the Chairman, shall convene the meetings of the Governing Board and such meetings shall be held at such time and place as may be determined by the Chairman of the Governing Board.

(3) The Chairman shall preside over all meetings of the Governing Board and in his absence, a member authorized by the Chairman, who is a Minister, shall preside over the meetings.
(4) The Governing Board may invite any person capable of specially contributing to any agenda to its meetings, and such invitee may participate in the discussion of the meeting.

24. Executive Board. (1) The Authority shall have an Executive Board and such Board shall consist of a Chairman and three members.

(2) The Chairman of the Executive Board shall be known as the Executive Chairman, and he shall be the chief executive of the Authority.

(3) The Executive Chairman and the members of the Executive Board shall be appointed by the Government and they shall discharge their duties in accordance with the conditions prescribed by the Government.

(4) If a vacancy occurs in the office of the Executive Chairman or if he is unable to discharge the functions of his office on account of his absence, illness or any other cause, the Government shall make such arrangement for discharging the functions of the Executive Chairman as it may consider expedient.

(5) No act or proceedings of the Executive Board shall be invalid or be called in question merely on the ground of any vacancy in the office of the Executive Chairman or member or any defect in the constitution of the Executive Board.

25. Meetings of the Executive Board.—(1) Subject to the other provisions of this section, the Executive Board shall determine the procedure of its meetings.

(2) The Secretary, in consultation with the Executive Chairman, shall convene the meetings of the Executive Board.

(3) All meetings of the Executive Board shall be held at the Head Office of the Authority.

(4) The Executive Chairman shall preside over all meetings of the Executive Board and in his absence, the senior most of the members shall preside over the meeting.

26. Appointment of Secretary, officers, staff etc.—(1) The Authority may for the efficient performance of its functions, appoint such number of officers and staff, consultants, specialists and auditors including the Secretary as are required according to the organogram approved by the Government.
(2) The appointment and the terms and conditions of services of the Secretary, officers and staff, consultants, specialists and auditors of the Authority shall be determined by regulations:

(3) All officers and staff of the Authority including the Secretary shall subject to the provisions of this Act, and the rules and regulations made there under discharge their duties under the overall control and supervision of the Executive Chairman.

27. Committees.—The Authority may form necessary committees consisting of the Chairman or members or any officers of the Executive Board or any other persons in order to assist in performing its functions and the duties and functions of such committees shall be determined by the Authority.

28. Suspension or cancellation of permit in certain cases.—(1) The Authority may at any time suspend or cancel the permit issued to an Economic zone developer, if the Economic zone developer—

(a) is unable to discharge his duties and functions in accordance with this Act or rules; or

(b) fails to comply with the instruction of the Governing Board properly in accordance with this Act; or

(c) violates the conditions of the permit; or

(d) fails to discharge the duties and obligations imposed in the permit efficiently due to financial constraints.

(2) The procedure for suspension or cancellation of permit issued to Zone Developers under sub-section (1) shall be prescribed by rules.

29. Ability to borrow.—For the Purpose of this Act, the Authority may, subject to the approval of the Government borrow money from any bank or financial institutions or any other sources.

30. Funds of the Authority.—(1) For the Purposes of this Act, the Authority shall have a fund to be called the Bangladesh Economic Zone Authority Fund to which shall be credited the following, namely:

(a) grants and loans received from the Government;

(b) loans from any other sources approved by the Government;

(c) income received from land allotted for establishment of industries and business units in the economic zones;
(d) rent from building leased for industries and commercial establishment in economic zones;
(e) various fees and service charges for any service provided;
(f) profits received through public-private partnership;
(g) fees and service charges received from private organizations; and
(h) money received from any other sources.

(2) The fund to the Authority shall be deposited at any scheduled bank and such fund shall be operated in such manner as may be prescribed by regulations.

(3) The fund of the Authority shall be used to meet the expenditure in connection with the functions of the Economic Zone Authority under this Act.

(4) After adjustment of the expenses in the respective fiscal year, the balance of it, if any, shall be deposited in the fund of the Authority.

31. Budget.—The Authority shall, by such date and from in each year as may be fixed by the Government, submit to the Government for approval a budget for each financial year, showing the estimated receipt and expenditure and the sum which are likely to be required from the government during that financial year.

32. Accounts and audit.—(1) The accounts of the Authority shall be maintained in such manner as may be prescribed by the Government.

(2) Without prejudice to the provisions of the Comptroller and Auditor-General (Additional Functions) Act, 1974 (Act, No. XXIV of 1974), the accounts of the Authority shall be audited by an auditor who is a Chartered Accountant within the meaning of the Bangladesh Chartered Accountants Order, 1973 (President’s Order No. 2 of 1973) and the Authority, with the prior approval of the Governing Board, appoint the auditor and pay him such remuneration as may be prescribed.

(3) The auditor appointed under sub-section (2) shall examine the annual balance sheet including the accounts and vouchers relating thereto and the list of various books of accounts provided by the Authority.

(4) For the purposes of this section, the auditor shall at reasonable times have access to the books, accounts and other documents of the Authority and in relation to such accounts examine any member of the Governing Board or Executive Board or its any officer or staff including the Secretary.
(5) The auditor shall submit a written report to the Government on the accounts audited by him, and the following matters shall be mentioned in the report—

(a) whether, in the opinion of the auditor, the different books of accounts were maintained in an appropriate manner.

(b) whether there were accurate reflections of the activities of the Authority in those books of accounts.

(c) whether such information or explanations were provided as required by the auditor in any case; and

(d) whether those were satisfactory.

(6) Notwithstanding anything contained in other provisions of this section, the Government may—

(a) give direction to the auditors requiring them to report to it upon the measures taken by the Authority for protection of interest of the Government and of the creditors, or upon the adequacy of the procedure in auditing the accounts of the Authority,

(b) at any time, extend the scope of the audit;

(c) direct that a different procedure in audit be adopted or that any other examination be made by the auditors if in its opinion, the public interest so requires.

33. Compliance to laws connected with environment, etc.—For the purposes of this Act, the Authority, economic zone developers, industrial units established in economic zones, financial and business institutions shall be bound to comply with international commitments recognized by the Government of Bangladesh including compliance to all the existing laws on environment and environmental protection.

34. Applicability of laws on Workers Welfare Association and Industrial Relations.—The provisions of the existing laws on EPZ Workers Welfare Association and industrial Relations shall, with necessary modification, be applicable to the workers of the Special Economic Zones established under this Act.

35. Annual reports, etc.—(1) The Authority shall, submit to the Government, as soon as possible after the end of every financial year, a report on the conduct of its affairs for that financial year.
(2) The Authority shall furnish the following matters to the Government, within a period specified by the Government, namely:

(a) the returns, accounts, statements, estimates, and statistics required by the Government;

(b) information and comments on any specific matter required by the Government;

(c) various papers and documents for examination or other reasons required by the Government.

36. **Specification of courts for civil cases, etc.**—(1) The Government may, in consultation with the Supreme Court and by notification in the official Gazette, specify one or more courts for the trial of civil cases arising from the economic zones.

(2) No case under this Act shall be tried in any other court except the courts specified under sub-section (1).

(3) Any party aggrieved by any decision given by a court specified under sub-section (1), may within 60 (sixty) days from the date of the decision, prefer an appeal against such decision in the High Court Division.

37. **Special rights of the Authority.**—The Authority shall have the following special rights, namely:

(a) if any company, industry or commercial organization in an economic zone owe to the Authority and remain unpaid, the owners, directors or the Board of Directors of the company, industry or commercial organization shall be liable in accordance with the agreement to pay such dues from their personal assets; and for the failure of payment thereof, the Authority shall reserve the right to take action against the owners, directors or Board of Directors of such company, industry or commercial organization;

(b) if any worker, employee, executive or management official of a company, industry or commercial organization in an economic zone is involved in or instigates any action that leads to labour unrest, strikes, or lockout in the industry or commercial organization, the Authority may order the relevant commercial organization to shut down its operations for a specified period including dismissal of the relevant worker, employee, executive or management official, and, for that, the Authority shall not be responsible to compensate and loss incurred;
(c) if any industry or commercial organization in an economic zone fails to pay any outstanding dues, other dues and debts of the Authority, the Authority may seize unilaterally the machineries, equipments raw materials or other goods of that organization and upon evaluation thereof at the rate of the Department of the Public Works, allocate that to any other industry or commercial organization.

38. **Power to make rules.**—For the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

39. **Power to make regulations.**—For the purposes of this Act, the Authority may, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act and rules made there under, with the prior approval of the Government.

40. **Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the official Gazette, take necessary measure for the purpose of removing such difficulties.

41. **Original and English Text.**—The original text of this Act shall be in Bangla, and the Government shall, by notification in the official Gazette, publish an Authentic English Text of an authorized translation of it in English:

Provided that in the event of conflict between the Bangla and the English Text, the Bangla Text shall prevail.
Bangladesh Economic Zones (Amendment) Act, 2015 (Act No. 29 of 2015)

Whereas, for the following purposes, it is expedient and necessary to amend the Bangladesh Economic Zones Act, 2010 (Act No. 29 of 2015);
Therefore, it is hereby enacted as follows:-

1. **Short title and Commencement.** - (1) This Act may be called the Bangladesh Economic Zones (Amendment) Act, 2015.
   
   (2) It shall come into force at once.

2. **Amendment of Section 2 of Act No. 42 of 2010.** - After clause 9 of Section 2 of the Bangladesh Economic Zones Act (Act No. 42 of 2010), hereinafter called the said Act, following new clause (9A) shall be inserted, namely:-

   “(9A) "Partnership between or initiative by the government of Bangladesh and the Government of other Country" means the partnership between or initiative by the Government of Bangladesh or Corporation or Authority or Enterprise nominated by it and the government of any other country or any Industrial Entrepreneur, Consortium, Joint Venture Company or Group of Industries, competent for establishing, operation and promotion of Economic Zone, nominated by it.

3. **Amendment of Section 4 of Act 42 of 2011.** - At the end of Clause (d) of Section 4 of the said Act sign of full stop shall be substituted by sign of semicolon and thereafter following new clauses (e) and (f) shall be added, namely:-

   “(e) Economic Zone established by partnership or initiative of the Government of Bangladesh or Corporation or Authority or Enterprise nominated by it and the government of any other country or any Industrial Entrepreneur, Consortium, Joint Venture Company or Group of Industries, competent for establishing, operation and promotion of Economic Zone nominated by it;

   (f) Economic Zone established by one or more government corporation(s) or Authority(s) or Enterprise on mutual cooperation or partnership basis.”

4. **Amendment of Section 5 of Act No. 42 of 2010.** - In Section 5 of the said Act-
   
   (a) at the end of Sub-section(1) of sign of full stop shall be substituted by sign of semicolon and thereafter following new proviso shall be added, namely:-

   provided that the land area under City Corporation, Paurashava and cantonment Board may be declared as the Economic Zone for public interest only for establishing information technology related Economic Zone.”; and

   (b) sub-section (3) shall be omitted.

5. **Insertion of new sections 7A and 7B in Act No. 42 of 2010.** - After Section 7 of the Said Act following new Sections sections 7A and 7B shall be inserted, namely:-

   “7A. Planning establishment of Economic Zone on partnership between or initiative by the government of Bangladesh and the government of any other country or by and between
one or more government corporation, Authority or Enterprise.- The Government may take up any plan for establishing Economic Zone on the basis of mutual cooperation or partnership between the government of Bangladesh and the government of any other country or by and between one or more government corporation, Authority or Enterprise.

7B. Constitution etc. of processing Committee.- (1) The Government may, for the purpose of expeditious implementation of the plan taken up under Section 7A, form the Processing Committee consisting of necessary numbers of member having technical and other experience in respect of such plan.

(2) The Processing Committee shall reserve the powers to take decision from the initial stage of such plan until the matter does not reach the stage of putting up to the Cabinet Committee on Economic Affairs or the Cabinet Committee on Government Purchase, as the case may be.

(3) With an objective of implementation of the plan, the Processing Committee, upon consideration of qualification, experience and financial capability through communication, discussion and bargaining with any enterprise related to the plan, shall prepare such proposal with recommendation as may be considered appropriate for preserving the highest public interest.

(4) Other functions of the Processing Committee shall be guided by the rules.

6. Amendment of Section 8 of Act No.42 of 2010.- (1) The existing provisions of Section 8 shall be numbered as Sub-section (1) and after such numbered Sub-section (1) following new sub-section (2) shall be inserted, namely:-

“(2) Notwithstanding anything contained in Sub-section (1) and Clause (3) of Section 19, the government may appoint developer in accordance with the procedure as may be prescribed by the rules for establishing Economic Zone by partnership or initiative of the Government of Bangladesh and the government of any other country or by one or more government corporation(s) or Authority(s) or Enterprise(s) on mutual cooperation or partnership basis.”

Md. Ashraful Maqbul
Senior Secretary

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail
THE FOREIGN PRIVATE INVESTMENT (PROMOTION AND PROTECTION) ACT, 1980

(ACT NO. XI OF 1980).

[1st April, 1980]

An Act to provide for the promotion and protection of foreign private investment in Bangladesh.

WHEREAS it is expedient to provide for the promotion and protection of foreign private investment in Bangladesh;

It is hereby enacted as follows:-

Short title 1. This Act may be called the Foreign Private Investment (Promotion and Protection) Act, 1980.

Definitions 2. (1) In this Act, unless there is anything repugnant in the subject or context,-

(a) “foreign capital” means capital invested in Bangladesh in any industrial undertaking by a citizen of any foreign country or by a company incorporated outside Bangladesh, in the form of foreign exchange, imported machinery and equipment, or in such other form as the Government may approve for the purpose of such investment;

(b) “foreign private investment” means investment of foreign capital by a person who is not a citizen of Bangladesh or by a company incorporated outside Bangladesh, but does not include investment by a foreign Government or an agency of foreign Government;

(c) “industrial undertaking” means an industry, establishment or other undertaking engaged in the production or processing of any goods, or in the development and extraction of such mineral resources or products, or in the providing of such services, as may be specified in this behalf by the Government.

(2) Words and expressions used but not defined in this Act shall have the same meaning as in the Companies Act, 1913 (VII of 1913).
3. (1) The Government may, for the promotion of foreign private investment, sanction establishment with foreign capital of any industrial undertaking-

(a) which does not exist in Bangladesh and the establishment whereof, in the opinion of the Government, is desirable; or

(b) which is not being carried on in Bangladesh on a scale adequate to the economic and social needs of the country; or

(c) which is likely to contribute to-

(i) the development of capital, technical and managerial resources of Bangladesh; or

(ii) the discovery, mobilisation or better utilisation of the natural resources; or

(iii) the strengthening of the balance of payment of Bangladesh; or

(iv) increasing employment opportunities in Bangladesh; or

(v) the economic development of the country in any other manner.

(2) Sanction of the establishment with foreign capital of an industrial undertaking under sub-section (1) may be subject to such conditions as the Government may deem fit to impose.

4. The Government shall accord fair and equitable treatment to foreign private investment which shall enjoy full protection and security in Bangladesh.

5. The terms of sanction, permission or licence granted by Government to an industrial undertaking having foreign private investment shall not be unilaterally changed so as to adversely alter the conditions under which the establishment of such undertaking was sanctioned; nor shall foreign private investment be accorded a less favourable treatment than what is accorded to similar private investment by the citizens of Bangladesh in the application of relevant rules and regulations.
6. In the event of losses of foreign investment owing to civil commotion, insurrection, or riot, foreign private investment shall be accorded the same treatment with regard to indemnification, compensation, restitution, or other settlement as is accorded to investments by the citizens of Bangladesh.

7. (1) Foreign private investment shall not be expropriated or nationalised or be subject to any measures having effect of expropriation or nationalisation except for a public purpose against adequate compensation which shall be paid expeditiously and be freely transferable.

(2) Adequate compensation for the purpose of sub-section (1) shall be an amount equivalent to the market value of investment expropriated or nationalised immediately before the expropriation or nationalisation.

8. (1) In respect of foreign private investment, the transfer of capital and the returns from it and, in the event of liquidation of industrial undertaking having such investment, of the proceeds from such liquidation is guaranteed.

(2) The guarantee under sub-section (1) shall be subject to the right which, in circumstances of exceptional financial and economic difficulties, the Government may exercise in accordance with the applicable laws and regulations in such circumstances.

9. If any difficulty arises in giving effect to any provision of this Act, the Government may make such order, not inconsistent with the provisions of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.
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;

(৮৩১৯)
(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;
(I) “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 1[50 (fifty)] years from the date of signing the agreement:

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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.

1[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;

(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.
Government of the People’s Republic of Bangladesh
Prime Minister’s Office

Notification

Date : 27 Baishakh, 1422BE/ 10 May, 2015 AD

S. R. O No. 94- Law/ 2015.- In exercise of the powers conferred by section 38, read with sections 8, 19(3) and 28(2), of the Bangladesh Economic Zones Act, 2010 (Act No.42 of 2010), the Government is pleased to make the following amendment in the Bangladesh Economic Zones (Appointment of Developer, etc.) Rules, 2014, namely:-

In the above named Rules-

(1) in sub- rule (3) of Rule 5, the figure, bracket and word “30(thirty)” shall be substituted by the figure, bracket and word “ 50 (fifty)” ; and
(2) rule 6 shall be substituted by the following rule 6, namely:-

“ 6. Qualification of the developer.- A person shall not be eligible for appointment as a developer unless he has the following qualifications, namely:-

(a) experience in establishing of 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 of or financing in at least one economic zone, special economic zone, industrial park or free port, or any large project;
(c) the amount of gross revenue of 10 (ten) million US Dollar per year within last 3 (three) years for operation of economic zone, special economic zone, industrial park or free port, or any large project ; and
(d) net worth of at least 25 (twenty five) million US Dollar.

Explanations.- For the purpose of this rule, “Large Project” means a Project, which has a total investment above BDT 2.5 billion, excluding on-going capital for expansion.”.

By Order of the President

Nafiuul Hasan
Director

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NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
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;
(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;
(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.
(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;
(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;
(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;
(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;
(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;
to enter into contracts with private third-party Bangladeshi enterprises for the operation, maintenance and promotion of the Private Economic Zone;

to employ Bangladeshi and foreign nationals to the services;

to have the incentives as declared;

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;
(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;

(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;
(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;

c) 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

MISCELLANEOUS

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.
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 Branch/ Subsidiary of foreign
   company 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:

<table>
<thead>
<tr>
<th>Names of the corporate</th>
<th>Position</th>
<th>Nationality</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

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

(9) Current shareholders of the applicant:

<table>
<thead>
<tr>
<th>Name</th>
<th>Nationality</th>
<th>Number of Shares</th>
<th>Cost per share (Taka/ US$)</th>
<th>Total cost of paid shares (Taka/ US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Names of enterprises/companies</th>
<th>Capital investment (US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Name of project</th>
<th>Location</th>
<th>Year of establishment</th>
<th>Development costs (Taka/US$)</th>
<th>Project description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

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: ............................................................... Country: ................
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: ..........squire feet ..........squire 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:

<table>
<thead>
<tr>
<th>Name of main transport facility</th>
<th>Yes</th>
<th>No</th>
<th>Distance (K.M.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Port</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Railway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National road network</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local road network</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

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

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:

<table>
<thead>
<tr>
<th>Funding source</th>
<th>Percentage of project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

(3) Estimated project costs:

<table>
<thead>
<tr>
<th>Phased development</th>
<th>Size</th>
<th>Estimated project costs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(square feet/square meters)</td>
<td>(Taka/US$)</td>
</tr>
<tr>
<td>Total project size/costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land acquisition</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land preparation/Earthworks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase-1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land/Infrastructure/Utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building and Amenities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-site infrastructure/Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase-2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land/Infrastructure/Utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building and Amenities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-site infrastructure/Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phase-3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land/Infrastructure/Utilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building and Amenities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Off-site infrastructure/Others</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Component</th>
<th>Gross area (square feet/square meters)</th>
<th>Net area (square feet/square meters)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial/Retail area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities area</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Roads</th>
<th>Width</th>
<th>Types of pavement</th>
<th>Estimated costs (Taka/US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main roads</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary roads</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tertiary roads</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

(7) Proposed utilities:

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

Use separate sheet(s) or expand template, if additional space is required.
(8) Proposed facilities and amenities:

<table>
<thead>
<tr>
<th>Facilities and Amenities</th>
<th>Size (square feet/square meters)</th>
<th>Estimated costs (Taka/US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customs building(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administration building(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial/retail/shopping mall/entertainment building(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Institutional/community building(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential building(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operational/utility building(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

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

<table>
<thead>
<tr>
<th>Facilities to be improved</th>
<th>Size (square feet/square meters)</th>
<th>Estimated costs (Taka/US$)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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:

<table>
<thead>
<tr>
<th>Year</th>
<th>Direct employment</th>
<th>Indirect employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td></td>
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<tr>
<td>4</td>
<td></td>
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<tr>
<td>5</td>
<td></td>
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</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Type of job</th>
<th>Year 1 (Local/Foreign)</th>
<th>Year 5 (Local/Foreign)</th>
<th>Year 10 (Local/Foreign)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skilled</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unskilled</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Women</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

(5) Training Programmes:

<table>
<thead>
<tr>
<th>Year</th>
<th>Potential training courses</th>
<th>Projected number of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

(6) Investors:
List of potential investors and their country of origin:

<table>
<thead>
<tr>
<th>Name</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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.

<table>
<thead>
<tr>
<th>Trade Agreement</th>
<th>Country encouraging investment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

(8) Marketing/promotional strategy for Economic Zone:

<table>
<thead>
<tr>
<th>Components of marketing programme</th>
<th>Strategy</th>
<th>Year to be required</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

76
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:
### Requirements/Respective reports for review:

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

| 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 authorised officer |
FOR OFFICIAL USE ONLY
STAGE 2: FINAL QUALIFICATION REQUIREMENTS

Requirements/Respective reports for review:

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

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 Authorised 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)
Government of the People’s Republic of Bangladesh
Prime Minister’s Office

Notification

Date : 16 November 1422 Bangla/28 February 2016

S. R. O No.44-Law/2016.—In exercise of the powers conferred under section 38, read with section 8, of the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010) the Government is pleased to make the following rules, namely:—

CHAPTER I

GENERAL PROVISIONS

1. Title, commencement and application.—(1) These rules may be called the Bangladesh Economic Zones (the Procedure of Appointment of Developer) Rules, 2016.

(2) It shall come into force at once.

(3) It shall be applicable to the Economic Zones and Special Economic Zones on Design, Build, Finance, Operate and Transfer (DBFOT) basis through Public-Private Partnership (PPP).
2. **Definitions.**—(1) In these rules, unless there is anything repugnant in the subject or context,—

(i) “**Act**” means the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010);

(ii) “**applicable law**” means any Act, Ordinance, Order, rule, regulation, bye-law, notification or any other legal instrument having the force of law in Bangladesh including any government resolution or any international agreement, convention, charter or treaty ratified and adopted by Bangladesh;

(iii) “**applicant**” means an entity or a consortium which submits an application in response to the RFQ;

(iv) “**application**” means the application which contains the information as per requirements of the RFQ document and is submitted by the applicant in order to be pre-qualified and short-listed for the submitting the bid in response to the RFP;

(v) “**Authority**” means Bangladesh Economic Zones Authority established under section 17 of the Act;

(vi) “**bid**” or “**proposal**” means the bidder’s written proposal based on the information, instructions, covenants, terms and conditions as contained in the RFP;

(vii) “**bidder**” means the entity or consortium who submits a proposal in response to the RFP;

(viii) “**Bid Security**” means the Bid Security mentioned in rule 14;

(ix) “**Bid Validity Period**” means the Bid Validity Period mentioned in rule 17;

(x) “**consortium**” is a group of entities coming together to submit a bid or proposal;

(xi) “**consortium member**” means a member of a consortium;

(xii) “**day**” means a calendar day unless otherwise specified as the working day;

(xiii) “**developer**” means the successful or selected bidder who has signed the Developer Agreement with the Authority;
(xiv) “Developer Agreement” means an agreement signed between the Authority and a developer;

(xv) “Economic Zone” means any economic zone declared by the Government under section 5 of the Act;

(xvi) “Evaluation Committee” means the Evaluation Committee constituted under rule 20;

(xvii) “lead member” with respect to a consortium means the consortium member who—

(a) has entered into an agreement with the remaining consortium members having at least 26% equity shareholding;

(b) is or shall be the largest shareholder in the company; and

(c) is authorized by all other consortium members to be responsible to act on behalf of the consortium members;

(xviii) “LoA” means a Letter of Award issued by the Authority to the successful bidder;

(xix) “non-lead member” means a consortium member who has entered into an agreement with the remaining consortium members having at least 11% of the equity in the Project Company;

(xx) “Opening Committee” means the Opening Committee constituted under rule 19;

(xxii) “Performance Security” means the Performance Security mentioned in rule 37;

(xxiii) “Project” means the Design, Build, Financing, Operation and Transfer to the Authority and performance of services provided by the developer in the Economic Zone;

(xxiv) “Project Company” means the company which is incorporated under the laws of Bangladesh by the private-partner for delivery of the Project.
“(xxv) “Request for Proposal” or “RFP” means the Request for Proposal issued by the Authority in order to appoint a developer;

“(xxvi) “Request for Qualification” or “RFQ” means the Request for Qualification documents issued by the Authority in order to pre-qualify and shortlist the prospective bidders;

“(xxvii) “Rules 2014” means the Bangladesh Economic Zones (Appointment of Developer, etc.) Rules, 2014;

“(xxviii) “services” means design, build, finance, operate, transfer and maintenance as detailed in the Developer Agreement provided by the developer in the Economic Zone;

“(xxix) “submission deadline” means the deadline for submission of applications or proposals, as the case may be, as prescribed in the RFQ or RFP documents or the extension thereof under sub-rule (2) of rule 11 or for any other reason; and

“(xxx) “successful bidder” or “selected bidder” means the bidder selected by the Authority upon evaluation of the proposals based on the evaluation criteria as set out in the RFP documents.

(2) The words or expressions used in these rules and not defined but defined in the Act or Rules 2014 shall have the meanings respectively assigned to them in the Act or Rules 2014.

3. Application of Rules 2014.—With respect to the eligibility, rights, privileges and duties of the developer, the provisions of Rules 2014 shall be applicable.

4. Corrupt, fraudulent, collusive, coercive, obstructive Practices, etc. prohibited.—(1) The applicant or bidder shall observe the highest standard of ethics and shall not involve in corrupt, fraudulent, collusive, coercive or obstructive practice during the bidding process and in the case of successful bidder, during the execution and implementation of the Developer Agreement.
Explanatory: For the purpose of this rule—

(i) “corrupt practice” means offering, giving, receiving or soliciting, directly or indirectly, anything of value to improperly influence the actions of the Authority;

(ii) “fraudulent practice” means any act or omission, including a misrepresentation, that knowingly or recklessly misleads or attempts to mislead the Authority with an intent to get any unlawful financial or other benefit or to avoid any lawful obligation;

(iii) “collusive practice” means arrangement between two or more parties designed to achieve an improper purpose including, but not limited to, improperly influencing the actions of another party or the Authority;

(iv) “coercive practice” means impairing or harming or threatening to impair or harm, directly or indirectly, any party or the property of any party to improperly influence the actions of such party;

(v) “obstructive practice” means—

(a) deliberately destroying, falsifying, altering, or concealing evidence and materials relevant for any investigation or making false statements to investigators in order to materially impede an investigation into allegations of a corrupt, fraudulent, coercive or collusive practice; or threatening, harassing or intimidating any party to prevent it from disclosing its knowledge of matters relevant for the investigation or from pursuing the investigation; or

(b) acts intended to materially impede the exercise of the Authority’s inspection and audit rights.

(2) If the Authority finds any reason to believe that any applicant or bidder or any of its personnel, agent, consultant, sub-contractor, service provider, supplier or their employee has engaged directly or indirectly in corrupt, fraudulent, collusive, coercive or obstructive practice, the Authority shall reject the application or proposal of such applicant or bidder and may take such legal action as may be appropriate.
CHAPTER II

PROCESS FLOW IN APPOINTMENT OF DEVELOPER

5. Invitation of bids.—(1) Subject to the provision of sub-rule (2), the Authority, for selecting a developer shall follow a single stage process for inviting the proposals by directly issuing the RFP.

(2) If the Authority considers it necessary for any particular Economic Zone it may follow a two stage process, namely:—

(a) RFQ; and

(b) RFP.

(3) In case of a two-stage process, the RFP shall be issued to the applicants who have been pre-qualified and shortlisted at the RFQ stage.

6. Process flow.—The following process-flow, in accordance with the act, rules 2014, and all other applicable laws, shall be followed in appointment of a developer, namely:—

(a) RFQ stage (applicable in case of a two-stage bidding process):

   (i) preparation of RFQ according to the needs of a particular Economic Zone;

   (ii) issuance of RFQ;

   (iii) submission of queries;

   (iv) Authority’s response to queries;

   (v) pre-application meeting;

   (vi) site visit;

   (vii) submission of application;

   (viii) opening of applications;

   (ix) evaluation of applications;

   (x) finalizing the list of pre-qualified and shortlisted applicants; and

   (xi) notifying the pre-qualified and shortlisted applicants.
(b) RFP stage (applicable in case of both a single stage bidding process as well as two-stage bidding process):

(i) preparation of RFP documents according to the needs of a particular Economic Zone;
(ii) issuance of RFP;
(iii) submission of queries;
(iv) Authority’s response to queries;
(v) pre-proposal meeting;
(vi) site visit;
(vii) submission of bids;
(viii) opening of bids;
(ix) evaluation of bids;
(x) negotiations;
(xi) revision of draft Agreement, when applicable;
(xii) finalization of draft Developer Agreement;
(xiii) issuance of Letter of Award (LoA);
(xiv) signing of the Developer Agreement;

7. Preparation of standard RFQ and RFP documents and its publication—(1) The Authority shall prepare a standard or project specific RFQ and RFP documents in accordance with the applicable laws.

(2) The RFQ or RFP documents shall contain all necessary information and instructions.

(5) The Authority shall publish the RFQ or RFP, as the case may be, in at least two national English and two national Bangla daily newspapers of wide circulation and upload in its official website and the website of any other authority or Authorities, as may be considered necessary and, may publish in one international newspaper or magazine or technical journal of wide circulation or in on-line version of them.
8. **Queries on and clarification of RFQ or RFP.**—(1) Any prospective applicant or bidder having any query on or requiring any clarification of the RFQ or RFP documents may notify the Authority requesting response to such query or clarification.

(2) The Authority shall respond to the query or requests for clarifications from any applicant or bidder.

(3) The Authority may, on its own motion, issue clarifications of the RFQ or RFP documents.

(4) If any change is brought in the RFQ or RFP documents on the basis of response to the query or requests for clarifications, or on Authority’s own motion, the Authority shall notify all the applicants or bidders, as the case may be, of such changes.

(5) All clarifications notified by the Authority shall be deemed to be the part of the RFQ or RFP, as the case may be.

9. **Pre-application or pre-proposal meeting.**—(1) The Authority shall arrange for a pre-application or pre-proposal meeting at the place, date and time to be specified by the Authority according to the time table as set out in the RFQ and RFP documents.

(2) Each prospective applicant or bidder shall be invited to attend the pre-application and pre-proposal meeting, as the case may be.

(3) The purpose of the pre-application and pre-proposal meeting is to—

(a) Provide a technical presentation; and

(b) clarify issues and answer to questions on any matter that may be raised at the meeting.
(4) Each prospective applicant or bidder shall be requested to submit question, if any, in writing to reach the Authority within such date and time as may be specified by the Authority.

(5) Minutes of the pre-application or pre-proposal meeting shall be transmitted, without delay, to all prospective applicants or bidders, as the case may be, and shall be uploaded in the official website of the Authority.

10. **Site visit.**—(1) Each applicant or bidder, whether being advised by the Authority or on its own motion, shall visit and inspect the site of the concerned Economic Zone and its surroundings according to the time and date prescribed by the Authority in the RFQ or RFP documents.

(2) The Authority shall inform all applicants and bidders of the time and date for site visit.

(3) Each applicant and bidder shall obtain for itself on its own responsibility and costs all information including the site information that may be necessary for preparing the application or proposal and for entering into the Developer Agreement.

11. **Amendment of RFQ or RFP.**—(1) Prior to the submission deadline, the Authority may, for any reason, whether on its own accord or in response to a request of any prospective applicant or bidder, amend the RFQ or RFP documents by issuing an addendum.

(2) In the case of amendment of the RFQ or RFP documents, the Authority may, extend the submission deadline.

(3) In the event of amendment of RFQ or RFP under sub-rule (1) and extension of submission deadline under sub-rule (2), the Authority shall publish the addendum and extended submission deadline in accordance with sub-rule (3) of rule 7.
CHAPTER III

SUBMISSION OF APPLICATION OR PROPOSAL

12. Preparing the application or proposal.—The application or proposal, as the case may be, shall be prepared in accordance with the information and instructions contained in the RFQ or RFP.

13. Signing, sealing and marking application or proposal.—(1) The applicant or bidder shall submit, in the sealed envelope, one signed and initialed original of its application or proposal, as the case may be, and the number of copies of the application or proposal, as per instruction provided in the RFQ or RFP document, clearly marking each one as “Original Bid”, copy No.1, Copy No.2”, etc., as may be appropriate.

(2) The original and all copies of the application or proposal shall be typed or written in indelible ink and in the event of any discrepancy between the copies and the original the original shall prevail.

(3) The person duly authorized to bind the bidder shall sign the bid in the following manner, namely:—

(a) by signing the original of the application or proposal; and

(b) by putting initial in all the pages of the original or the application or bid and the documents attached therewith.

(4) The authority of the person signing the bid to bind the bidder shall be demonstrated by a duly notarized Power of Attorney.

14. Bid Security.—(1) The bidders shall submit, with the proposal, a Bid Security in USD or in Bangladeshi Taka, as may be Prescribed in the RFP document, with at least 180 days’ validity.

(2) The Bid Security shall be in the form of Bank Guarantee Acceptable to the Authority and the format of the Bank Guarantee shall be in accordance with format of Bid Security prescribed in the RFP document:
(3) The Bidder shall ensure that the Bid Security remains valid for a period of 60 days after the end of the Bid Validity Period.

(4) Any proposal not accompanied by the Bid Security shall not be taken up for evaluation.

(5) The Authority shall return the Bid Securities of—

(a) the unsuccessful bidders as promptly as practicable;

(b) the successful bidder after providing Performance Security by such bidder.

(6) The Bid Security of a bidder may, in the discretion of the Authority, be forfeited—

(a) if a bidder withdraws its bid during the Bid Validity Period;

(b) if the bidder is found to have engaged in any corrupt, fraudulent, collusive, coercive or obstructive practice mentioned in rule 4;

(c) in the case of the successful bidder, if the successful bidder fails to furnish the Performance Security to the Authority within the prescribed time; and

(d) if the selected bidder fails to sign the Developer Agreement within the stipulated time,

15. **Deadline for submission of application or proposal.**—(1) The application or proposal must be received by the Authority at the submission place and no later than the date and time as prescribed in the RFQ or RFP document or the extension thereof under sub-rule (2) of rule 11 or for any other reason.

(2) The applicant or bidder shall submit its application or proposal in such delivery mode as may be prescribed in the RFQ or RFP documents.
16. **Consequence of late submission of application or proposal.**—Any application or proposal, as the case may be, received by the Authority after the submission deadline shall not be considered and shall be returned unopened to the respective applicant or bidder.

17. **Bid Validity Period.**—(1) A bid shall remain valid for 180 days after the submission deadline.

(2) The Authority may extend the Bid Validity Period with the consent of the respective Bidder.

(3) If the Bid Validity Period is extended under sub-rule (1) the, the bidder shall ensure that the Bid Security shall remain valid for a period of 60 days from the end date of such extension.

18. **Modification, substitution or withdrawal of application or proposal.**—The applicant or bidder may modify, substitute or withdraw its application or proposal, as the case may be, after submission in the manner as prescribed in the RFQ or RFP document;

Provided that written notice of the modification, substitution or withdrawal is received by the Authority prior to the submission deadline.

**CHAPTER IV**

**OPENING AND EVALUATION OF APPLICATIONS OR PROPOSALS**

19. **Constitution of Opening Committee.**—(1) The Authority may constitute an Opening Committee for opening of the applications or proposals comprising of one member from the Evaluation Committee and two members from the Authority’s office as nominated by the Executive Chairman.

(2) The Authority may designate one of the members of Opening Committee as the Chairperson and one of them as the Member Secretary.

20. **Constitution of the Evaluation Committee.**—(1) The Authority shall constitute and Evaluation Committee before the submission deadline for evaluation of applications or proposals Comprising of minimum 5 (five) members and maximum 7 (seven) members of whom at least 2 (two) shall be the external members who shall be outside from the administrative Ministry.
(2) The members of the Evaluation Committee may be nominated from the following offices, namely:—

(a) representatives from the Authority;

(b) representatives from the administrative Ministry; and

(c) officers experienced in technical, commercial financial or legal matters from other ministries or divisions, agencies, or experts from universities or reputable professional bodies or specialists from the relevant fields in the case of external members.

(3) The Authority may designate one of the Members of Evaluation Committee as the Chairperson and one of them as the Member Secretary.

21. Declaration by the Evaluation Committee Members—Each member of the Evaluation Committee shall sign individually a Declaration of Impartiality in the manner prescribed in the Schedule-1.

22. Replacement of member of Evaluation Committee:—The Authority may replace any member of the Evaluation Committee by a new member for any of the following reasons, namely:—

(a) if a member has business links or relationship with any of the applicants or bidders;

(b) if a member remains absent for 2 (two) consecutive meetings of the Evaluation Committee;

(c) if a member dies, remains absent from the country or is transferred; or

(d) if it deems necessary for proper and expeditious evaluation of the applications or proposals.

23. Appointment of Technical Sub-committee, etc—The Authority may appoint a Technical Sub-committee, if needed, for proper evaluation of the applications or proposals or the Evaluation Committee may, with the approval of the Authority, subject to the number limitation in sub-rule (1) of rule 20, co-opt any person in the Evaluation Committee.
24. **Honorarium for the Committee Members**—The Authority may:—

(a) determine honorarium of the members of Opening Committee and Evaluation Committee; and

(b) provide the necessary resource and facilities for the said Committees to enable them to carry out the opening and evaluation in an expeditious manner.

25. **Procedure for opening of applications and proposals:**—(1) The opening Committee shall open the applications or Proposals, including modifications, substitution, withdrawal notices or requests, at the time, date and place specified for opening, in the presence of the bidders’ representatives, if any.

(2) The representative of the bidders who attend at the opening of the applications or proposals shall sign a register to record their attendance:

provided that the opening procedure shall not be invalid for the reason of not putting the signature by any such representative.

26. **Preliminary examination of applications or proposals:**—(1) The Opening Committee shall preliminarily examine each application or proposal in line with the instructions set out in the RFQ or RFP documents to assess the application or proposals’ completeness and eligibility.

(2) The ineligible and incomplete application or proposal shall be eliminated at this stage and shall not be considered for evaluation.

27. **Working procedure of the Evaluation Committee**—(1) The meetings of the Evaluation Committee shall be held with notice to all its members and the meeting shall be valid only when two-third members of it are present therein.

(2) The Evaluation Committee may work over successive days once they have begun the evaluation or may work with short interval subject to completion of the evaluation within the time prescribed by the Authority.

(3) The Evaluation Committee Members shall examine and evaluate the applications or proposals, as the case may be, in accordance with the provisions of the Act, Rules 2014, these rules and the terms, conditions and instructions of the RFQ or RFP documents.
28. **Criteria for selection of developer:**—(1) A bidder may be evaluated as the successful bidder on the following criteria, namely:—

(a) technical criteria:

   (i) design philosophy, drawings and project concepts;
   
   (ii) project marketing concept;
   
   (iii) implementation plan;
   
   (iv) environmental and social development impact;
   
   (v) operation and maintenance;
   
   (vi) key staff, organization and development agreement administration plan; and
   
   (vii) economic growth and job creation.

(b) financial criteria:

   (i) projected capital investment, operational cost and revenue;
   
   (ii) projected source of financing; and
   
   (iii) payments and returns to the Authority.

(2) The criteria under sub-rule (1) are not intended to restrict the Authority’s discretion to set out more criteria in the RFQ and RFP documents.

29. **Clarification of applications or proposals.**—(1) During evaluation, the Evaluation Committee with the approval of the Authority, may, if necessary, ask the applicants or bidders for any clarification of its application or proposal.

(2) The applicant or bidder shall respond to the request of the Evaluation Committee within the prescribed time and in the manner prescribed in the RFQ or RFP documents.

30. **Recommendation of the Evaluation Committee, its approval, etc.**—

(1) The Evaluation Committee, after completion of evaluation of the applications or proposal, shall prepare the evaluation report and submit it to the Authority which, among other necessary details, shall contain:

   (a) in the case of applications, particulars of short-listed and prequalified applicants; and
   
   (b) in the case of proposals, recommendations with reasons for identifying the successful bidder.
(2) The Evaluation Committee shall sign collectively in the evaluation report by certifying in the manner prescribed in the Schedule-11.

(3) The Authority upon reviewing the evaluation report with the recommendation and the reasons for such recommendation may either—

(a) approve the recommendation and accept any application or proposal as recommended; or

(b) seek any clarification from the Evaluation Committee on any specific issues in connection with such evaluation report and recommendation; or

(c) explaining the reasons—

(i) reject the evaluation report and request the Evaluation Committee for a re-evaluation; or

(ii) reject the evaluation report and issue instructions to re-process the appointment of developer.

31. **Authority’s right to accept or reject applications or proposals and waive minor irregularities.**—(1) The Authority, upon sufficient reasons to be recorded, may—

(a) reject any application or proposal;

(b) annul the bidding process and reject all application or proposal;

(c) commence a new bidding process after annulment of bidding process and rejection of all Application and/or proposal.

(2) The Authority may waive any minor informalty, nonconformity or irregularity in any application or proposal if such informalty, nonconformity or irregularity does not—

(a) constitute any material deviation from the provisions of RFQ or RFP documents, the Act, Rules 2014, these rules and the applicable laws; and

(b) prejudice or affect the qualification or relative ranking of any other applicant or bidder in any way, particularly in technical and financial evaluation.
(3) Nothing in sub-rule (1) is intended to permit the Authority to refuse to provide reasons for rejection to an unsuccessful applicant or bidder, if requested.

(4) The Authority, at its direction or on application of any applicant or bidder, may allow rectification of any bona fide arithmetical errors in any application or proposal.

(5) If any applicant or bidder refuse to accept the rectification, made under sub-rule (4), its application or proposal, may be rejected.

32. **Negotiation**—The Authority may make necessary arrangements for negotiation with the successful bidder on any issue that may be considered relevant.

**CHAPTER V**

**PREPARATION, FINALIZATION AND SIGNING OF DEVELOPER AGREEMENT**

33. **Format of Developer Agreement:**—(1) The Authority may develop a format of standard Developer Agreement which may be modified on case to case basis to reflect the unique requirements for individual Economic Zone.

(2) The Developer Agreement shall, among others things, contain—

(i) day, month and year of signing;

(ii) name and official address of the Authority and the developer with country of incorporation, principal place of business and shall include the name of the developer’s parent company or any other entity or entities, as required by the Authority;

(iii) reference of law empowering the Authority and necessary approval for signing the Agreement;

(iv) purpose of entering into the Agreement;

(v) short statement of developer’s ability to serve the purpose;

(vi) developer’s capacity to enter into the agreement;

(vii) reference to developer’s parent company’s guarantee;

(viii) period of lease and provision relating to its extension;
(ix) effective date, starting and completion dates of design-build service and new operations service;

(x) rights and obligations of the parties;

(xi) amount and procedure of payment and returns by the developer to the Authority which shall include one-time up-front payment per acre of gross land, annual land lease payment per square meter of leased land with the escalation formula and payment on Profit and Revenue Sharing;

(xii) amount of investment to be made by the developer in setting up and operation of the Economic Zone;

(xiii) specification and standards of design-build services and operation services and provisions for execution of those services;

(xiv) provisions relating to—

(a) administration, supervision, monitoring of the Economic Zone;

(b) reporting obligation of the developer; and

(c) maintenance, inspection and audit of the developer’s records and accounts;

(xv) provisions for generating revenue by the developer including, levy and collection of appropriate rentals and user based-service charges from the Economic Zone Users;

(xvi) provision in respect of taxes and duties, charges, fees payable and exemption therefrom to be enjoyed by the developer;

(xvii) prohibition clause with a list of prohibited acts;

(xviii) provisions relating to labor safeguards, equal treatment for national and foreign enterprises, gender equality and environmental protection;

(xix) necessary Appendix, Annexure, Attachment and Forms;

(xx) remedies for breach and delay in providing the required services;
(xxi) provisions relating to unforeseeable adverse physical condition, force majeure, change in laws and other risks and consequences thereof, liability and risk distribution, indemnification and insurance;

(xxii) termination clauses which includes termination by the Authority, termination by the developer, termination for no breach of either party, effect and consequence of termination, arrangement for keeping the Economic Zone Activities and facilities operational and other provisions as required for the concerned Economic Zone;

(xxiii) survival obligation upon termination or expiration of Agreement;

(xxiv) mode and process of transfer of Economic Zone to the Authority after expiry of Developer Agreement term;

(xxv) dispute resolution mechanism; and

(xxvi) other necessary provisions in accordance with the RFP documents and as may be necessary for a particular Economic Zone.

(3) The format of Developer Agreement is not intended to restrict the discretion of the Authority to any addition, alteration and modification, as needed to meet the unique requirements for a particular Economic Zone.

34. Preparing, initialing and finalizing the draft Developer Agreement.—(1) The Authority shall prepare the draft of the Developer Agreement in accordance with rule 33 incorporating all necessary terms and conditions including the outcome of the negotiation, if any.

(2) The draft Developer Agreement shall be initialed by the Authority and the successful bidder.

(3) The Authority shall finalize the draft of the Developer Agreement after vetting from the legislative and Parliamentary Affairs Division and approval from the Cabinet Committee on Economic Affairs.

35. Letter of Award.—(1) When the draft Developer Agreement is finalized under rule 34, the Authority, prior to the expiration of the Bid Validity Period, may issue Letter of Award (LoA) to the successful bidder.
(2) The LoA shall contain the provisions, among others, clearly indicating that—

(a) the LoA alone, before signing the Developer Agreement by the parties does not create any right to the successful bidder as the developer or any obligation on it except providing Performance Security and compliance of the requirements to be notified by the Authority under rule 36; and

(b) the Authority reserves the right to revoke the LoA for any reason justifying such revocation.

(3) If the LoA is revoked after providing Performance Security under rule 37 and commencement of compliance of the requirements under rule 36, for no fault of the successful bidder, the Authority shall make necessary arrangements for refund of the Performance Security and shall pay to the successful bidder the actual cost incurred by it, if any, for undertaking the works for compliance of the requirements.

(4) The Authority and the successful bidder shall, upon mutual agreement, make an assessment of actual cost under sub-rule (3).

(5) The Authority, either in the LoA or in a separate communication, shall provide the instruction to the successful bidder to comply with the requirements as provided in rule 36.

36. **Requirements to be complied with by the successful bidder.**—(1) The Authority shall, according to the time schedule given in the RFP document, notify the successful bidder, either in the LoA or by issuing a separate letter, of the requirements to be complied with by the successful bidder and the following, but not limited to, shall be the requirements to be complied with by the successful bidder, namely:—

(a) submitting of a comprehensive master plan that includes land use planning and zoning, on-site infrastructure plans and phasing plans;
(b) carrying out a feasibility study with business and marketing plan of the designated Economic Zone land and such feasibility study shall clearly demonstrate that—

(i) the Economic Zone is economically and financially viable and commercially sustainable; and

(ii) the Economic Zone will provide benefits to Bangladesh such as increased investment, job creation and diversification of exports that outweigh the costs incurred by the Government to facilitate the project; and

(c) carrying out an environmental and social impact assessments which shall contain approved environmental management plan and appropriate health and safety schemes to mitigate negative impacts.

37. **Performance Security**.—(1) Within the time specified in the RFP documents, the successful bidder awarded with the LoA shall provide, to the Authority, security for the proper performance of its obligation under the Developer Agreement.

(2) The performance Security shall be furnished in the prescribed format and in the form of Bank Guarantee acceptable to the Authority, of the amount and for a validity period as specified in the RFP documents.

38. **Signing of Developer Agreement**.—After satisfactory compliance of the requirements under rule 36 by the successful bidder, the person authorized by the Authority and the person authorized by the successful bidder shall sign and date the Developer Agreement and initial each page of the Developer Agreement on the date and at the time as may be prescribed by the Authority in accordance with the time table contained in the RFP documents.

39. **Effective date**.—The Developer Agreement shall come into force and be effective from the date of signing the Developer Agreement by the parties or from any date agreed by the both parties.

**CHAPTER VI**

**EXPIRATION, EXTENSION, SUSPENSION, TERMINATION, EFFECT OF TERMINATION OF DEVELOPER AGREEMENT**

40. **Expiration, extension, suspension, termination, effect of termination of Developer Agreement**.—With respect to expiration, extension, suspension, termination, effect of termination, etc. of the Developer Agreement, the provisions of Rules 2014 shall be applicable.
CHAPTER VII
DISPUTE RESOLUTION

41. Appointment of Adjudicator.—(1) The Authority shall propose a panel of 3 (three) persons out of whom the bidder may short list 2(two) persons and the Authority shall appoint one of those 2(two) persons as the Adjudicator at the hourly fees.

(2) Resumes with description of reimbursable expenses of the named 3(three) persons shall be attached to the RFP Documents.

(3) The Adjudicator shall be paid his fees and shall be reimbursed for the actual expenses incurred in execution of his duties as the Adjudicator. The Adjudicator’s fee shall be borne equally by the Authority and the developer.

(4) if the Adjudicator resigns or dies or is removed by the Authority, another person from the 2(two) persons shortlisted by the bidder shall be appointed as the Adjudicator.

42. Settlement of Disputes by mutual consultation or Adjudicator.—(1) If any dispute arises between the Authority and the developer in connection with or arising out of any provision of the Developer Agreement including any question regarding the existence, validity or termination of the Developer Agreement and any matter related to the performance of the services and rights and obligations, the parties shall seek to resolve any such dispute of difference by mutual consultation.

(2) if the parties fail to resolve a dispute of difference by mutual consultation, the dispute shall be referred in writing, by either of the parties, to the Adjudicator with a copy to the other party.

(3) The Adjudicator shall give its decision in writing to the both parties no later than 30 days after the referral of a dispute.

(4) The Adjudicator’s decision shall become final and binding upon the Authority and the developer, if no notice of intention to commence arbitration has been given by either the Authority or the developer within 30 days after the Adjudicator’s decision on the dispute.

(5) Any decision of the Adjudicator, that has become final and binding, shall be implemented by the parties.

43. Arbitration.—(1) If either the Authority or the developer is aggrieved by the Adjudicator’s decision, or if the Adjudicator fails to give a decision within 30 days after a dispute being referred to it, either the Authority or the developer may, within 60 days after such referral, give notice to the other party, with a copy of such notice to the Adjudicator, of its intention to commence arbitration on the issue in dispute.
(2) Any dispute in respect of which a notice of intention to commence arbitration has been given, shall be finally settled by Arbitration in accordance with the laws in force in Bangladesh.

(3) The venue of arbitration shall be Dhaka, Bangladesh.

44. **Obligations of the parties pending reference to the Adjudicator or during Arbitration.**—Notwithstanding any reference to the Adjudicator of Arbitration, the parties shall continue to perform their respective obligations under the Developer Agreement until the matter in dispute is disposed of by the Adjudicator or through Arbitration or unless the parties otherwise agree.

**Schedule-I**

*See rule 21*

I............................................................ do hereby declare and confirm that I have no business links or relationship with any of the competing applicants/bidders.

**Schedule-II**

*See rule 30*

The Evaluation Committee certifies that the evaluation has been performed in accordance with the requirements of the Act, Rules 2014, these Rules and the terms and conditions of the RFQ/RFP documents;

That all facts and information have been correctly reflected in the Evaluation Report; and

That no substantial or important information has been omitted and overlooked.

By order of the President,

NAFIUL HASAN

Director.
S.R.O No. 168-Law/ 2015/735 - VAT.- In exercise of the powers conferred under Sub-section (1) of Section 14 of the Value-Added Tax Act, 1991 (Act No.22 of 1991), for the Investor Enterprises in the Bangladesh Economic Zones, re-registered under the said Act, the Government is pleased to,

(a) exempt the Value-added Tax at the rate shown in Column 4 for the supply of goods used at the phase of production of goods, described under column 3 within the heading No. and corresponding H.S. Code of the First Schedule of the Customs Act,1969 (Act No. IV of 1969), as mentioned in column (1) and (2) of Table- 1 below, namely:-

<table>
<thead>
<tr>
<th>Heading No. (1)</th>
<th>H.S. Code (2)</th>
<th>H.S. Code (3)</th>
<th>Rate of Exemption from Value-Added Tax (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>27.11</td>
<td>27.11.21.00</td>
<td>Natural Gas</td>
<td>80 (eighty eight) percent</td>
</tr>
</tbody>
</table>

(b) exempt the Value-Added Tax at the rate shown in Column 4, for the services provided at the phase of production of goods, described under column 3 within the heading No. and corresponding H.S. Code, specified in the SRO No.168-Law/2013/672-VAT as mentioned in column (1) and (2) of Table- 2 below,
Table 2

<table>
<thead>
<tr>
<th>Heading Nos.</th>
<th>Service Code</th>
<th>Name of Service</th>
<th>Rate of Exemption from Value-Added Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
<td>(4)</td>
</tr>
<tr>
<td>S025</td>
<td>S025.00</td>
<td>WASA</td>
<td>80 (eighty) percent</td>
</tr>
<tr>
<td>S037</td>
<td>S037.00</td>
<td>Procurement Provider (Except petroleum goods)</td>
<td>100 (one hundred) percent</td>
</tr>
<tr>
<td>S057</td>
<td>S057.00</td>
<td>Electricity Distributor</td>
<td>80 (Eighty) percent</td>
</tr>
</tbody>
</table>

2. For enjoying the exemption from the Value-Added Tax under this Notification, the Enterprises mentioned in Clauses 1 shall have to follow the procedure prescribed by the order issued by the National Board of Revenue under rule 38 of the Value-Added Tax Rules, 1991.

By order of the President

Md. Nojibur Rahman
Secretary
Government of the People’s Republic of Bangladesh

Ministry of Finance
Internal Resource Division
(Income-tax)
Notification

Date: 17 Ashar, 1422 Bangla Era / 1 July, 2015 Christian Era

S.R.O No. 208-Law/ 2015/46/ Customs.- In exercise of the powers conferred under Sub-section (1) of Section 19 of the Customs Act, 1969 (Act No. IV of 1969), read with Sub-section (1) of Section 14 of the Value-Added Tax Act, 1991 (Act No.22 of 1991), in consultation with the National Board of Revenue, for the purpose of establishing Economic Zone according to the provision of Section 4 of the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010), the Government is pleased to exempt the Developer appointed under Section 8 of the said Act from payment of all Import Duties, Regulatory Duties, Supplementary Duties and Value-Added Tax imposable on import of goods for using in development of Economic Zone subject to the following conditions, namely:-

Conditions

(1) The Economic Zone Developer shall have to be registered for Value-Added Tax;
(2) for import of goods under this Notification, information in respect of name, description and quantity of the goods shall have to be approved and certified by the Economic Zones Authority (BEZA):
provided that, this exemption benefit shall not be applicable for import of easily available construction materials, such as M S rod/bar, cement, pre-fabricated building, iron/ steel sheet;
(3) This exemption benefit shall not be applicable for import of goods which are not directly related to development and construction of Economic zone, such as: - office equipment, air conditioner, refrigerator, passenger- bus, articles for household use and other similar goods.

By order of the President
Signed

Md. Nojibur Rahman
Secretary

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Government of the People’s Republic of Bangladesh
Ministry of Finance
Internal Resource Division
(Income-tax)
Notification
Date: 17 Ashar, 1422 Bangla Era / 1 July, 2015 Christian Era

S.R.O No. 209-Law/ 2015/46/ Customs.- In exercise of the powers conferred under sub-section (1) of section 19 of the Customs Act, 1969 (Act No. IV of 1969), read with Sub-section (1) of Section 14 of the Value- Added Tax Act, 1991 (Act No.22 of 1991, in consultation with the National Board of Revenue, the Government is pleased to exempt from payment of all Import Duties, Regulatory Duties, Supplementary Duties and Value Added Tax imposable on importation of capital machineries and construction materials for the purpose of establishing Economic Zone according to the provision of section 4 of the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010), by the Industrial Units of the said Economic Zone mentioned in section 11 of the said Act, subject to the following conditions, namely:-

Conditions

(1) The Industrial Unit of the Economic Zone shall have to be registered for Value Added Tax.

(2) In the case of importation of goods under this Notification, statement in respect of name, description and quantity of the goods shall have to be approved and certified by the Economic Zones Authority (BEZA):

provided that, this exemption benefit shall not be applicable for importation of easily available construction materials, such as M.S. rod/bar, cement, pre-fabricated building, iron/steel sheet.

(3) This Exemption benefit shall not be applicable for importation of goods which are not directly related to development and construction of Economic Zone, such as:- office equipment, air conditioner, refrigerator, articles for household use, food-articles and drinks and other similar consumable goods.

By order of the President

Signed

Md. Nojibur Rahman
Secretary

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Government of the People’s Republic of Bangladesh
Ministry of Finance
Internal Resource Division
(Customs and Value-Added Tax)
Notification
Date: 17 Ashar, 1422 Bangla Era / 1 July, 2015 Christian Era

S.R.O No. 210-Law/2015/47/ Customs.- In exercise of the powers conferred under Sub-section (1) of Section 19 of the Customs Act, 1969 (Act No. IV of 1969), read with Sub-section (1) of Section 14 of the Value-Added Tax Act, 1991 (Act No. 22 of 1991), in consultation with the National Board of Revenue, the Government, is pleased to exempt from payment of all Import Duties, Regulatory Duties, Supplementary Duties and Value Added Tax imposable on vehicles imported in the Economic Zone established under section 4 and declared under section 5 of the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010), by the Industrial Units mentioned in Section 11 of the said Act, subject to the following conditions, namely,-

Conditions

(1) The Industrial Unit shall have to invest at least 10 million US Dollar or equivalent money or there shall be at least 500 manpower working in the concerned Industrial Unit.

(2) At the time of assessment of duties and clearance, approval and certificate in that respect from the Bangladesh Economic Zones Authority shall have to be submitted to the Customs Authority.

(3) One sedan Car with 2000 CC Engine capacity and one Microbus/ Pickup Van/ Double Cabin Pickup may be imported.

(4) The imported vehicle shall not be transferred or sold within 5 years:

provided that, in the case of transfer or sale within 5 years, the provisions of Standing Order (Customs) No. 100/2000/shulka Dated 25 July 2000 issued by the National Board of Revenue shall be Applicable.

(5) An Industrial Unit of the Economic Zone may import the Vehicles only once under this Notification.

(6) the word BEZA shall be inscribed before the Serial Number on the Number Plate.

(7) The vehicle imported under this Notification shall not be used for any other activity or for any commercial purpose except for production and related activities of the importing Industrial Unit.

By order of the President
Signed
Md. Nojibur Rahman
Secretary

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Government of the People’s Republic of Bangladesh
Ministry of Finance
Internal Resource Division
(Customs)
Notification
Date: 17 Ashar, 1422 Bangla Era / 1 July, 2015 Christian Era

S.R.O No. 211-Law/ 2015/48/ Customs.- In exercise of the powers conferred under Sub-section (1) of Section 219, read with section 13 and Chapter IX of the Customs Act, 1969 (Act No. IV of 1969), hereinafter referred to as the said Act, in consultation with the National Board of Revenue, for the purpose of carrying out the activities relating to customs on import and export by the Industrial Units established in the Economic Zone set up by the Bangladesh Economic Zones Authority under Section 4 of the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010), hereinafter referred to as the said Ain, the Government is pleased to frame the following Rules, namely:-

1. **Short title and Application.** - (1) These Rules may be called the Bangladesh Economic Zones Warehousing Station Rules, 2015.

(2) It shall be applicable to the Economic Zones established under Section 4 of the Bangladesh Economic Zones Act, 2010.

2. Each Economic Zone established under the provision of the said Ain shall be treated to be a Warehousing Station.

3. The Industrial Units established in the Economic Zones shall not import the raw materials and ingredients usable for production of its products under the Bond Arrangements, without paying the Import Duty, Supplementary Duty and Value Added Tax applicable at the time of importation.

4. In the case of sale or transfer of the product manufactured by an Industrial Unit for home consumption outside the Economic Zones, it shall be treated to be the import and all the applicable Custom duties shall be imposed on it:

    provided that one hundred percent export oriented Industrial Unit shall not sale any product for home consumption in excess to the quantity as prescribed by the National Board of Revenue.

By order of the President
Signed
Md. Nojibur Rahman
Secretary

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NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Government of the People’s Republic of Bangladesh

Ministry of Finance
Internal Resources Division
(Income-tax)

NOTIFICATION

Date: the 24th Ashar, 1422 BE/8th July, 2015 AD

S.R.O. No. 226-Law/Income-tax/2015.—In exercise of the powers conferred by clause (b) of sub-section (4) of section 44 of the Income-tax Ordinance, 1984 (Ordinance No. XXXVI of 1984), hereinafter referred to as the said Ordinance, the Government is pleased to exempt any company which is defined under section 2(20) of the said Ordinance and operated for the purposes of producing goods and providing services in the economic zone established and declared respectively under sections 4 and 5 of the Bangladesh Economic Zones Act, 2010 (Act No. XLII of 2010), from the income-tax payable on all of its income arising out of its commercial operation run in the said economic zone at the rate of 100% for the 1st 2nd and 3rd year, 80% for the 4th year, 70% for the 5th year, 60% for the 6th year, 50% for the 7th year, 40% for the 8th year, 30% for the 9th year and 20% for the 10th year:

Provided that the company established in the said economic zone shall have to—

(a) obtain T. I. N; and

(b) maintain accounts properly under section 35 and file income-tax return with the concerned income-tax authority within the time rescribed under section 75 of the said Ordinance.

By order of the President

Md. Nojibur Rahman
Secretary.
Government of the People’s Republic of Bangladesh
Ministry of Finance
Internal Resources Division
(Income-tax)

NOTIFICATION

Date: the 24th Ashar, 1422 BE/8th July, 2015 AD

S.R.O. No. 227-Law/Income-tax/2015.-In exercise of the powers conferred by clause (b) of sub-section (4) of section 44 of the Income-tax Ordinance, 1984 (Ordinance No. XXXVI of 1984), hereinafter referred to as the said Ordinance, the Government is pleased to exempt any economic zones developer appointed under section 8 of the Bangladesh Economic Zones Act 2010, (Act No. XLII of 2010), hereinafter referred to as the said Act, from the income-tax payable on its all kinds of income arising out of its commercial operation run in an economic zone established and declared respectively under sections 4 and 5 of the said Act at the rate of 100 % for the 1st 10 years, 70% for the 11th year and 30% for the 12th year effecting from the commencement of its commercial operation, subject to the following conditions, namely:-

**Conditions**

1. the economic zone developer shall have to be a company as defined under section 2 (20) of the said Ordinance;
2. the economic zone developer shall have to obtain T.I.N.; and
3. the economic zone developer shall have to maintain accounts properly under section 35 and file income-tax return with the concerned income-tax authority within the time prescribed under section 75 of the said Ordinance.

Explanation :- In this notification, “commencement of commercial operation” means the date on which the economic zone developer company starts receiving or earning income from business.

By order of the President

**Md. Nojibur Rahman**
Secretary.
Government of the People’s Republic of Bangladesh

Ministry of Finance
Internal Resource Division
[Customs]
Notification
Date: 24 August 2015 Christian Era/ 09 Vadra 1422 Bangla Era,

S.R.O No.263-Law/ 2015/53/ Customs.- The National Board of Revenue , in exercise of the powers conferred under Section 11 of the Customs Act, 1969 (Act No. IV of 1969), hereby declare the “Mongla Economic Zone” declared in the notification SRO No.98-Law/2015 Dated 3 Jaistha, 1422corresponding to 17 May, 2015 published by the Prime Minister’s Office, as the “Warehousing Station”.

By order of the President

Md. Nojibur Rahman
Secretary

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Government of the People's Republic of Bangladesh  
Ministry of Finance  
Internal Resources Division  
(Income-tax)  
NOTIFICATION  

Date : the 23rd Ashwin, 1422 BE/8th October, 2015 AD  

S.R.O. No. 298-Law/Income-tax/2015.-In exercise of the powers conferred by clause (b) of sub-section (4) of section 44 of the Income-tax Ordinance, 1984 (Ordinance No. XXXVI of 1984), hereinafter referred to as the said Ordinance, the Government is hereby pleased to exempt any foreign employee having technical knowledge, employed in a company which is defined under clause (20) of section 2 of the said Ordinance and operated for the purposes of producing goods and providing services in any economic zone established and declared respectively under sections 4 and 5 of the Bangladesh Economic Zones Act, 2010 (Act No. XLII of 2010), from up to 50% (fifty percent) of the income-tax payable on his income earned for a period of 3 (three) years from the date of his employment:

Provided that the said foreign employee shall not be entitled to such exemption after expiry of 5 (five) years from the commencement of commercial operation of the company.

2. Before making the exemption mentioned in clause (1), the said foreign technician shall have to -
   (a) obtain T.I.N.; and
   (b) file income-tax return with the concerned income-tax authority within the time prescribed under section 75 of the said Ordinance.

Explanation :- In this notification, “commencement of commercial operation” means the date on which the company starts receiving or earning income from business run in the economic zone.

By order of the President  

Md. Nojibur Rahman  
Secretary.
Government of the People’s Republic of Bangladesh
Ministry of Finance
Internal Resources Division
(Income-tax)

NOTIFICATION

Date: the 23rd Ashwin, 1422 BE/8th October, 2015 AD

S.R.O. No. 299-Law/Income-tax/2015.-In exercise of the powers conferred by clause (b) of sub-section (4) of section 44 of the Income-tax Ordinance, 1984 (Ordinance No. XXXVI of 1984), hereinafter referred to as the said Ordinance, the Government is hereby pleased to exempt any company which is defined under clause (20) of section 2 of the said Ordinance and operated for the purposes of producing goods and providing services in any economic zone established and declared respectively under sections 4 and 5 of the Bangladesh Economic Zones Act, 2010 (Act No. XLII of 2010), from income-tax payable on:

(a) dividend declared by the said company for 10 (ten) years from the commencement of its commercial operation;

(b) capital gain arising out of transfer of shares of the said company within 10 (ten) years from the commencement of its commercial operation;

(c) royalties, technical know-how and technical assistance fees payable within 10 (ten) years from the commencement of its commercial operation.

2. In case of making the exemption mentioned in clause (1), the said company shall have to-

(a) obtain T.I.N.; and

(b) file income-tax return with the concerned income-tax authority within the time prescribed under section 75 of the said Ordinance.

Explanation:- In this notification, “commencement of commercial operation” means the date on which the company starts receiving or earning income from business run in the economic zone.

By order of the President

Md. Nojibur Rahman
Secretary
Government of the People’s Republic of Bangladesh
Ministry of Local Government, Rural development and Co-operatives

Local Government Division

Notification

Date: 28 kartik, 1422 BE/ 12 November, 2015 AD

S. R. O No.333- Law/ 2015.- In exercise of the powers conferred by section 13 of the Bangladesh Economic Zones Act, 2010 (Act No.42 of 2010), the Government is pleased to Exempt the Economic Zones declared notification in the official Gazette under sub-section (1) of section 5 of the said act and the Enterprises located in such Economic Zones from the application of the provisions relating to imposition of Tax, Cess, Rate, Toll, Fess etc. under section 65 of the Local Government (Union Parishad) Act, 2009 (Act No.61 of 2009).

By order of the President

Abdul Malek
Secretary

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Government of the People’s Republic of Bangladesh
Ministry of Land

Law Branch-3

Notification

Date: 28 Paush, 1422 BE/ 11 January, 2016 AD

S. R. O No. 05- Law/ 2016- For the purpose of keeping the Economic Zones declared under section 5 of Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010) free from the purview of Land Development Tax, the Government, in exercise of the powers conferred by clause (i) of subsection (1) of section 13 of the said Act, is pleased to exempt those Zones from the application of the Land Development Tax ordinance. 1976 “Ordinance No. XLII of 1976”

By order of the President

Mesbah Ull Alam
Secretary

__________________________________________________________________________________

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Government of the People’s Republic of Bangladesh  
Internal Resources Division  
Stamp Administration Branch  

Notification  

Date: 29 Paush, 1422 BE/ 12 January, 2016 AD  

S. R. O No.06- Law/ 2016.- In exercise of the powers conferred by clause (a) of section 9 of the Stamp Act,1899 (Act No. II of 1899) the Government is pleased to reduce 50% (fifty percent) of the total stamp duty imposable on the lease deed to be executed for allotment of land, building or space to a person permitted for setting up industrial or commercial enterprise in the Economic Zone established under section 4 of Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010) for the purpose of section 16 of the said Act.

By order of the President  

Md. Nojibur Rahman  
Secretary  

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NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Government of the People’s Republic of Bangladesh  
Internal Resources Division  
Stamp Administration Branch  

Notification  

Date: 29 Paush, 1422 BE/ 12 January, 2016 AD  

S. R. O No.07- Law/ 2016.- In exercise of the powers conferred by clause (a) of section 9 of the Stamp Act, 1899 (Act No. II of 1899) the Government is pleased to remit hereby the whole stamp duty imposable on the mortgage deed against the documents for loan from any scheduled bank or financial institution to the developer appointed under section 8 of the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010), hereinafter referred to as that said Act, for development of Economic Zone established under section 4 of the said Act.  

**Explanation:-** For the purpose of this order-  

(a) “Scheduled Bank” means any scheduled bank defined under the Bangladesh bank order, 1972 (PO No. 127 of 1972);  
(b) “Financial Institution” means the Financial Institutions established under the Financial Institutions Act, 1913 (Act No. 27 of 1913)  

By order of the President  

Md. Nojibur Rahman  
Secretary  

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*NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.*
S. R. O No.08- Law/ 2016.- In exercise of the powers conferred by clause (a) of section 9 of the Stamp Act, 1899 (Act No. II of 1899) the Government is pleased to remit hereby the whole of the stamp duty imposable on the first lease deed to be executed with Bangladesh Economic Zones Authority to the developer appointed under section 8 of the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010).

By order of the President

Md. Nojibur Rahman
Secretary

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail.
Foreign Exchange Policy Department
Bangladesh Bank
Head Office, Dhaka.
www.bb.org.bd.

FE Circular No. 22

Date: 09 August, 2016

All Authorised Dealers of
Foreign Exchange in Bangladesh

Foreign Exchange Regulations applicable for enterprises and
developers operating in Economic Zones (EZs) in Bangladesh

Attention of the authorised dealers (AD) is drawn to the FE Circular No 04, February 14, 2016 regarding the above mentioned subject. In consultation with the Bangladesh Economic Zones Authority (BEZA) decision has been taken to issue a new FE Circular by replacing the above mentioned circular as follows:

1. Introduction: By an Act of Parliament, namely ‘The Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010), Economic Zones (EZs) will be established in all potential areas including backward and underdeveloped regions under the supervision of the BEZA. The broad features relating to the operations of the industrial enterprises in the zones will be published by BEZA.

2. Foreign Exchange Transactions by the Entities in EZs: Foreign exchange regulations applicable for entities in Export Processing Zones (EPZs) in Bangladesh established under the Bangladesh Export Processing Zones Authority (BEPZA) Act, 1980 shall be applicable equally for the entities in EZs also, if not otherwise directed by Bangladesh Bank. Such regulations are enumerated in Guidelines for Foreign Exchange Transactions (GFET), 2009 (Volume 1 & 2) published by Bangladesh Bank and FE circulars/circular letters issued by Bangladesh Bank from time to time which are available in its website. However, for ready reference and better understanding of the concerned, few major issues of foreign exchange regulations applicable for the entities of EZs are enumerated in subsequent paragraphs.

3. For foreign exchange regulatory purpose, the units located in the EZs shall be categorized as following units:

(a) Type A: 100 percent foreign owned including those owned by Bangladeshi nationals ordinarily resident abroad;

(b) Type B: Joint venture projects between foreign and Bangladesh entrepreneurs resident in Bangladesh;

(c) Type C: 100 percent Bangladeshi entrepreneurs resident in Bangladesh.

4. (I) Maintaining Foreign Currency and Taka Accounts: 'Type A', 'Type B' and 'Type C' units in EZs shall maintain foreign currency accounts as mentioned in Section V, Chapter 13, GFET, 2009 (Volume 1) with ADs. Type A units may
open and maintain such accounts with Offshore Banking Units (OBUs) of scheduled banks of Bangladesh also. Proceeds from exports by entities of different types of EZs shall be retained and used through such foreign currency accounts as mentioned in the said Chapter of GFET, 2009 (Volume 1). Besides, equity from foreign shareholders and loan received in foreign currency from authorized sources may be credited in such foreign currency accounts of Type A and Type B units of EZs as above. In case of inward remittance on account of equity, ADs may issue a certificate with the amount credited in FC account mentioning equivalent Taka. Moreover, authorised external loan proceeds may be credited in foreign currency accounts of Type C units of EZs. Exporters of such areas may maintain Taka accounts in the same manner as mentioned in Section V, Chapter 13, GFET, 2009 (Volume 1).

(II) Exports from EZs: Export of goods from EZs (including sales within EZ, to other EZs, to EPZs, to other areas of Bangladesh) are subject to the usual requirement of declaration of exports in 'EXP Form' and repatriation of export proceeds mentioned in Chapter 8 of the GFET, 2009 (Volume 1) and related FE circulars/circular letters issued thereafter. For identification, EXP Forms for these exports should be rubber stamped or over printed with words "EXPORT FROM EZ" in bold letters.

(III) Selling of Bangladeshi goods or raw materials or non-physical contents to EZ enterprises: Sales of permissible Bangladeshi goods or raw materials to enterprises located in EZs shall be against convertible foreign currency only to be received from foreign currency accounts maintained by the EZ units with ADs/OBUs (for type A units) as mentioned above subject to compliance with other relevant instructions issued by BEZA, National Board of Revenue and Ministry of Commerce. Moreover, selling of such goods including non-physical contents to enterprises located in EZs against payment in foreign currency shall be treated as exports from Bangladesh in accordance with Foreign Exchange Regulation Act, 1947 (as amended upto September 09, 2015). Therefore, normal foreign exchange regulations concerning declaration of exports on 'EXP Forms' in case of export in physical form and repatriation of proceeds shall be applicable for exports to EZs from other areas of Bangladesh.

(IV) Import by units of EZs: For import by the enterprises located in EZs, ADs shall abide by the instructions as mentioned in Para 20, Section -II, Chapter 16, GFET, 2009 (Volume 1). For reporting, usual IMP Form reporting procedures will, however, be applicable for imports by EZ enterprises from abroad.

(V) Credit Facilities: For obtaining credit facilities by the units of EZs, instructions mentioned in Section -II, Chapter 16 of GFET, 2009 (Volume 1) and subsequent related FE circulars/circular letters shall be applicable. However, for obtaining medium and long term debt from abroad/ OBU (in case of Type A unit), borrowing approval applications shall have to be submitted to Bangladesh Bank through BEZA following the procedures as mentioned in FEID Circular No. 03, dated May 06, 2014.
(VI) Contribution of shareholders in Type B units: In case of contribution of shareholders in Type B units, relevant instructions as mentioned in Para 21, Section-II, Chapter 16 GFET, 2009 (Volume 1) shall be applicable.

(VII) Repatriation of dividend to non-resident Shareholders of Type A and B units of EZs: ADs/ OBUs (for Type A units) may remit dividends favoring non-resident shareholders of Type A and B units located in EZs without prior permission of Bangladesh Bank subject to observance of the instructions stipulated in Para 31, Chapter 10, GFET, 2009 (Volume 1). However, submission of documents as per instructions mentioned in Para 31(e), Chapter 10, GFET, 2009 (Volume 1) to Bangladesh Bank for post facto approval will not be required though usual reporting, online returns etc. shall be submitted by ADs/OBUs as per instructions mentioned in GFET (Volume 1 & 2) and related FE circulars/circular letters.

(VIII) Repatriation of investment/capital by non-resident shareholders: Subject to adherence to the instructions of BEZA, guidelines for effecting remittance of sales proceeds of non-residents' investment in Bangladesh will be similar as mentioned in Para 3, Chapter 9, GFET, 2009 (Volume 1) and FE Circular No. 32, dated August 31, 2014.

5. Foreign Exchange Regulations for developers of EZs: Locally owned/controlled zone developers of EZs will have to follow the similar exchange regulations like the entities outside EZs and EPZs. Likewise, foreign owned or foreign controlled entities/zone developers of EZs will follow the similar exchange regulations which are applicable for similar entities (foreign owned or foreign controlled) outside EZs and EPZs as per instructions mentioned in GFET (Volume 1 & 2) and related FE circular/circular letters.

6. Repatriation of royalty, technical know-how and technical assistance fees: ADs/OBUs (for Type A units) may remit the royalty, technical know-how and technical assistance fees of enterprises located in EZs from their FC accounts without prior permission from Bangladesh Bank or BEZA if the total fees and other expenses connected with above mentioned purposes do not exceed the following limits:

(a) for new projects, not exceeding 6% of the cost of imported machinery;

(b) for ongoing concerns, not exceeding 6% of the previous year’s sales as declared in the income tax returns.

However, remittance of such fees in excess of the prescribed limit is subject to prior specific approval from BEZA. Besides usual reporting to Bangladesh Bank, each transaction shall have to be reported to BEZA also.

7. Working in EZs by foreign nationals: Foreign nationals working in EZs (with valid work permit issued by BEZA) are allowed to remit through an AD 75% of net salary, 100% of leave salary and actual savings and all pension benefits without prior Bangladesh Bank approval [Chapter 11, GFET, 2009 (Volume 1) and FE Circular No. 06, dated April 15, 2013].

8. Reporting: Investment in EZs shall have to be reported to Bangladesh Bank as per instructions mentioned in Para 2, Chapter 9, GFET, 2009 (Volume 1), Para 26, Chapter 02, GFET (Volume 2) and subsequent circulars/circular letters issued by Foreign
Exchange Policy Department and Statistics Department, Bangladesh Bank in this regard. Besides, all foreign exchange transactions of EZ units are to be reported through online foreign exchange transaction reporting platform of Foreign Exchange Operation Department of Bangladesh Bank. Such transactions are also to be reported in monthly returns to Bangladesh Bank in relevant Statements (S-10 and S-11), Schedules, etc. as mentioned in Para 14, Chapter 02, GFET (Volume 2).

ADs are advised to provide necessary support to the investors of EZs. For any clarification, General Manager, Foreign Exchange Policy Department, Bangladesh Bank may be contacted at gm.fepd@bb.org.bd and fepd.femp1@bb.org.bd.

FE Circular 04, dated February 14, 2016 hence, will become nullified through the issuance of this FE Circular. This FE Circular is issued under the authority of Section 20(3) of the Foreign Exchange Regulation Act, 1947 (Act VII of 1947, amended upto September 09, 2015). Please bring the contents of the circular to all concerned.

Yours faithfully,

(Jagannath Chandra Ghosh)
Deputy General Manager
Phone: 9530092
Email: fepd.femp1@bb.org.bd
Subject: Exemption of Registration Fees.

Circular

Being directed this is to inform that in exercise of the powers conferred by section 78 of the Registration Act, 1908 and Section 21 of the General Clauses Act, 1897, the Government has been pleased to exempt the developer of and the person establishing industrial units in the Mongla Economic Zone comprising of 205 (two hundred five) acres land described in the schedule below from the registration fees imposable on registration of transfer deed for transfer of land and the registration fees imposable on registration of loan documents.

Schedule

District: Bagerhat, UpazilaMongla, Land Area: 205 (two hundred five) acres.

<table>
<thead>
<tr>
<th>Sheet Nos.</th>
<th>Name of Mauza</th>
<th>Name of Upazila</th>
<th>Nos. of full Plot</th>
<th>Nos. of part plot</th>
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<td>Mongla</td>
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<tr>
<td></td>
<td>41 full plots</td>
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<td>34 part plots</td>
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</table>

Distribution: for information and action (not according to seniority):

1. Secretary, Internal Resources division, ministry of Finance, Bangladesh Secretariat, Dhaka.
2. Mr. Naful Hasan, Director, Prime minister’s Office, Old Parliament Bhaban, Dhaka.
3. Executive Chairman, BEZA, BBDBL, Bhaban (Level-15), Kawran Bazar, Dhaka.
4. Muhammad Abdus Samad (ndc), Executive Member Banglaes economic zones Authority, Prime minister’s Office, BBDBL, Bhaban, Level-15, Kawran Bazar, Dhaka.
5. Inspector General of Registration, Registration Department, 14 Abdul Gani Road.
6. Private Secretary to the Honorable Minister, Ministry of Law Justice and Parliamentary Affairs.
7. Private Secretary to the Honorable secretary, Law and Justice Division, Ministry of Law Justice and Parliamentary Affairs.
8. District Registrar, Bagerhat.
9. Sub-Registrar, MonglaBagerhat.
10. Office Copy.

NB: This is English translation of original Bangla Text. In the Event of any conflict between the Bangla Text and English translation the Bangla text shall prevail
Government of the People’s Republic of Bangladesh
Prime Minister’s Office

NOTIFICATION

Date: 18 Falgun 1423/ 02 March 2017

S.R.O No. 46-Law/2017.—In exercise of the powers conferred under section 38 of the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010), the Government is pleased to make the following rules, namely:—

CHAPTER I

Preliminary

1. Title, commencement and application.—(1) These rules may be called the Bangladesh Economic Zones (Construction of Building) Rules, 2017.

(2) It shall come into force at once.

(3) It shall be applicable to the construction of buildings in the economic zones.

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

(1) “Act” means the Bangladesh Economic Zones Act, 2010 (Act No. 42 of 2010);

(2) “approved” means approved by the Authority;
(3) “approved plan” means the set of plans, design and specifications of a building submitted to the Authority as per provision of these rules and duly approved and sanctioned by the competent authority;

(4) “Authority” means Bangladesh Economic Zone Authority established under section 17 of the Act.

(5) “Authorized Officer” means a person who is the jurisdictional administrator of building construction having authority to perform duties under these rules appointed by the Authority;

(6) “basement” means a floor or part of a building which is situated at a depth of 1m or more below crown of the main entry road;

(7) “BNBC” means Bangladesh National Building Code, 2006;

(8) “building” means any permanent or semi-permanent structure which is constructed or erected for human habitation or for any other purpose and includes foundation, plinth, walls, floors, roofs, stairs, chimneys, fixed platform, verandah, balcony, cornice, projections, extensions, annexes etc., and includes the sanitary, plumbing, electrical, HVAC, appurtenances and all other building service installations which are constructed of erected as an integral part of a building;

(9) “building height” means the vertical distance from a reference datum to the highest point of the building which includes all building appurtenances like overhead water tank, machine room, communication tower etc., and the reference datum shall be the elevation of the nearest footpath or the elevation of the nearest road or street or public way at its center line, whichever is higher;

(10) “building line” or “set back line” means the line up to which the plinth of a building may lawfully extend;

(11) “CETP” means Central Environmental Treatment Plant;

(12) “covered area” means the ground area above the plinth level which is covered by a building structure, but does not include gardens, wells, cornice, sunshade, pergola, septic tank, soak well, unpaved uncovered water body, fountains, drainage structures, boundary wall, gates porch, watchman’s cabin, detached pump house and other uncovered utility structures;
(13) “developer” means economic zone developer appointed under section 8 of the Act;

(14) “development” means construction of building, engineering, mining or other operations in, or over or under land or water and includes re-development and layout and subdivision of any land;

(15) “drain” means a conduit or channel for conveying water, sewage or other waste liquid for subsequent disposal;

(16) “drainage” means a system for disposal of any liquid;

(17) “economic zone” or “zone” means any economic zone declared by the Government under section 5 of the Act;

(18) “erection” or “construction” means erection of a new building or re-erection of an existing building or to convert a building from one occupancy to another;

(19) “ETP” means Environmental Treatment Plant;

(20) “formation level” means finished ground level of a plot and in case of hilly areas formation level shall be the gradient of the plot surface;

(21) “grade” means the lowest point of elevation of the finished surface of the ground, pavement or footpath within the area between the building and the property line or a line 1.5 m from the building whichever is nearer the building;

(22) “occupancy” means the purpose for which a building or a part thereof is used or intended to be used;

(23) “occupier” means a person paying or liable to pay rent or any portion of rent of a building or compensation or premium on account of occupation of such building and also includes rent-free tenant and includes the developer living in his own building, but it does not include a lodger;

(24) “permit” means a written document or certificate issued by the Authority for carrying out a specific activity under the provisions of this rules;

(25) “plinth area” means the elements from the building bases which are exposed above the formation level to form a covered floor area by joining the peripheral points of the elements which are intersected at finished floor plane at the height of plinth level;
(26) “plinth level” means at least 450 mm above the surface level of the center line of the adjacent road and in case of flood or surge prone area plinth level shall be determined by the competent authority;

(27) “plot” or “site” means a piece or parcel of land on which a building is intended to be or has already been constructed;

(28) “road” means a thoroughfare or public way which has been dedicated to the public use and includes a street;

(29) “road line” means a line defining the side limits of a road;

(30) “room height” means the height of the room measured from the finished surface of the floor to the underside of the finished ceiling or false ceiling;

(31) “service road” means a road or lane provided at the rear or side of a plot for service;

(32) “specialist” means a professional who by education, research, practice and experience specializes in a particular branch of a broader discipline and is generally judged to be so by the professional body in the relevant discipline;

(33) “storey” means the portion of a structure between tops of two successive finished floor surfaces and for the topmost storey, from surface of the finished floor of topmost floor to the top of the roof above;

(34) “STP” means Sewerage Treatment Plant;

(35) “street level” means the elevation of the centre line of any road or street which a plot fronts;

(36) “supervisor” means an Architect or Engineer or Diploma Architect or Diploma Engineer having experience in supervision of construction works; and

(37) “unsafe building” means a building which, in the opinion of the Authorized Officer, is structurally unsafe, or insanitary, or lacks proper means of ingress or egress, or which constitutes a hazard to life or property.
CHAPTER II

ECONOMIC ZONE DESIGN REQUIREMENTS

3. Zoning.—(1) The economic zone shall, based on surrounding infrastructure, settlements density, nature and character, comprise of different zones, like-administrative, utility service including water, electricity, gas, telecommunication and internet, healthcare, childcare, old care, hospitals, recreational, open spaces, green area and commercial, educational, restaurants, hotels with essential accommodations, police station, fire station, communication hub and CETP, along with industrial plots and road networks.

(2) Open space:

(a) in dividing any land measuring a total of 1 (one) hectare or more into industrial plots, 5% of the total land area shall be reserved as amenity open space which shall be used as lawn, park, play field or garden;

(b) the minimum size of such open space shall be 600 m²; and

(c) when the area of the open space exceeds 1000 m², it may be distributed through the zone, but none of them may not be smaller than 600 m².

(3) Other amenities: there shall be 5% of the total land area for administrative, utility services including water, electricity, gas, telecommunication and internet, health care, childcare, old care, hospitals, recreational, commercial, educational, restaurants, hotels with essential accommodations, police station, fire brigade station, communication hub, CETP, and such area may be divided through the zone as per their requirements.

(4) Green space:

(a) 5% of the total land area shall be reserved as green space along the road network;

(b) green strip used along the roads may not be less than 1.5 m;

(c) green strips less than 3m may not be used for any kind of utility service line; and

(d) central green median, road side green strips, cannel, water body are the part of these requirements.
4. **Plot size.**—(1) The plot size shall be as per types of economic zone, generally minimum 4000 sqm per plot.

(2) plot size shall not be subdivided.

(3) Accumulation of plots may be done without including any road.

5. **Building orientation.**—The design of building shall be passive solar design.

**Explanation.**—For the purpose of this rule “passive solar design” means—

(i) orientation and openings to maximize the north and south exposure;

(ii) orientation and openings to maximize natural cross flow ventilation, eg cooling summer breezes;

(iii) minimizing east and west facing orientation, openings and windows, or providing adequate shading; and

(iv) well considered landscaping to provide valuable shade throughout summer and the use of winter sun.

6. **Access to the site.**—(1) The development of the site shall be designed to enable vehicles to exit the site in a forward direction.

(2) If the area of the site is more than 1.0 hectare (10,000 square meters), there shall be provision for all vehicles to enter and leave the site in a forward direction.

(3) If the area of the site is more than 0.4 hectare (4,000 square meters), there shall be provision for articulated vehicles to enter and leave the site in a forward direction.

(4) Development works shall be designed to ensure easy and safe access of vehicles in the industrial sites.

(5) Off-street parking and access arrangements shall be adequate.

(6) Industrial uses that rely on heavy vehicle access shall avoid using residential streets.

(7) Access arrangements to industrial sites shall ensure accommodation for large vehicles.
7. **Road network.**—The road network shall be as per Schedule-I.

8. **Drainage, waste management, etc.**—The following provisions shall be followed in drainage, waste management and other systems of the economic zones—

   (a) preparing a master plan of the drainage and sanitary system for the total economic zone showing slopes, retention areas and ultimate discharge point;

   (b) preparing a master plan of the waste management having CETP with metering system so that individual may be charged as per their effluent discharge;

   (c) heterogeneous effluents shall be pre-treated before discharging to CETP as per requirement of CETP;

   (d) economic zone shall have STP for individual plot;

   (e) economic zones having more than 80 acre in size shall have central power, water supply system with metering system so that individual may be charged as per their use.

9. **Fire appliance access requirements.**—The fire appliance access requirements in industrial area layouts shall be as follows:

   (a) every economic zone shall have fire zone as per BNBC;

   (b) adequate fire brigade stations shall be provided according to the size of the economic zone;

   (c) each industrial plot shall be provided with vehicular access roads;

   (d) If a central median is provided in industrial plot, the minimum width of the dual carriageway shall be 7.3m wide for one-way traffic:

Provided that if constraints do not allow the provision of a central median, the minimum width of a carriageway without a central divider shall be 13.5m for two-lane two-way traffic.
CHAPTER III

INDIVIDUAL BUILDING DESIGN REQUIREMENTS

10. Floor Area Ratio (FAR).—In the construction of building, FAR shall be 6:

Provided that internal roads, open to sky drive way and parking area, tanks, STP, ETP shall be excluded from FAR calculation.

11. Site coverage.—In the construction site the covered area shall be as follows and the diagram of the Site Coverage shall be as per Schedule-II:

(a) maximum 50% of the total area shall be covered by factory building, power house, storage, covered parking, ETP, overhead STP etc;

(b) 30% of the site shall be covered by the drive way, open parking, 50 sqm guard room, fire command center, cycle stand, internal roads, underground water tank and septic tank; and

(c) 20% of the site shall be open to sky soak area:

Provided that soaking soft pave may be used instead of green grass or naked earth in the open space.

12. Setback.—(1) A minimum front setback of 12 (twelve) meters shall apply to the primary street and a minimum setback of 4.5 (four point five) meters shall apply to the secondary street, or streets, unless otherwise determined by the Authority.

(2) Side and rear setbacks shall be 3.5 (three point five) meters.

(3) Notwithstanding anything contained in sub-rule (1) and (2), the Authority may, considering the following circumstances, make variation up to a reasonable limit in determining the setbacks, namely:

(a) general streetscape;

(b) properties and buildings near and surrounding the site;

(c) fire separation distance;

(d) solar aspect and prevailing breezes; and

(e) bulk of the development.
13. **Community open space for industrial plots.**—(1) For every industrial plot having an area of 1.0 hectare or more, a minimum of 10% of the total area, but not exceeding 0.25 hectare, shall be reserved as community open space and such area shall be contiguous to and shall have a means of access from every unit of the industry for recreational activities of the persons working in the industry and also linked to the external roads for safe exit during emergency.

(2) The adjacent road network and the internal open space together shall be used for the assembly area during emergency.

14. **Loading and service area.**—(1) If plots are located near residential area, loading and service areas shall be sited to the rear or side of the property and away from residences.

(2) Plots having 0.1 hectare (1000 square meters) or less, loading areas may share access driveways with car parking areas:

Provided the visitor car spaces may remain accessible.

(3) Loading areas shall not be sited so that vehicles shall reverse onto roads.

(4) Loading areas shall be separated from pedestrian access paths.

15. **External service and storage area.**—Service, storage and bin areas shall be screened behind the front building line and from the street, and landscaping, fencing and gates may be utilized to screen these area.

16. **Fencing.**—The following provision shall be applicable where a planning permit is required:

(a) fencing shall be unobtrusive and shall not detract from the streetscape and it shall generally be semitransparent and articulated with provision of adequate security for the premises;

(b) at smaller industrial sites, fences higher than 1.5 meters shall not generally be constructed across the entire frontage, unless there is a requirement for site security;

(c) where high fences are used to enclose an industrial site, it is preferable that a section of the front of the premises be open to the street to provide a sense of address and contribute to the streetscape;
(d) where site security along the boundaries (not frontage) is required, fencing and gates shall be constructed of black, plastic coated chain link fence or other approved material;

(e) fencing shall be provided to ensure that fencing complements the amenity of the area and contributes to an open streetscape and also provide adequate site security.

17. Fire-fighting requirements.—Fire-fighting requirements shall be as per BNBC.

18. Car parking and traffic management.—(1) For a site of industrial building, there shall be provisions for—

(a) one car for every 800 sqm;

(b) one truck, goods carrying vehicle, for every 2000 sqm; and

(c) a container vehicle loading or unloading bay with turning circle of 11.6m outer radius shall be provided for a site over 2000 sqm.

(2) The Authority may fix up the number of car parking bays considering the requirements of a particular economic zone.

(3) Car parking may be placed between the landscape setback and the building line and the bay sizes, driveway widths and turning circles shall be as per BNBC.

(4) For facilitating the large size trucks and other heavy vehicles using service roads, street parking shall be discouraged within the economic zone.

19. Planning of roadways and parking.—Roadways and parking within the site shall be such planned as may be required for—

(a) separation of service or haulage vehicles from visitor and staff parking areas;

(b) sitting of parking areas adjacent to areas of buildings that are commonly accessed;

(c) provisions of suitable species of shade trees at a ratio of 1 per 4 car-bays, evenly throughout the parking areas;
(d) provision of clear paths for pedestrian movement separate from areas of frequent vehicular movement; and

(e) consideration of the visitor parking areas as an extension of the corporate or market image in terms of its presentation.

20. **Landscaping.**—(1) The developer shall submit a landscaping plan to the Authority providing—

(a) A 2.5m landscaping strip to any primary frontage;
(b) A 1.5m landscaping strip to any secondary frontage; and
(c) a shade tree per 4 car parking bays.

(2) The developer shall—

(a) use, where available, topsoil and mulch from stockpiles on the estate;
(b) continue the landscaping theme and character of the area; and
(c) maintain regularly by a qualified landscape professional to both verge and plot areas for retaining the benefits of good quality landscaping.

21. **Energy management.**—(1) The developer and the unit investor may use renewable energy and at least one percent of total requirement shall be consumed from online solar system.

(2) The developer and the unit investors shall make necessary arrangement for reducing unnecessary use of energy.

(3) For energy management, in the proposed design, the use of the following things shall be taken into consideration:

(a) in external lighting:

(i) no glare or light spill shall adversely impact adjoining properties;
(ii) no glare or light spill shall adversely impact the passing motorists;
(iii) the best Practice’ Option shall be preferred by—

(a) using high efficiency light systems (e.g. T5 Tri phosphor Fluorescent, LED);
(b) controlling the operation hours by using time clock or photo sensitive cells; and

(c) using motion detectors, where appropriate;

(b) **in internal lighting**: the ‘Best Practice’ option shall be preferred by—

(i) using high efficiency light systems (e.g. T5 Tri phosphor Fluorescent LED);

(ii) using ultrasonic ambient light or motion sensors; and

(iii) strengthening lighting management systems;

(c) the developer shall install high efficiency solar or gas based water heating systems;

(d) **in water management**: uninterrupted supply of potable water the building fit out shall be as follows;

(i) a rated shower heads;

(ii) a rated tap ware and flow regulators; and

(iii) a dual flush toilets;

(e) **landscape areas (water reticulation)**:

(i) low flow trickle dripper systems, or coarse sprays are required within the plot; and

(ii) programmable controller or timer system.

22. **Rain water harvesting**.—(1) The plot shall incorporate a rainwater harvesting system designed to capture roof run–off from a minimum of 200m² (or 50% of the available roof catchment area for roof areas less than 400m²) during regular rainfall events.

(2) The collected rainwater shall be plumbed to supply a seasonally–independent water use e.g. toilet flushing.

(3) The water harvesting system shall be same standard system for each plot.

23. **Applicability of BNBC**.—The BNBC shall be applicable for all other issues not mentioned in the preceding rules, such as– architectural, structure, plumbing, electrical, mechanical, fire, etc.
CHAPTER IV

PERMITS

24. **Permit.**—No building in the economic zone shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished without the permission of the Authorized Officer:

Provided that the permission of the Authorized Officer is not necessary in the following works unless they do not otherwise violate the provisions of BNBC in respect of any other adjacent property, general building requirements, structural stability and fire safety requirements, namely:—

(a) opening or closing of a window or a door or a ventilator;
(b) internal doors;
(c) partitions;
(d) false ceiling;
(e) gardening;
(f) painting;
(g) plastering and patch work;
(h) re-flooring;
(i) construction of sunshades on one’s own land;
(j) re-erection of portion of buildings damaged by earthquake or cyclone or other natural calamities, to the extent and specification as existed prior to such damage; and
(k) solid boundary walls less than 1.5 m and open boundary wall less than 2.75 m in height.

25. **Type of permits.—**(1) For a particular economic zone it needs the following two permits or any of them, namely:—

(a) Building Construction Permit;
(b) Occupancy Certificate.

(2) The Authority shall set forth procedure for obtaining the permits under sub-rule (1).
26. **Application for permit.**—(1) Any person who intends to undertake any work a building or structure in economic zone shall submit an application in the prescribed form accompanied by necessary documents, drawings, certificates, clearances and other relevant information as required to the concerned Authorized Officer.

(2) The drawings may be any of the sizes specified in Schedule-III.

(3) The category of building may be as per Schedule-IV.

(4) Subject to the classification of buildings, all drawings shall be signed by the registered professionals specified in Schedule-V.

(5) Registered professionals shall put his signature with date on the title box of the drawing along with his name, address, professional society membership number, registration number and any other information required by the concerned Authorized Officer.

27. **Disposal of application.**—(1) After receiving an application for permit under rule 26, the Authorized Officer shall notify, in the case of Building Permit within 30 (thirty) days and in the case of Occupancy Certificated within 15 (fifteen) days from the date of receiving the application, about either approval or refusal of the permit.

(2) If the application for permit is refused under sub-rule (1) the reasons for refusal shall be informed to the applicant.

(3) If the application for permit is refused the applicant may submit a fresh application or request for review of its previous application after removal of cause for refusal.

(4) If the Authorized Officer does not notify the applicant of such approval or refusal within the specified period, the application shall be deemed to have been approved:

Provided that such approval shall not authorize any person to do anything in contravention of or against the terms of lease or title of the land or in contravention of any provision of these rule and other applicable laws, rules, regulations or by-laws.

28. **Duration of the permits.**—(1) The Building Construction Permit shall be valid for 12 (twelve) months (construction at least up-to plinth level must be done within this period) from the date of issue of such permit.
(2) The Occupancy Certificate shall be perpetual unless any change in use and physical properties is made from the date of issue of such Certificate.

29. Fees.—All applications for permit shall be accompanied by fees as prescribed by the Authority from time to time.

30. Permits obtained prior to coming into force of these rules.—If a permit for a building or structure or any other work is obtained before coming into force of these rules and such building or structure or work for which the permit is obtained is not completed within two years from the date of issuance of such permit, the said permit shall be deemed to have been lapsed and fresh permit under these rules shall be necessary to proceed further with the building or structure or work in accordance with the provisions of these rules.

CHAPTER V

DUTIES AND RESPONSIBILITIES OF THE DEVELOPER

31. Compliance of these rules.—The developer or any person working under him shall be responsible for carrying out the work in conformity with the provisions of these rules.

32. Procuring services of technical personnel.—(1) Design, execution and supervision work of any building or structure shall be carried out by the professionals specified in Schedule-V.

(2) The developer shall procure the services of as many professionals as required according to type and size of the work.

33. Right of entry.—The Authorized Officer or any other person authorized by the Authority shall have the right to enter into the site for the purpose of ensuring compliance with the provision of these rules and BNBC.

34. Permits from other agencies.—The developer shall obtain all necessary permits and approvals from other concerned authorities relating to building, zoning, grades, sewers, water mains, plumbing, fire safety, signs, blasting, street occupancy, gas, electricity, highways and all other permits required in connection with the proposed construction and development.
35. **Information on progress of work.**—The developer shall inform the Authorized Officer about the progress of the works at different stages as may be required by the Authorized Officer in the prescribed form.

36. **Safety measures.**—The developer shall take appropriate safety measures in and around the construction site as per BNBC.

37. **Notice of completion.**—(1) The developer shall notify the Authorized Officer of the completion of the work for which permit was granted in the prescribed form.

(2) The work shall not be accepted as complete without a certification from the Authorized Officer.

38. **Documents at site.**—The developer shall preserve and make available at the site a copy of all permits issued and all drawings approved by the Authorized Officer and results of tests carried out for determination of conformity of the work with the provisions of BNBC.

39. **Live loads to be posted.**—Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 2.4 kN/m², such design live loads shall be conspicuously posted using durable signs by the developer in that part of each storey in which they apply.

**CHAPTER VI**

**QUALIFICATION AND RESPONSIBILITIES OF THE TECHNICAL PERSONNEL**

40. **Qualification of the technical personnel.**—(1) To qualify as Architect, Engineer, Supervisor of any building works he shall have—

   (a) to be a member of the respective professional body; and

   (b) to qualify as registered professional through an examination, written or oral, to be conducted by their respective professional body as per requirement of BNBC.

(2) The technical professionals qualified under sub-rule (1) shall design, execute and supervise any construction or development works in the economic zones.
41. **Punitive measure for lapse, negligence etc.**—Any lapses or negligence in performing the duties or any violation of BNBC by any technical personnel shall call for punitive actions against him in the proper forum.

**CHAPTER VII**

**INSPECTION, UNSAFE BUILDING, ETC.**

42. **Inspection.**—(1) The Authorized Officer shall, from time to time, inspect all works relating to a building or structure.

(2) Modalities and frequency of such inspections shall conform to the requirements prescribed from time to time by the Authority.

(3) After each inspection, a report thereof shall be submitted to the Authority with particular focus on any lapses, departure, negligence of any person involved in the construction of infrastructure or building.

43. **Provisions as to unsafe building.**—(1) Where it appears to the Authorized Officer that any building is endanger to human life or health or public property, he shall examine or cause examination of such building and make a written report of such examination.

(2) If a building is found unsafe after examination under sub-rule (1), the Authorized Officer shall, by notice, direct the concerned developer, within a stated time, either to repair, improve, demolish or remove the building or any part thereof.

(3) If the developer or any person working under him fails, neglects or refuses to repair, improve, demolish or remove of an unsafe building or part thereof as specified in the notice, the Authorized Officer shall cause repaired, improved, demolished or removed of such building or part thereof.

(4) Notwithstanding anything contained in the other provisions of this rule, if the Authorized Officer considers that an unsafe building may cause imminent danger to human life or health or public property, he shall, at once or with a notice as may be possible promptly, cause repaired, improved, demolished or removed of building or part thereof.
(5) The Authorized Officer shall get the adjacent structures vacated and protect the public by an appropriate fence or such other means as may be necessary.

(6) The cost incurred for action done under sub-rule (3) or (4) shall be realized from the developer.

(7) If the developer refuses or fails to pay the cost mentioned in sub-rule (5), it shall be recovered from him as a public demand under Public Demands Recovery Act, 1913 (Act No. III of 1913).

44. Demolition of building by the developer.—(1) If a building is to be demolished by the developer, he shall notify all agencies providing utility services to the building.

(2) After receiving notice under sub-rule (1), the concerned agencies shall remove all their appurtenances and equipment and dismantle all service connections to ensure a safe condition.

(3) The Authorized Officer shall not give permission for demolition of a building until a release is obtained from the utility services stating that all service connections have been removed in the proper manner.

(4) The demolition work under this rule shall be done under the supervision of appropriate technical professional.

45. Committees of the Authority.—(1) The Authority may from such standing and task-specific committees as are necessary for the purpose of these rules.

(2) The Authority, while assigning any task, will specify the terms of reference and work procedure for such task.

46. Power to make procedure.—For the purpose of these rules the Authority may set forth such procedure as may be deemed expedient.
Schedule-I

[See rule 7]

Road Network

1. Secondary road serving maximum 4 Plots: Two way roads shall be 10.3 [1.5+7.3+1.5] meters wide having 1.5 m road side footpath in both sides as shown below:

2. Primary entry road serving maximum 12 Plots: Two way roads shall be minimum 13.5 [1.5 [footpath] + 1.5 [Green] + 7.5 + 1.5 [Green] + 1.5 [footpath] meters wide having road side footpath and green belt in both sides:

3. Primary entry road served maximum 36 Plots: Two way roads shall be minimum 25 or 27 [2.5 [footpath] + 2 [Green] + Bus lane [as per traffic standard] + variable 9 [Minimum with bicycle lane] + 1 or 3 [Median] + variable 9 [Minimum with bicycle lane] + Bus lane [as per traffic standard] + 2 [Green] + 2.5 [footpath] meters wide having road side footpath and green belt in both sides as designed below:

4. Primary entry road serving more than 36 Plots: Two way roads shall be variable [2.5 [footpath] + 2 [Green] + Bus lane [as per traffic standard] + variable 9 [Minimum with bicycle lane] + 1 or 3 [Median] + variable 9 [Minimum with bicycle lane] + Bus lane [as per traffic standard] + 2 [Green] + 2.5 [footpath] meters having road side footpath and green belt in both sides in the following manner:

5. Where there is no opening for U turn, median strip shall provide minimum width of 1 meter, if U-turn is provided, minimum width shall be 3 meters.
6. Roads of more than 10.3 meters wide shall have minimum 2.5 meters wide footpath and minimum 2 meters wide road side planters.

7. Level deference between footpath, road and entrance of the site shall comply with the universal accessibility for all as per BNBC.

8. Underneath of the footpath may be used for different types of service line (electrical, fire line, drainage system, etc.).

9. Intersections of minor access roads with collector roads shall be designed to allow articulated vehicles to turn into the collector road without crossing the center line of the collector road. The internal radius for left turns shall be at least 11 meters wide.

10. Traffic Impact Assessment shall be done before planning the master plan of the economic zone.

11. Where access for B-double trucks is required, a Traffic Engineer’s report shall be provided demonstrating that these vehicles may enter and leave the site safely without unduly disrupting other road users or damaging infrastructure or landscaping.

12. The maximum permissible length of internal roads in non-residential plots shall be as follows:

<table>
<thead>
<tr>
<th>Width (m)</th>
<th>Maximum Permissible Length (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>80</td>
</tr>
<tr>
<td>8</td>
<td>150</td>
</tr>
<tr>
<td>9</td>
<td>300</td>
</tr>
<tr>
<td>10 or over</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>
Schedule-II

[See rule 11]

Diagram of Site Coverage

The diagram of the Site Coverage is as follows:

Schedule-III

[See rule 26 (2)]

Drawing sizes for permit

<table>
<thead>
<tr>
<th>Type</th>
<th>Size (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type 1</td>
<td>1016</td>
</tr>
<tr>
<td>Type 2</td>
<td>762</td>
</tr>
<tr>
<td>Type 3</td>
<td>508</td>
</tr>
</tbody>
</table>

Schedule-IV

[See rule 26 (3)]

Building Category

<table>
<thead>
<tr>
<th>Building Category</th>
<th>Height of Building</th>
<th>Floor Area</th>
<th>Type of Occupancy (As per BNBC)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Up to 2 Stories or 8 m height (without basement)</td>
<td>Up to 250 m²</td>
<td>A (A1-A2)</td>
</tr>
<tr>
<td>II</td>
<td>Up to 3 Stories</td>
<td>Up to 500 m²</td>
<td>A (A1-A5)</td>
</tr>
<tr>
<td>III</td>
<td>Up to 10 stories or 33 m height for engineering design and supervision and any height for land survey, soil investigation and architectural design</td>
<td>Up to 5000 m²</td>
<td>A, B, C, E1, E2, F1, F2 and H1</td>
</tr>
<tr>
<td>IV</td>
<td>Any height</td>
<td>Any Size</td>
<td>All</td>
</tr>
</tbody>
</table>
## Schedule-V

[See rule 26 (4) and 32 (1)]

**Eligible registered professionals for design, supervision & documentation**

<table>
<thead>
<tr>
<th>Types of Work</th>
<th>Eligible Registered Professional</th>
<th>Minimum Experience Requirement in Years for Building category</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>I</td>
</tr>
<tr>
<td>Land Survey</td>
<td>Civil Engineer</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>Diploma Engineer (Civil)</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Certified Surveyor</td>
<td>3</td>
</tr>
<tr>
<td>Soil Investigation</td>
<td>Geotechnical Engineer having experience in soil investigation and soil test report analysis.</td>
<td>NA</td>
</tr>
<tr>
<td>Architectural Design</td>
<td>Architect</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Diploma Architect</td>
<td>8</td>
</tr>
<tr>
<td>Structural Design</td>
<td>Civil Engineer with experience in structural design</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Professional Engineer (PEng.)</td>
<td>NR</td>
</tr>
<tr>
<td></td>
<td>Civil Engineer with M.S in Structural Engineering.</td>
<td>NR</td>
</tr>
<tr>
<td>Plumbing Design</td>
<td>Plumbing Engineer</td>
<td>2</td>
</tr>
<tr>
<td>Mechanical (HVAC/Vertical Transportation) Design</td>
<td>Mechanical Engineer</td>
<td>2</td>
</tr>
<tr>
<td>Types of Work</td>
<td>Eligible Registered Professional</td>
<td>Minimum Experience Requirement in Years for Building category</td>
</tr>
<tr>
<td>--------------------</td>
<td>----------------------------------</td>
<td>-------------------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>I</td>
</tr>
<tr>
<td>Electrical Design</td>
<td>Electrical Engineer.</td>
<td>2</td>
</tr>
<tr>
<td>Construction Supervision</td>
<td>Architect.</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Engineer or PEng.</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Diploma Architect/ Diploma Engineer in their respective field.</td>
<td>5</td>
</tr>
<tr>
<td>Building Demolition</td>
<td>Civil Engineer</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Diploma Engineer (Civil)</td>
<td>5</td>
</tr>
<tr>
<td>Completion Report</td>
<td>Architect and Engineer with experience in their respective field.</td>
<td>2</td>
</tr>
</tbody>
</table>

Note: NA: Not Applicable, NE: Not Eligible, NR: Not Required

By the order of the President

Nafiul Hasan
Director.
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Invest in Bangladesh

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