

Legal Discipline for Environmental Feasibility in Neom Investment Projects

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Abstract

If the economic feasibility is the main aim of establishing investment projects, therefore an important element that has emerged in our world today is more important than the economic aspect, which is the environmental aspect. So, we had to take into account the environmental feasibility of future investment projects by formulating a legal system to regulate them, aiming to achieve profitability. Environmental investment projects, i.e. achieving an environmental product that contributes to enhance environmental conditions and achieving sustainable development.

This research will deal with the study of environmental feasibility and its importance in the study of investment projects in general, in addition to concentrating on the investment projects of the city of NEOM in particular, where we divided the research into three sections. In the environmental feasibility study, as for the third topic, it included a proposed project for a legal system to evaluate NEOM investment projects.

Keywords: legal system, environmental feasibility, investment projects, NEOM.

Introduction

If the goal of the investor and what he is looking for is economic feasibility and profit, then the goal of the state represented in management is environmental feasibility, that is, they are two opposite goals that each one in the contract aspires to achieve one of them, at the same time achieving the other goal also brings benefit for him and due to the dangers that the environment is going through, the environmental feasibility has become ahead of the economic feasibility, and its study is considered an indispensable necessity and the rest of the studies carried out by the project are advanced, so that the environmental feasibility study is based on the rest of the study, and because of the effects that the project may cause on the environment and the extent of the cost of repairing this damage or the invaluable losses caused by this damage to the environment and human life. We found that we should put in place a proposed legal system for environmental feasibility in NEOM projects, and this stems from the goals, aspirations and vision of NEOM 2030, which is truly a great challenge. In the field of environmental leadership, sustainable development, and interest in addressing climate change, we looked forward to adopt the Environmental Feasibility Law as one of the examples of environmental leadership in NEOM. This is what prompted us to choose the subject of our study, which we dealt with according to three topics. We devoted the first and second topic to theoretical study to define environmental feasibility and the importance of studying it, the

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profitability criteria that must be available in the environmental feasibility study, and to clarify the conditions for environmental licensing. As for the third topic, we devoted it to formulating a draft system for a legal environmental feasibility that is compatible with NEOM investment projects, as it consists of a system and an executive regulation.

Research plan and methodology:

The study depends on the descriptive analytical approach by stating what the environmental feasibility is, analyzing and formulating the legal criteria that must be available in NEOM investment projects in order to formulate integrated legal rules for a legal system that evaluates the environmental feasibility of NEOM investment projects. We have divided the research into:

The first topic: what is the environmental feasibility

The first requirement: defining the environmental feasibility

The second requirement: the importance of the environmental feasibility study for NEOM investment projects.

The second topic: the legal standards that must be met in the environmental feasibility study for NEOM investment projects

The first requirement: the standard of environmental profitability for investment projects

The second requirement: the proposed environmental licensing conditions in NEOM's city.

The third topic: a proposed project for a legal system in order to assess the environmental feasibility of NEOM investment projects.

Aims of the study

This study Aims to:

1. Showing the importance of the environmental feasibility study for investment projects in preserving and improving the environment and achieving sustainable development.
2. Clarifying the economic income from the environmental feasibility study for investment projects.
3. Suggesting a proposed legal system for the environmental feasibility of investment projects in the city of Neom.

Research problem

1. Can environmental feasibility play a parallel role to the economic feasibility in the study of investment projects?
2. Is it possible to formulate a legal system of environmental feasibility that contributes to achieve sustainable development?
3. Does the environmental feasibility system comply with the objectives and policies of NEOM's City?
4. Will the environmental feasibility contribute to increase the economic return of the city of NEOM?

Chapter one

1. What is the environmental feasibility

The first requirement is the definition of environmental feasibility

The feasibility study stemmed from the core of economic theory, and from this approach the term feasibility of projects was widely used in many writings, with different concepts, as it is defined as the efficiency (or sufficiency) of a planned investment that is determined based on analytical bases of the available alternatives for the purpose of adopting the best decision (Hoshyar Maarouf, 2004 : 15).

In other words, it is the theoretical and practical study that examines the range of benefits that can be achieved from a project on the basis of analytical available factors, for the purpose of making the right decision (Muhammad Amin Zewail, 2007: 38).

The environmental feasibility study is also known as the study that demonstrates the degree of protection and maintenance that is achieved for the environment by taking into account its absorptive capacity or its maximum capacity to withstand human activities aimed at exploiting environmental resources without environmental degradation or depletion (Al-Saoun, 2022:3). Thus, the environmental feasibility study is one of the pillars of environmental protection and maintenance.

It is necessary to begin by reviewing the definition of the environment:

The linguistic definition of the environment: Where the Arabic language dictionaries agreed that the word environment is derived from the triple verb (boa), which was taken from the verb (ba).

The ecological definition of the environment: We know the environment ecologically as everything that is outside the human being, and all that surrounds him of assets, including the air that we breathe, the water that we drink and the land that we inhabit and cultivate, and the creatures and inanimate objects that surround it.

As for the definition of environmental feasibility, there are several definitions, including:

Environmental feasibility is the process of studying the impact circulating between development programs projects and the environment in order to reduce or prevent negative effects and maximize positive effects in a way that achieves development goals and does not harm the environment and human health (Khaled Mustafa Qassem, 2007:185).

Environmental feasibility is the study through which the impact of the project on the environment is measured and determined, and this aspect focuses on the harmful effects of the project on the environment, psychological, natural and material, as well as human health and employment and the extent of what it will add in terms of benefits or positive impact, and from the point of view of others are analyzing the impact of the environment on the project and identifying all the parties and factors that the investor will deal with in his project. Therefore, the environmental feasibility study is carried out by experts specialized in the environment in its broad sense, which involves many aspects (Ahmed Abdel-Rahim Zarda, 2011:86).

Therefore, the environmental feasibility study is considered as one of the most important stages of the preferential feasibility of the project, and it is the basis for any subsequent study, so that it is often considered more important than the economic feasibility study. The Project (Abdul Karim Yahyaawi : 1168).

2. Characteristics of the environmental feasibility study

The characteristics of the environmental feasibility study are represented in the following main points:

1- Dealing with the future: The environmental feasibility study does not differ in this analytical aspect from other feasibility studies. Therefore, it is a future study drawn from existing data. Therefore, its results are estimates and probabilities in varying proportions.

2- The principle of generality: It is one of the characteristics of the environmental feasibility study, and it is characterized by generality, meaning that it is valid and necessary for all types of projects, whatever their objectives (public, private, industrial, agricultural, service...etc).

3- The element of time: The environmental feasibility study requires a period of time between its preparation, obtaining the license and approvals from the competent authorities on its results, and the start of the actual implementation of the project. Available data (Osrir Munawar, Bin Haj Jilali :340).

4- Flexibility: It means the possibility of adapting and adapting the results of the study when new variables appear that were not taken into consideration.

5- Effectiveness: The environmental feasibility study is characterized by the most effectiveness, as its results are available at an early stage of the project preparation process, even if its results are preliminary. At that time, a realistic study can be conducted for alternatives that may be more beneficial and safer for the environment.

Therefore, one of the characteristics of the feasibility study is that a set of analytical methods and tools that differ from the other study are used at each stage.

And it is a study based on the marginal basis, in the sense that it does not go beyond the study of existing projects because it is unreasonable that its results lead to the cancellation of those already existing projects (Talal Kadwan, p. 28).

3. The second requirement: the importance of the environmental feasibility study

The economists' point of view was initially based on the idea that environmental protection and maintenance projects are very expensive and unnecessary, and then they ignored environmental considerations and focused their attention on economic considerations, but with the increasing pressure on environmental resources and the deterioration of many of these resources And depleting it, many economists realized their short-sightedness, and they realized that ignoring the environmental dimension negatively affects the economics of projects in the long run, which is what prompted them to ask them to take into account the environmental dimensions of projects when developing local and national development plans in order to protect the environment on the one hand, and On the other hand, ensuring the success of these projects (Dr. Zubair Muhammad, 2019 : 49).

As the feasibility study contributes to achieving environmental security and sustainable development, and it is one of the most important means of development, where the analysis or assessment of environmental impacts economically is considered one of the elements of development planning, because the costs associated with economic growth have become greater than the benefits, and among these costs, environmental pollution. And the depletion of resources and others, so the industrialized countries began to implement and recommend to developing countries to apply the environmental impact assessment of development projects and warn them against repeating the problems and mistakes that countries made (Attia Al-Suqi, 2009 :60).

The environmental feasibility study also contributes to maintaining a balance between the environment in its various components and development projects, in order to achieve mutual interests between them, and to achieve the required amount of continuous environmental follow-up and control of development projects in order to ensure their commitment to environmental requirements that achieve success and continuity and achieve the desired protection for the environment in various ways. its elements to

prevent its deterioration and depletion and make it capable of renewal to meet the growing needs (Osirir Munawar, Bin Haj Jilali, 2009 :346).

The environmental feasibility study is important in order to protect the environment, as it prevents the introduction of investment projects on it that may destroy it or disturb its balance, as well as enables countries to choose project sites so that it does not have a negative impact on the environment, or in sites that can address the damage that the project may cause on Environment, as well as excluding the establishment of certain types of projects because of what they cause pollution and serious damage that cannot be repaired (Ahmed Abdel-Rahim Zardag, 2009 : 60).

Feasibility has another benefit in achieving the exclusion of disputes between project owners and those affected by them, who may demand large compensation (Ahmed Abdel-Rahim Zardag, 2009:87.) Social and environmental responsibility and fulfillment of legal requirements, in addition to that, the environmental feasibility study is the most important way to achieve sustainable development through the implementation of sustainable national environmental policies (or Sarir Munawar, 2009 :339).

Likewise, the environmental feasibility study is a monitoring and prevention tool, as it determines the suitability of the project with the environment in which it will be located, evaluates its direct and indirect effects on the environment, and verifies its compliance with laws and instructions related to environmental protection, in order to protect the environment. And the preservation of the natural environment (Hamza Bali, Elias Shahid, 2017 :88), as well as to ensure that the implementation of the proposed project does not have harmful environmental effects to an unacceptable degree, and the expectation of harmful effects to the environment in the long term (Hamza Bali, Elias Shahid, 2017 : 89).

Chapter two

1. The legal criteria to be met in the environmental feasibility study

The environmental feasibility study requires the availability of legal criteria, and these criteria stem from the needs and requirements of the environment. Great economic, because the value of the environment is so great that it exceeds the economic value, because any damage caused by the project to the environment requires repair to very high economic costs, so we will address in this topic and according to two requirements, the first requirement: environmental profitability criteria for investment projects, and the second requirement: Environmental licensing conditions proposed in NEOM projects.

1.1 The first requirement: environmental profitability criteria for investment projects

The environmental feasibility study is not different from the economic feasibility study, that is, they cannot be considered as two opposites, but rather they must be considered as two sides of the same coin, which is national sustainable development, or it is environmentally supported development, which led some researchers to say more than that, when they emphasized that environmental feasibility must It should have priority over economic feasibility in successful development planning (Dherar Al-Otbi, 2007, p. 56), and it should be as follows:

- Determining the environmental preference enjoyed by these investment opportunities from the point of view of economic development, in a way that helps the economic policy to decide appropriate policies and incentives that support the private sector in implementing these opportunities.
- Executing some opportunities without conducting an economic feasibility study leads to the destruction and loss of some economic resources, as accepting the implementation of new projects, whether by the private or public sectors without being subject to a

feasibility study, may cause an unjustified loss of economic resources and may lead to This leads to sacrificing some investment opportunities, which if they were exploited and used after a sufficient and successful study, the results would have been the opposite of what is happening, as they would have been more efficient, effective and less costly from the local point of view.

- The feasibility study is a practical and scientific method for evaluating the proposed projects, the subject of the study, according to economic and financial criteria based on rational and rational decisions.
- In addition, the feasibility study of projects is a practical means that helps the investment decision-making authority to differentiate between the available investment opportunities, in a way that ensures maximizing the investor's goal.

Today, there is a painful reality represented in the danger that threatens the environment, which is the space in which we live, rather it is the one we live within, which witnessed a significant deterioration of its vegetation cover And a terrible decline in animal and fish wealth, and a depletion of its natural and esoteric resources, and this is due to the great tendency of many organizations, bodies and companies towards profitable projects and even projects that are not feasible for political considerations without paying attention to their negative effects and repercussions that these projects may have. On the environmental, social and even economic aspects (Bin Sadiq Abdel Wahhab, 2011, p. 59).

If we look at the environmental feasibility, it becomes clear to us that it has an economic dimension, as economic development as a necessary condition for sustainable development is not considered a sufficient condition, as development cannot be built without natural and human resources, as it is not possible to achieve the well-being of individuals and meet their needs without a strong economy. This is based on the dialectic of the economy and the environment, which can be considered sustainable development, which contributes to achieving an economy and preserving a healthy environment, preserving natural resources, especially what can be preserved for future generations, and thus raises the issue of selection, transformation and improvement. Industrial technologies in the field of utilizing natural resources, and according to this sustainable development works to develop economic development while taking into account the environmental balances in the long term.

One of the environmental feasibility criteria is to take measures to address climate change and its effects, as addressing climate changes resulting from economic and population growth has become a complex element in the framework of achieving sustainable development (Abdul Maqsood Zainuddin, 2000, p. 43), as the temperature has risen over The surface of the globe is 2 degrees Celsius at a rate of 2 degrees Celsius at its rate in the pre-industrial era, and agriculture suffers a great loss, which endangers food security, in addition to protecting terrestrial ecosystems, preserving marine resources, in addition to managing forests, combating desertification, stopping land degradation, and losing Biological diversity, where terrestrial ecosystems must be protected, restored, and promoted in a sustainable manner, combating desertification, and stopping land degradation. This matter is of economic and social importance (Nuri Choucair, 2012, p. 80).

Through this, we can say that the profit that is generated through the environmental feasibility study for projects is represented by great economic values represented by the value of natural resources and the value of addressing these natural and environmental problems that would occur if the environmental study did not exist.

It can be said that the profitability criteria for environmental feasibility are embodied in two cases: The first case: It is represented in the case of the presence of environmental feasibility, as this indicates that the project is economically feasible through its lack of

impact on the environment and its resources, because reforming the environment and climate is a matter of high economic cost.

The second case: when the environmental feasibility is not taken into consideration, the environmental damage caused by the project may be one of the large losses that may be greater than the profits of the project.

1.2 The second requirement: the proposed environmental licensing conditions

The environmental license is that license that is given to the investment project, and this license must include studied and important conditions, as it must take into account the negative impact of the project on nature, the extent of its impact on natural resources at the present time, and what may affect the share of The next generation of healthy resources and environment, as it should include land, water, air, the ground and what it contains, plants and living organisms. This must be based on an environmental impact assessment according to a prior study, so we will address it according to the following:

First: The investor must adhere to, or be placed in the terms of offering the investment project proposal by the administration, a condition for conducting an environmental feasibility study, so that the investor has to submit a feasibility study for the project he intends to undertake or establish, and the following conditions are required in the feasibility study:

- 1- It should be inclusive of all elements of the environment surrounding the project.
- 2- It should be inclusive of all project activities.
- 3- The study should be comprehensive in terms of time, in the present and the future.
- 4- The study should clarify the environmental policy of the project.
- 5- That the study was conducted in a specialized office and in a scientific manner.
- 6- The study should clarify the primary resources that are included in the project and the products that the project provides.
- 7- The expectations of the project in the study should be based on realistic data.
- 8- The administration should have the right to demand the modification of the study and the addition of a study for other topics that were not included in the study.

Second: The administration sets a time limit for receiving the environmental feasibility study so that it is sufficient for the purpose of conducting an audit confirming the validity of the study in terms of accuracy and comprehensiveness.

Third: The administration should form a committee with the membership of all specializations related to the environment for the purpose of studying the project accurately.

Fourth: The administration should take into account the future, such as considerations of the environmental age of the project, the share of future generations of resources, and the right to a healthy environment.

Fifth: The administration should set a condition for maintaining control to ensure the continuity of the guarantees of the environmental feasibility study

Sixth: The administration should ask the investor for a pledge of all that was mentioned in the environmental feasibility study.

Seventh: The administration should have a discretionary power, within the limits of its work requirements, in taking some decisions, whether it is a ban or a grant, based on a justified conviction.

Eighth: The administration shall have the right to withdraw the environmental license if it becomes clear after that that the project has become unfriendly to the environment or does not conform to the environmental feasibility.

Thus, the environmental license must take into account the temporal dimension, and that is by including conditions related to the time of project implementation in terms of its impact on the environment, as well as during the project work period, during its operation and the effects resulting from this operation, as well as the future effects of the project and what may be produced in the future.

It is also required to include the extent of its impact on natural resources and whether the project is considered a contributor to the useless depletion of these resources. It also does not affect the surrounding environment in the project, and this is done by giving a comprehensive view of the project location, starting from the natural environment, which includes air, water sources, geological soil and weather conditions, to the vital environment of plants and animals to the cultural and social environment in the region. The project and the neighboring areas, and it is very necessary to stipulate that the project keep pace with the development that occurs as a result of the development in the industries that serve the environment and the use of modern methods that are emerging in this field.

The project is required to keep pace with recycling industries and not to waste resources, whether that was from the beginning or in the future as a result of the industrial development that contributes to the field of recycling natural and primary resources, and the license must include a provision for re-examining the project during certain periods of time in order to maintain control. This is done in order to ascertain the extent to which it continues to be environmentally friendly or not, and to ascertain the steps and reforms that must be carried out by the project management, which makes the project in a state of permanent and future control, and thus the license is not only at the beginning of the project.

It is necessary to stipulate on the project the need to educate and train its cadres on protecting and developing the environment and following it as a permanent method in their work.

Chapter Three

1. A proposed project for a legal system for the environmental feasibility of NEOM investment projects

This topic includes the texts of the proposed project as a legal system for assessing the environmental feasibility of NEOM investment projects and its executive regulations.

The legal system for the environmental feasibility of NEOM investment projects

Chapter one

Definitions and objectives

Article one:

The words and expressions mentioned in this system indicate their meanings explained in front of them, unless a contrary text appears:

The Competent Authority: It is the authority determined by the NEOM project to implement the provisions of this system

Licensing body: that is, the body responsible for granting licenses for investment projects in NEOM.

Investment Project: Any investment project in NEOM of any kind, whether industrial, commercial, service, entertainment, or educational.

Environment: It is all that surrounds man such as water, air, land, and outer space, and all that these media contain in terms of inanimate objects, plants, animals, various forms of energy, systems, natural processes, and human activities.

Environmentally friendly projects: are projects that preserve the environment and prevent and/or reduce its pollution and degradation.

Cleaner Production Technology: It is the continuous application of an integrated preventive environmental strategy on processes and products in order to reduce risks to the environment.

Green Mark: It is the certificate granted by the licensing authority for soft, peaceful and transparent investment projects.

Green Innovative Products: Any product designed and manufactured according to a set of standards that aim to protect the environment and reduce the depletion of natural materials while maintaining the original performance characteristics.

Environmental Pollution: The presence of one or more substances or agents in specific quantities or characteristics for a period of time that results in damage to public health, neighborhoods, natural resources and/or property, or negatively affects the quality of life and human well-being.

Environmental quality standards: Limits or percentages of pollutant concentrations that are not allowed to be exceeded in the air, water, land or outer space.

Environmental Standards: means environmental specifications and requirements for controlling pollution sources.

Environmental feasibility conditions: These are the mandatory conditions that must be met in the investment project to obtain a license.

Environmental feasibility of the project: It is the study that is conducted to determine the potential environmental impacts or resulting from the project and the means and procedures necessary to prevent or reduce negative impacts and achieve an environmental profit in accordance with the applicable global environmental standards.

Green energy is energy that is produced from natural sources that are renewed at a rate that exceeds what is consumed, such as sunlight and wind, that is, from sources that are constantly renewed.

Soft projects are those quiet projects that do not result in hustle and bustle.

Transparent projects are those projects that do not obstruct the vision of the horizon, do not obscure the view, and do not constitute a visual barrier that results in visual suffocation.

The peaceful project is the project that is not subject to the occurrence of explosions, fires, gas leaks, or any dangerous accidents resulting from its activity.

Second subject:

This system aims to achieve the following:

Preserving the quality of life and human well-being in the NEOM project.

Setting standards for environmental feasibility in NEOM investment projects.

Determining the environmental conditions for licensing investment projects in NEOM.

Making environmental planning in NEOM a part of comprehensive planning for development in all investment fields.

Preserving the environmental balance in NEOM by keeping the components and elements of the natural environment in its pristine state.

Part 1

2. Tasks and obligations

Article Three:

The licensing authority performs the following tasks:

1. Preparing, issuing, reviewing, developing and interpreting environmental quality standards.
2. Ensure that the environmental feasibility conditions mentioned in the text of Article 6 of this system are met when evaluating investment projects.
3. Conducting environmental assessment studies according to international environmental principles and standards.
4. Supervising the implementation of investment projects and evaluating their compliance with environmental quality standards, environmental standards, and environmental feasibility conditions.
5. Granting licenses for investment projects after ensuring that the environmental feasibility conditions mentioned in Article 6 of this system are met.

Article Four:

The licensing authority in NEOM – when studying the environmental feasibility of any investment project – is committed to environmental quality standards, environmental standards and environmental feasibility conditions set forth in the executive regulations of this system when granting licenses for investment projects.

Article Five:

The licensing body must ensure that environmental feasibility studies are conducted on investment projects in NEOM, and the body in charge of implementing the investment project is the body responsible for conducting environmental feasibility studies in accordance with the conditions, principles and standards contained in this system and its implementing regulations.

Article Six:

The environmental feasibility conditions for investment projects in NEOM include:

1. The investment project must comply with NEOM's environmental vision and objectives.
2. The investment project is committed to maintaining the environmental balance so that it is in harmony with the requirements of the environment and achieves sustainable environmental development.
3. The investment project must enhance the environmental renewal through its contribution to the renewal of the environment and the preservation of its pristine condition or the addition of positive environmental elements.
4. The investment project must maintain the health of the environment so as to protect the environment from the spread of environmental diseases and / or deficiencies in environmental performance.
5. The investment project must aim at achieving environmental profit through its tangible contribution to environmental care, in addition to achieving financial profit.
6. The project must be based on green energy.

7. The project must commit to applying the circular economy so that its products and waste can be recycled.
8. The project must be a soft project.
9. The project must be transparent.
10. The project must be one of the projects of environmental education and guidance, or at least include an implementation of an idea of environmental education and guidance.
11. The project must take into account the architecture of urban beauty and be compatible with the surrounding urban environment.
12. The colors of the investment project must match the public taste and be compatible with the surrounding environment.
13. The project must take into account the international requirements of health and environment.
14. The project must take into account the social environment by taking into account all social groups, such as the blind, the disabled, the deaf, the dumb, and people with special needs. And that is through allocating special care for them in movement and dealing.
15. The project must take into account the zero waste policy.
16. The project must be environmentally friendly and secure.
17. The project must take into account the environmental age and not cause environmental aging.
18. Project products must be green innovative products.
19. The project must contribute to the environmental recovery by contributing positively to the renewal of the environment.
20. The project must take into account the policy of environmental remediation, in that the project has a role in addressing what is happening to the environment in terms of ill health, such as the emergence of environmental problems that require immediate treatment.
21. Any other condition required for the development of environmental science.

Article Seven:

Taking into consideration what is stated in the regulations and instructions related to the environment in NEOM, the licensed investment projects are committed to the following:

1. Rationalizing the use of natural resources.
2. Using cleaner production technology.
3. Focus on green innovative products.
4. Developing green technologies in line with local and regional environmental conditions.
5. Take the necessary precautions and measures to ensure a green, healthy environment within the workplace by ensuring that air pollutants are not leaked or emitted except within the permissible environmental standards.
6. The investment project shall allocate a green area surrounding the project to be cultivated in accordance with the project type requirements specified in the executive regulations.

7. Submitting a contingency plan to confront any possible negative impacts on the environment from the investment project, to prevent or mitigate the risks of those impacts, and to have the means to achieve that.

Article Eight:

Owners of investment projects applying for a license undertake the following:

1. Implementing the conditions and criteria mentioned in the environmental feasibility study at all stages of the project.
2. Using the best possible techniques and means and necessary measures to preserve surface, ground or coastal waters and ensure that they are not polluted by solid and liquid wastes, directly or indirectly.
3. Using the best possible techniques and means and necessary measures to preserve soil and land and limit its degradation or pollution.
4. Using environmentally friendly machines and equipment when constructing the project and not exceeding the limits of the permissible environmental standards set forth in the executive regulations.
5. Repairing the environmental damage caused during the construction of the project at his own expense and restoring the situation to what it was.
6. Using the best possible technologies, means and necessary measures to reduce and/or reduce greenhouse gas emissions.

Part 2

3. Violations and penalties

Article nine

When it is confirmed to the competent authority that one of the environmental conditions, standards, or environmental quality standards has been violated, it shall, in coordination with the concerned authorities, oblige the offender to do the following:

- a. Eliminate environmental damage and its negative effects, stop it, and treat its effects in accordance with the environmental standards in NEOM, and within the period that you specify to do so, and in accordance with the size of the damage and its effects.
- b. The party causing the damage shall submit a report on the measures it has taken to prevent the recurrence of the violation of these standards in the future.
- c. In the event that the entity causing the environmental damage refuses to remove it within the period specified for that, the competent authority, in cooperation with the concerned authorities, shall take the necessary measures to remove it, at the expense of the person causing the damage, and assign him to pay a financial fine to be determined according to the size of the damage and its effects, provided that it does not exceed one million US dollars.

Article ten

Violations of the provisions of this system and its implementing regulations shall be controlled by the employees whom a decision is issued to name them from the competent authority. The executive regulations shall determine the procedures for controlling and proving the violations.

Article eleven

Without prejudice to any harsher penalty stipulated in another system, whoever violates any of the provisions of the other articles in this system shall be punished with a fine of not less than ten thousand US dollars, and the violator shall be obligated to remove the violation at his own expense.

In the event of recurrence, the violator shall be punished by increasing the minimum fine to double and obligating him to remove the violation at his own expense. The establishment may also be closed for a period not exceeding ninety days.

In the event of repetition or recurrence for the third time, the investment license for the project will be canceled and it will be closed.

Article twelve

The competent authority shall form a committee of three members to consider the violations and impose the penalties stipulated in this system. Its decisions are issued by majority.

Article Thirteen

Any international agreement related to the environment is an integral part of this system. The executive regulations of the environmental feasibility system for NEOM investment projects

Article one:

Definitions:

In the context of applying these regulations, the following terms and expressions shall have the meanings indicated opposite each of them, unless the context indicates otherwise:

Environmental Pollution: The presence of one or more substances or factors in quantities or characteristics for a period of time that leads directly or indirectly to harm public health, neighborhoods, natural resources or property, or negatively affects the quality of life and human well-being.

Environment Pollution: Any action or conduct, direct or indirect, by any person that results in environmental pollution, whether the action was intentional or unintentional, or as a result of negligence, misbehavior, ignorance, or for any reason whatsoever.

Environmental Degradation: The negative impact on the environment that changes its nature or general characteristics, or leads to an imbalance in the natural balance between its elements, or the loss of its aesthetic or visual characteristics.

Pollution incidents: These are incidents that result in pollution or deterioration of the environment, and local and national capabilities can combat and control them.

Environmental Disaster: An accident that results in damage to the environment and that needs to confront it with capabilities greater than those required by pollution incidents.

Source Standards: Limits or percentages of pollutant concentrations from various sources of pollution, beyond which it is not permitted to drain into the surrounding environment.

Environmental impacts: It is a set of environmental interactions resulting from the preparation, establishment or operation of any project.

Environmental feasibility of the project: The study that is conducted to determine the potential or resulting impacts of the project on the environment and the appropriate procedures and means to prevent or reduce the negative impacts or increase the positive returns of the project on the environment in accordance with the applicable environmental standards.

Environmental Monitoring Networks: Networks established by the Environmental Monitoring Center to monitor environmental components and pollutants.

Second subject:

In application of the second article of the system, the competent authority performs the following tasks:

1. Review the status of investment projects environmentally.
2. Collecting information and conducting environmental studies.
3. Establishing a database related to environmental information for investment projects.
4. Establishing a mechanism for the circulation and exchange of environmental information on investment projects.
5. Supervising the work of the Environmental Monitoring Center.
6. Coordinating with the licensing authority to review and develop environmental feasibility conditions for investment projects.
7. Exercising control over the work of the licensing authority.
8. Follow-up on environmental memorandums of understanding and cooperation and coordinate efforts with the concerned authorities to activate them.
9. Delegating any party to carry out some of the tasks entrusted to it.

Article Three:

Licensed investment projects are committed to ensuring the updating and development of the best possible technologies that are used globally and on a regular basis, in line with the nature of the project and compatible with the requirements of the renewable environment and environmental scientific development.

Article Four:

The provision of some conditions on environmental feasibility independently found in other laws related to the subject matter of the system and its implementing regulations are among the provisions of this regulation.

Article Five:

The purpose of mentioning the conditions in Article 6 of the system is to emphasize and allocate them and highlight those conditions for their importance.

Article six

The Licensing Committee has the authority to issue a decision that includes a request to amend the environmental feasibility, in addition to the decision of acceptance and rejection, and its decision in this regard is final.

Article seven

In the event that any method or method for protecting the environment emerges as a result of the development of environmental science, this method and/or method is considered one of the conditions for licensing investment projects.

Article eight

The provisions of the Law and its Implementing Regulations shall apply to all investment projects of an investment nature as well as projects of a special nature.

Article nine

The provisions of the system and its executive regulations include every project that emerges as a result of the evolving nature of NEOM.

Article ten

The licensing authority has the right, in order to accomplish its tasks, to seek the assistance of the competent authorities and experts in order to reach a more accurate decision.

Article eleven

Licensed investment projects are committed to the following:

1. Safe handling of waste.
2. Continuously replace and update environmentally friendly materials.
3. Periodic environmental review of the licensed project.
4. Environmental Quality Management.
5. Development in production and manufacturing processes in line with the emerging requirements of the environment.
6. Reliance on recycling processes.

Article twelve

The economic feasibility must not conflict with the environmental feasibility, and if so, priority is given to the environmental feasibility.

Article Thirteen

The license is granted for investment projects according to an approval decision issued unanimously by the licensing authority.

Article fourteen

The licensing authority has the discretionary power to accept or reject investment projects based on the environmental feasibility alone, taking into account the spatial suitability of the project.

Article fifteen

The competent authority may grant the Green Mark to pioneering soft, peaceful and transparent environmental projects.

Article sixteen

The competent authority has the right to withdraw the license and close the licensed project if it violates any of the conditions stipulated in the environmental feasibility and assign it to repair the environmental damage achieved and pay a fine of not less than 500 thousand Saudi riyals.

Article seventeen

The licensing authority has the right to choose between the conditions related to the environmental feasibility of the investment project submitted for the license in a manner consistent with its type and nature.

Article eighteen

The licensing authority has the right to adopt the principle of compound conditions in some investment projects submitted for licensing.

Article nineteen

The licensing authority has the right to adopt ascending quality standards and descending quality standards when studying the environmental feasibility according to the nature and type of the project.

Article twenty

The licensing authority has the right to classify licensing conditions into fixed and rubber estimated conditions.

Article twenty one

Priority is given to licensing investment projects that include several environmental objectives and/or multiple environmental profits.

Article twenty-two

People who are responsible for operating any investment project in the city of NEOM shall install automatic monitoring and control devices for environmental standards in accordance with the size and type of the project, and shall provide the competent authority with the extracts and results of these devices upon request.

Article twenty-three

If a licensed investment project causes a defect in one of the environmental standards or criteria and this is proven, the competent authority, in cooperation with the concerned authorities, may oblige the offender to do the following:

- a. Eliminate and stop any negative impacts and treat their effects in accordance with environmental standards and standards within a specific period.
- b. Submit a report on the steps he took to prevent the recurrence of any violations in the future, provided that these steps obtain the approval of the competent authority after their evaluation.
- c. The following cases are considered among the violations and abuses of the provisions of this system:
 1. Violation of any measure or criterion of the environmental standards of the city of NEOM.
 2. Immediate reporting of pollution incidents or negative effects resulting from operating projects or exceeding environmental standards.
 3. Non-compliance with any of the steps and procedures specified by the competent authority to stop and remove violations or remedy their effects and prevent their recurrence.
 4. Non-compliance with the time period specified by the competent authority after coordination with the relevant authorities to stop any negative impact and remedy its effects.
 5. Withholding environmental information from the competent authority in case of breaching any measure or criterion of the environmental standards of the city of NEOM
 6. Obstructing the work of employees specialized in detecting violations and/or preventing them from performing their duties.
 7. Non-compliance with developing an emergency plan to deal with pollution incidents and/or failure to provide the human cadres and equipment necessary for their operation.
 8. Non-compliance with the necessary periodic maintenance of environmental monitoring and monitoring devices and/or devices necessary to implement the pollution incidents emergency plan.
 9. Any other case that may arise or be approved by the competent authority in coordination with the concerned and licensed authorities.

Article twenty four

The employees who are nominated by a decision issued by the competent authority shall control the violations of the provisions of the system and its executive regulations.

Article twenty five

The control procedures include several operations that are clarified in the control regulation, according to the following:

1. Inspections and monitoring
2. Automatic monitoring
3. Communications
4. Any other method that may contribute to monitoring violations.

Article twenty-six

The competent authority, in coordination with the licensing authorities and the concerned authorities, documents environmental data and information, violations and their sources.

Article twenty seven

General Provisions

1. The competent authority shall establish the necessary appendices to the environmental feasibility system for NEOM investment projects and its implementing regulations, in coordination with all relevant authorities.
2. The competent authority has the right to add any development or change to any of the paragraphs of the executive regulations and its appendices whenever the need arises

Conclusion:

Through the study of our topic, we reached a number of conclusions and suggestions.

1. Conclusions:

- 1- The environmental feasibility is no less important than the economic feasibility, but may be more than it in some sectors or projects.
- 2- It is possible to develop a legal system for environmental feasibility. It has become clear to us that there are many studies looking at the importance of environmental feasibility, but there is no legal system or legislation regulating environmental feasibility yet, and this indicates the novelty of this study.
- 3- The issue of drafting a legal system is not without a kind of difficulty because the sectors of investment projects and environmental projects are diverse in themselves and very different in nature, in addition to that, the elements of the environment are also diverse and numerous, and changes occur over time.
- 4- The environmental feasibility and its study is considered a matter of the future, which does not appear in reality except when implementing the project and starting its work.
- 5- The environmental feasibility study is important for determining the economic feasibility, as there is no real economic feasibility with the presence of environmental pollution or environmental losses, and the environmental feasibility serves all other studies in the project.
- 6- The study of the environment necessitates that we treat each sector or activity separately because of its special nature, because the environmental feasibility study is a flexible study that gives the administration some powers to consider some conditions in terms of whether or not they are necessary.

2. Suggestions for Further Research :

- 1- Adopting the proposed legal system for environmental feasibility for the purpose of achieving environmental goals and the vision of the NEOM project, by applying it to projects.
- 2- Interest in studies related to environmental feasibility and networking these studies with legal jurisprudence.
- 3- Adopting a flexible policy and enhancing the management's discretion in implementing the proposed legal system, according to the type and nature of the project.
- 4- Adopting legal methods to stimulate environmental improvement through legislations that support the environment, such as (green tax) and (environmental stimulus law).

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