

Law of

Chemicals Import and Management

Royal Decree No. M/38

16 Jumada II 1427H / 12 June 2006

Article 1:

The following words and phrases, wherever mentioned in this Law, shall have the meanings assigned to them, unless the context requires otherwise:

Chemicals: Any chemical substance whether gaseous, liquid or solid; their names and types shall be specified by the Regulations.

Management of Chemicals: Any handling of chemicals, including production, manufacture, use, transport, storage, processing, destruction and disposal thereof.

Competent Agency: Any agency authorized, in accordance with the provisions of this Law, to issue permits of chemicals import and clearance.

Chemical Waste: Chemical waste to be disposed of, such as substances resulting from industrial and research operations.

Accumulated Chemicals: Chemicals stored for an extensive period of time in the warehouses of importers or handlers in accordance with the Regulations.

Hazardous Chemicals: Toxic or explosive chemicals, or chemicals with other properties that may be hazardous to humans or the environment.

Regulations: Implementing Regulations of this Law.

Article 2:

Chemicals may not be imported without obtaining a permit, nor may they be cleared by Customs without a clearance permit. The Regulations shall specify the procedures for the permit application and related forms, conditions and terms as well as procedures for renewal and cancellation.

Article 3:

1. The following agencies shall have the power to issue permits for the import and clearance of chemicals identified next to each:
 - a. Ministry of Interior: Chemicals used in explosives.
 - b. Ministry of Higher Education: Chemicals used in educational institutions.

- c. Ministry of Health: Chemicals used in preparation of medicines as well as chemicals needed in the health sector, including non-radioactive reagents.
 - d. Ministry of Agriculture: Chemicals used in preparation of pesticides, soil enhancers, fertilizers, veterinary medicines and chemicals needed in agricultural research centers.
 - e. Ministry of Water and Electricity: Chemicals used in water and sewage treatment and their plants, chemicals needed in water and sewage research laboratories and centers, as well as electricity companies.
 - f. Ministry of Commerce and Industry: Chemicals traded in local markets and imported by commercial establishments and companies, as well as chemicals used by petroleum and mining factories and companies.
2. Ministries referred to in paragraphs (c, d, e. and f) above may not issue permits of import or clearance except by agreement with the Ministry of Interior.

Article 4:

Agencies concerned shall provide the Presidency of Meteorology and Environment with a copy of the chemicals clearance permit upon issuance.

Article 5:

The Saudi Arabian Standards Organization shall set standard specifications for containers of chemicals, in terms of type, size, color as well as mandatory labels and instructions.

Article 6:

The Ministry of Transport and the General Authority of Civil Aviation, each within their jurisdiction, shall issue permits for transport of chemicals, in accordance with terms and specifications specified by the Regulations.

Article 7:

Management of chemicals is not permitted without a license. The Regulations shall specify the competent agencies as well as the licensing procedures and conditions.

Article 8:

The Ministry of Interior shall assume the following responsibilities:

1. List and monitor all imported chemicals used in explosives, and importers thereof.
2. Escort trucks carrying hazardous chemicals – specified by the Regulations – to ensure their safety on road.
3. Set up safety and protection measures against chemical hazards and oversee their implementation.
4. Form intervention teams for chemical accidents, and provide such teams with training and equipment necessary to perform their tasks.

Article 9:

The Customs Authority shall assume the following responsibilities:

1. Complete customs procedures necessary for any shipment of chemicals coming into the Kingdom upon submission of the clearance permit.
2. Coordinate with the competent agencies to overcome any hindrance or delay in clearance of imported chemicals.
3. Notify the Presidency of Meteorology and Environment of unclaimed chemicals.

Article 10:

The Presidency of Meteorology and Environment shall assume the following responsibilities:

1. Coordinate with concerned agencies to establish database containing:
 - a. A list of chemicals cleared, importing agencies and chemicals destroyed.
 - b. A list of prohibited chemicals strictly not permitted to enter the Kingdom and restricted chemicals permitted only in accordance with special conditions and instructions, and a copy thereof shall be provided to the agencies concerned.
- c. All that relates to chemical waste, its characteristics, hazard level, and appropriate circumstances for its storage, transport and recycling, as well as methods of storage and disposal thereof.
2. Regulate means of sensing and warning of chemical accident hazards, and devise plans to face emergency cases affecting the environment, in coordination with relevant agencies.
3. Issue permits for building plants and facilities for chemical waste treatment in accordance with standards specified by the Regulations, and monitor such plants and facilities as well as their disposal.
4. Establish rules and procedures to control processes of destroying and disposing of chemical waste, and monitor the implementation of such rules and procedures, in line with related laws and treaties.
5. Coordinate with relevant agencies to provide appropriate sites for destroying and dumping of chemicals, and oversee the establishment of burial sites and the destruction and dumping processes.
6. Take necessary measures regarding chemicals with agencies seeking to dispose of them, upon notification of the Presidency of Meteorology and Environment thereof.

Article 11:

Chemicals importers and management shall comply with the following:

1. Complete clearance procedures prior to or upon the arrival of chemicals to the Kingdom.
2. Collect and transport imported chemicals within a period not exceeding three working days from customs clearance date.
3. Safely transport chemicals by licensed means of transportation.
4. Notify the Ministry of Interior prior to transporting hazardous chemicals.
5. Store chemicals in designated sites in accordance with conditions and instructions stipulated in the Regulations.
6. Apply instructions for workers' safety in chemical handling facilities.
7. Apply standard specifications of chemicals containers.
8. Refrain from use of imported chemicals for purposes other than those for which they are requested, except with the approval of the competent agency.
9. Refrain from use of chemicals outside designated sites.
10. Handling of chemicals shall be carried out by individuals qualified in the field of safety and prevention.

11. Inform the agency concerned and the Presidency of Meteorology and Environment, periodically, of accumulated or expired chemicals or chemical waste in their possession.
12. Disposing of chemical waste shall be carried out by a specialized licensed facility, furnishing the Presidency of Meteorology and Environment with proof thereof.

Article 12:

The competent agencies, each within their jurisdiction, shall undertake the following:

1. Monitor and inspect entities and facilities handling chemicals to ensure their compliance with provisions of this Law and its Regulations and all directives issued relating to chemicals.
2. Record and establish violations of provisions of this Law and prepare minutes thereon. The Regulations shall stipulate procedures for recording and establishing violations.

Article 13:

1. Without prejudice to any severer punishment provided for in other laws, violators of the provisions of this Law shall be subject to one or more of the following punishments:
 - a. A fine not exceeding five hundred thousand riyals.
 - b. Imprisonment for a period not exceeding five years.
 - c. Debarment from chemicals import and management for a period not exceeding five years.
2. In addition to the aforementioned punishments, a judgment may be issued to return imported chemicals in question to their point of origin or destroy them at the violator's expense.
3. In all cases, violators shall be compelled to remove the effects of the violation.

Article 14:

The Bureau of Investigation and Public Prosecution shall have jurisdiction to investigate and prosecute violations of the provisions of this Law.

Article 15:

The Board of Grievances shall have jurisdiction to decide all violations, disputes, and claims for compensation arising from the implementation of the provisions of this Law.

Article 16:

This Law shall not apply to the following:

1. Medicines.
2. Chemicals for household use as specified by the Regulations.
3. Chemicals imported directly by the armed forces for military purposes.

Article 17:

Subject to laws and international agreements, the Minister of Interior shall issue the Implementing Regulations of this Law within one hundred and eighty days from the date of publication, upon a recommendation by a committee formed of the Ministry of Interior, Ministry of Health, Ministry of Commerce and Industry, Ministry of Transport, Ministry of Agriculture, Ministry of Water and Electricity, Ministry of Higher Education, Ministry of Finance (Customs Authority), Presidency of Meteorology and Environment, King Abdulaziz

City for Science and Technology, General Authority of Civil Aviation, and the General Investment Authority.

Article 18:

This Law shall come into effect one hundred and eighty days from the date of its publication in the Official Gazette and shall repeal provisions in conflict therewith