

Federal Law No. 41 "Concerning Agricultural Pesticides"

Federal Law No. 41

Issued on 28/09/1992

Corresponding to 1 Rabi' al - Thani 1413 H.

CONCERNING AGRICULTURAL PESTICIDES

We, Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates State,

Pursuant to the perusal of the provisional 2 Constitution [The word " provisional " has been deleted from the Constitution of the United Arab Emirates, wherever mentioned, by virtue of Article One of the Constitutional Amendment no. 1/1996 dated 2/12/1996; this Constitution has become the permanent Constitution of the State.]; and

Federal Law no. 1 of 1972 concerning the Jurisdiction of the Ministries and the Powers of the Ministers and the amending laws thereof; and

Federal Law no. 2 of 1974 regulating the Import of Agricultural Seedlings and Seeds and the amending laws thereof; and

Federal Law no. 4 of 1979 concerning Quashing Adulteration and Fraud in Commercial Transactions; and

Federal Law no. 5 of 1979 concerning the Agricultural Quarantine and the amending laws thereof; and

Federal Law no. 3 of 1987 issuing the Penal Code; and

Acting upon the proposal of the Minister of Agriculture and Fisheries, the approval of the Cabinet and the ratification of the Federal Supreme Council,

Have promulgated the following Law:

Article 1

The following terms and phrases shall have the meanings assigned for each of them unless the context requires otherwise:

State: The United Arab Emirates State.

Ministry: The Ministry of Agriculture and Fisheries.

Minister: The Minister of Agriculture and Fisheries.

Undersecretary: The undersecretary of Agriculture and Fisheries.

Competent Department: The agricultural affairs sector in the Ministry or any organizational unit pertaining thereto.

Competent Authority: The authority in charge of the regulation, import, manufacture, installation and circulation of agricultural pesticides in every Emirate.

Committee: The committee of agricultural pesticides as referred to in Articles 3 and 4 hereof.

Pesticide: Any material or mixture of materials which purpose is to protect from, eradicate or combat any kind of pest, including insect vectors transmitting diseases to humans and animals, undesired plants or animals causing damages, or interfering in any way whatsoever during the production, manufacture, storage, transportation and marketing of foodstuffs, agricultural products, wood, wooden products or fodders, as well as any material given to animals to combat insects, spiders or other pests existing on or in the animals. The abovementioned expression shall include materials used for the regulation of the growth of plants, the shedding of the leaves and the drying thereof, the trimming of the fruits trees, or the protection of fruit falling before they are ripe, as well as the materials used, either before or after the harvest thereof, to protect crops against deterioration during transportation or storage.

Pest: Every animal, plant, or microorganism that is harmful, damaging, or irritating such as insects, spiders, nematode, or microorganisms(bacteria, fungi, and algae), plant viruses, harmful weeds, parasitical plants, harmful birds, rodents, bats, slugs and snails.

Circulation: The display for sale, sale, storage or transfer of a permanent or provisional property in any

means of transportation.

Registration: The process of assessment of comprehensive scientific data that show the efficiency of the pesticide for the intended purpose and the non - existence of any danger to humans, animals and environment in general, on the basis of which the approval of the circulation thereof in the State shall be granted.

Article 2

1 - The provisions of the present Law shall apply to the following:

- a - All kinds of pesticides.
- b - Active materials of pesticides: they are the bioactive part in the structure of the pesticide.
- c - The commercial forms of pesticides: they are the final form of the pesticide that makes it usable and efficient in achieving the intended purpose.
- d - The additives: Should they be separately sold to be used with the pesticide, such as the additive substances added to the final formula of the pesticides in order to improve the efficiency and characteristics thereof.

2 - The provisions of the present Law shall not apply to the following:

- a - Pesticides imported by universities and research centers for scientific research purposes, provided that such bodies take all safety procedures and guarantee that such substances are not circulated in the State.
- b - Pesticides imported for re - export on condition that they do not trespass the borders of the State.
The transportation of the cargo from a border to another for export may occur after having taken all necessary precautions in coordination with the Customs and Agricultural Quarantine Authorities.

Article 3

Pesticides of whatever kind may not be imported, exported, prepared or circulated unless subsequent to the registration thereof in the agricultural registers of the Ministry, the approval the "Committee of

Agricultural Pesticides” and to the obtainment of the necessary certificate from the competent authority.

Article 4

A committee called “the Committee of Agricultural Pesticides” shall be established in the Ministry, whose establishment and work regulation therein shall be determined by virtue of a decision issued by the Minister. The said committee shall have jurisdiction to propose the pesticides that may be circulated, define the characteristics, the registration procedures and circulation conditions thereof. The said committee may, in this regard, request the assistance of appropriate experts.

Article 5

In accordance with a recommendation from the competent body in the Ministry, the Minister may prohibit, permanently or temporarily, the production, manufacture, import or circulation of any kind or type of pesticides whatsoever, whenever the public interest so requires.

Article 6

The Minister shall issue the implementing decisions of the provisions hereof, in accordance with the proposal of the Committee, in particular the decisions concerning the following matters:

- 1 - The types of pesticides whose import or circulation is prohibited due to the dangerous effects thereof on health and environment, as well as a list of pesticides whose usage is prohibited unless under the supervision of specialists.
- 2 - The terms and procedures of licensing with regards to import, manufacture and trade of pesticides, and the preparation of applications related thereto.
- 3 - The procedures of registration and renewal of registration of pesticides.
- 4 - The terms, specifications and data of containers, labels and illustrative pictures of pesticides.
- 5 - The procedures of sampling and analyzing the pesticides, methods of objection, grievance and reservation with regards to the results of analysis, and the procedures to be followed in the objection of

grievance systems, and the method of settlement of each thereof.

Article 7

The persons currently residing in the State and whose activities or a part thereof are within the scope of the provisions hereof, shall adjust their situations with the provisions and the implementing decisions thereof and such within six months as of the date of the coming into force hereof, failing which they shall be subject to the sanctions set forth herein.

Article 8

The employees charged with the supervision of the execution of the provisions hereof and the implementing decisions hereof, and who are determined by virtue of a decision issued by the Minister of Justice in agreement with the Minister of Agriculture and Fisheries and the competent authority, shall have the capacity of judicial investigation officers. By virtue of such capacity, they shall have the right to enter the locations which activities is within the scope of the provisions hereof, with the exception of the locations destined for residence, and such in order to ensure the implementation of the provisions and the implementing decisions thereof, and to control the infringements. The local authorities in the Emirates must offer the necessary facilities to such employees to enable them to execute the duties thereof.

Article 9

Whoever violates the provisions of the present Law shall be sentenced to imprisonment for a period not exceeding six months, and to a fine of twenty thousand Dirhams at least and one hundred thousand Dirhams at most, or to either penalties.

Should the infringement result in the death of a person or an adverse effect to his health, the sanctions set forth in Articles 342 and 343 of the Penal Code shall apply.

Furthermore, the substance subject of the breach shall be confiscated.

Article 10

The fees due in accordance with the provisions of the present Law shall be determined by virtue of a Cabinet decision.

Article 11

The Minister shall issue the necessary regulations and decisions for the implementation of the provisions of the present Law

[The Implementing Regulation of the present Federal Law has been issued by virtue of the Ministerial Decision no. 97/1993 dated 15/6/1993, abrogated by virtue of the Ministerial Decision no. 257/2003 dated 16/7/2003, abrogated by virtue of the Ministerial Decision no. 235/2004 dated 22/6/2004, and published directly thereafter.]

Article 12

The present Law shall be published in the Official Gazette and shall come into force as of the date of the publication thereof.

Promulgated by Us at the Presidential

Palace in Abu Dhabi

On 1 Rabi' al - Thani 1413 H.

Corresponding to 28 September 1992

Zayed Bin Sultan Al Nahyan

President of the United Arab Emirates State

This Federal Law has been published in the Official Gazette, issue no. 243, p. 137.

Source: Ministry of Justice