

Resolution of the Council of Ministries No. 22 of the year 2003, on
issuing the executive By-law of the Federal Law No. 11 of the year 2002
on regulating and controlling the International
Trade in Endangered Species of Wild Fauna & Flora

The Council of Ministries,

Pursuant to the provisions of the constitution,

The Federal Law Number (1) of the year 1972 on the functions of Ministries and powers vested upon the Ministers and the Laws issued in amendment thereof,

The Federal Decree No.(81) of the year 1981 on the admission of the United Arab Emirates to the International convention on Trade in Endangered Species of Wild Fauna & Flora and the Laws issued in amendment thereof,

The Federal Law Number (11) of the year 2002 on Regulating and Controlling the International Trade in Endangered Species of Wild Fauna & Flora.

And upon the submission of the Minister of Agriculture and Fisheries and the Minister of health,

Do hereby promulgate the following law:

Article (1)

For the purpose of implementing the provisions of the present Law the following terms and expressions shall have the meanings hereby assigned to them unless the context required otherwise:

- 1- State : Shall mean the United Arab Emirates
- 2- Minister: Shall mean the Minister of Agriculture and Fisheries.
- 3- Law: Shall mean the Federal Law No.(11) Of the year 2002 on Regulating and Controlling the International Trade in Endangered Species of Wild Fauna & Flora.
- 4- Management Authority: Shall mean the concerned management to carry out the provision of this law and its executive by-law in the Ministry of Agriculture and Fisheries and the Environmental Federal

Agency according to their functions and the liabilities in accordance with the provisions of Article (4) and Article (5) of this law.

- 5- Scientific Authority: Shall mean the Environmental Research and Wild Life Development Agency, incorporated by virtue of Abu Dhabi Emirate law No.(1) Law No.(4) Of the year 1996 and amended for 1997.
- 6- The Convention: Shall mean The Convention on Trade in Endangered Species of Wild Fauna and Flora that has been acceded to by the state.
- 7- Appendices: Shall mean Appendices 1, 11,111, attached to the Convention or any amendments brought thereto.
- 8- International Trade: Shall mean importing, exporting, re-exporting, or introduction by sea subject to customs regulations of the state.
- 9- Specimen:
 - i. Shall mean live or dead animal or plant included in the appendices.
 - ii. Shall mean any part or derivatives stated in the attached documents or labels, stickers or mark which shall be considered as parts or derivatives of an animal or plant stated in the appendices unless they are excluded from the provisions of this law.
- 10- Species: Shall mean all species, subspecies or any numbers of geographically separated populations thereof.
- 11- Export: Shall mean the act of taking any specimen out of any place within the state.
- 12- Re-Export: Shall mean the export of specimens previously imported.
- 13- Import: Shall mean introducing or trying to introduce, landing of any of the specimens included in the appendices in any place within the

state in accordance with the regulations of customs other than transit, or transshipment.

- 14-** Introduction by sea: Shall mean the introduction of any specimen included in the appendices to the state through other marine territories not under the sovereignty of any states.
- 15-** Transit and Transshipment: Shall mean operations under which the specimen remains under the control of the customs in the state during their process of shipment to a named consignee outside the state, and this shall include any interference with the movement of the specimen resulting from the arrangements necessitated by these operations.
- 16-** Check at the time of introduction, export, re-export or transit: the Verification of certificates and permits provided for in this law, and in this executive regulation including examination of the specimen or taking of samples if possible, for analysis or clinically checked up.
- 17-** Issuance: Shall mean to complete all transactions required by the management authority and this shall include the preparation, attestation, and delivery of permits or certificates to their owners.
- 18-** Sale: Shall mean any form of ownership in purposes of this law such as hire, exchange or barter which shall be considered as sale.
- 19-** Offering for sale: Shall mean advertising or preparing for advertising and invitation to negotiate.
- 20-** Primary commercial purposes: Shall mean all purposes of which their commercial aspects are predominant.
- 21-** Use for commercial Purposes: Shall mean the dealing with specimen listed in the appendices for trade purposes even though their commercial aspects are not obviously predominant.
- 22-** Permit or Certificate: Shall mean the official document used to authorize permits of import, export, re- export or introducing by sea of any specimens listed in the appendices.

- 23- Rescue Centre: Shall mean any establishment approved by the management authority to lodge live specimens, confiscated, or none confiscated or apprehended specimen for their safety.
- 24- Bred in captivity: Shall mean the offspring born or otherwise produced by any means in a controlled environment of parents that mated or otherwise transmitted their gametes in a controlled environment, and the above shall include off spring, descendants or eggs.
- 25- Artificially propagation: Shall include plants, or parts thereof, their derivatives produced by man by seeds, cuttings, tissue culture, or any other propagates under controlled environment.
- 26- Country of origin: Shall mean the country of which the specimen has been taken in the wild bred in captivity or artificially propagated or introduced which does not fall under the jurisdiction of any state.
- 27- Secretariat of the convention: Shall mea the secretariat referred to in Article (12) of the convention.
- 28- Judicial control officers: Shall mean the management authority officers appointed according to Article No. (34) of the Law.

Article (2)
Scope of Implementation

The provisions of the by-law shall be applied to specimen listed in Appendices in annexes (1, 11, 111) attached to the convention according to Article (2) of the Law.

Article (3)
General Provisions

- a. The international trade of any specimen of the species listed in the Appendices in accordance with the provisions of the law and of the executive By-law shall
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be prohibited as well as the possession or dealing with in any manner whatsoever.

- b. The burden of proof of the possession or international trade of any specimen lies with the owner of the specimen.

Article (4) **The Management Authority**

The Management Authority at the Ministry of Agriculture and Fisheries shall be in charge of controlling the entry and exit posts of the specimen listed in the Appendices. It shall also be responsible for examining the said specimen, authorizing their shipping, transportation, lodging and taking the appropriate measures for their conservation and protection all throughout the state in cooperation with the Scientific Authority and the juridical control officers and it may exercise the following jurisdictions throughout the UAE except in the Emirate of Abu Dhabi.

- 1- Cooperation with the concerned authorities within the state to facilitate the exchange of information among the competent parties that are concerned with implementing the provisions of this convention, and train the authorized persons to implement the legislations.
- 2- Prepare a biennial report on the administrative and organizational procedures taken to implement the provisions of the law to be submitted to the competent authority in the Federal Environment Agency so as it maybe referred to the general secretariat of the convention.
- 3- Prepare an annual report about the international trade in specimens and submit it to the Federal Environment Agency.
- 4- Advise the Council of Ministers about the work shall be carried out to implement the provisions within the scope of its competence and according to the executive by-law
- 5- Institute lawsuits before the judiciaries regarding the matters related to the implementation of the law and its by-law.

- 6- To review the applications of permissions, certificates, their issuance and or rejection in accordance with the provisions of this law, or to issue the regulations may deem necessary for permits or certificates provided that they shall not contradict with the law and the by-law.
 - 7- Maintain records of international trade and files as listed in the annexes and prepare the annual reports to be submitted to the Management Authority of the Federal Environment Agency and the general secretariat of the Convention.
 - 8- Review the applications for the registration of the activities related to the convention and the laws which should be approved according to the article No.(18) of the law.
 - 9- Lay down the rules and procedures to implement the law in coordination with the Management Authority in the Federal environment agency and the Scientific Authority.
 - 10- Designate one or more rescue centers to receive the confiscated or the apprehended specimen in consultation with the Scientific Authority.
- To perform any other works required to implement the provisions of this convention.

Article (5)
The Management Authority
Of the Federal Environment Agency

The Management Authority shall exercise the following jurisdictions:

Within the boundaries of the Emirate of Abu Dhabi:

- A- Cooperate with the competent authorities within the state and to facilitate exchanging information with the competent parties and train the technical staff assigned to implement the provision of the law and the executive by-laws.
- B- Advise the Council of Ministers regarding the measures to be adopted in order to enforce the convention within the scope of its competence and in accordance with the provisions of this by-law.

- C- Institute lawsuits before the judiciaries regarding matters related to the implementation of the provisions of this law, the convention and the by-law.
- D- Examine the applications for procuring permits and certificates and issue them in accordance with the provisions of this law, or to stipulate the regulations may deem necessary for permits or certificates. That will not contradict with the law and by-law.
- E- Maintain records for the international trade and files as indicated in this by-law.
- F- Review the application for the registration of activities relevant to the enforcement of the convention and this by- law; approve them according to the Article no. (18) Of the law.
- G- Lay down the rules and procedures for the implementation of the provisions of this law in coordination with the Management Agency in the Ministry and the scientific Authority.
- H- Designate one center or more for rescue centers to receive the apprehended or the confiscated specimen in consultation with the Scientific Authority.
- I- Any other works required to enforce the provisions of this convention.

At the level of the UAE

- A- Coordinate with the Ministry of Foreign Affairs in order to communicate with the Secretariat of the Convention and the other countries parties to the convention on scientific and administrative issues related to the convention.
- B- Cooperation with competent parties outside the state for the implementation of this convention the law and its by-law.
- C- Prepare a biennial report on the regulatory and administrative measures adopted for the implementation of the provisions of the convention to be

submitted to the secretariat of the convention with copy thereof to the Council of Ministers.

- D- Prepare an annual report on the international trade in specimen to be submitted to the secretariat of the convention by 31 October of the following year with copy thereof to the Council of Ministers.

Article 6 **The scientific Authority**

The Scientific Authority shall have the powers and authorities entrusted thereto in accordance with the following:

- A- Advise the Management Authority regarding all matters related to exportation, re-exportation, shipping, transporting or restoring of any of the specimen included in the Appendices.
- B- Advise the Management Authority on whether the importers of live specimen of the species listed in the Appendices can meet the requirements of lodging and care for them.
- C- Check all the export permits of specimen listed in the Appendices, as well as monitoring the actual export of each specimen and advise the Management Authority of suitable measures to be taken which shall include the annual quotas of export and to limit the issuance of export permits to prevent a detrimental effect on the status of the species.
- D- Advise the Management Authority on the disposal of the apprehended or the confiscated specimens.
- E- Advise the Management Authority on any issue forwarded to them, or any other issue forwarded to them by the scientific agency where it sees that important to protect the samples.
- F- Define the terms and regulations and work system of the agency by a decision of the council.

Article (7) **International Trade**

Considering the exemptions stated in Articles (19-24) of the law, and article (9 & 19) of the executive law, all international trade operations of specimen listed in the annexes shall obtain prior permit and certificate from the Management Authority according to the provisions of the law.

Article (8)
Documents Required for International Trade

- 1- Export or re- export of specimen from the listed species in the Appendices shall not be permissible unless obtaining prior permit from the Management Authority.
- 2- Importation of specimen from the species included in the Appendix (1) requires obtaining prior import permit from the Management Agency, unless it is related to the import of specimen of the species exempted pursuant to the provisions of Article (19-24) of the law, without prejudice to the provisions of the law and this by-law.
- 3- It shall not be allowed to re-export specimen listed in the Appendices unless prior permit is obtained and submitted to the Management Authority in the entry points.
- 4- The introduction from the sea of any specimen of the species included in the Appendices requires prior permit or certificate which shall be submitted to the Management Authority.

Article (9)
Permits and Certificates in General

1. The Management Authority shall study the applications for issuing certificates and permits no later than (30) days from the date on which the application is submitted thereto. This period may be extended to a similar

period(s) to enable the Management Authority to communicate with the competent authorities outside the state.

2. Permits of import, export, re-export or introduction from the sea shall be issued separately for each shipment.

Article (10)

Procedures and conditions for granting permits and certificates

1. No export permit for any specimen of the species indicated in the Appendices (1&2) unless the Scientific Authority has advised that the required exported specimen shall not be detrimental to the survival of the concerned species and that the exporting process is within the limit of the annual quota stipulated by the Scientific Agency.
2. It shall not be permissible to issue import permit for any of the specimen included in the Appendices (1) unless the Scientific Authority has advised that the imported specimen will be for purposes that are not detrimental to the survival of the species.
3. No permit or certificate may be issued unless it is ensured that it was imported in accordance with the provisions of this law and of the convention.
4. No permit or certificate may be issued for any specimen unless it is ensured that it was imported in accordance with the provisions of this law and the conviction.
5. The management authority shall be in charge to verify that the shipment of any living specimen prepared for exporting or re- exporting shall conform to the rules provided for in the conviction, or if it is transported by air, it shall conform to the regulations of the international Air Transport Association for transporting the live animals.
6. It is not allowed to issue permission for any sample in annex 1, unless it is submitted by the concerned party in the import country.

- 1- No export permit shall be issued for any specimen of the species listed in Appendix (1) unless an import permit issued by the competent authority is presented.
- 2- No import permit or certificate of introduction from the sea shall be issued for a specimen listed in Appendix (1) unless it is ensured that the specimen concerned shall not be used for commercial purposes.

Article (11)
Revocation or Modification of permits

- 1- The Management Authority shall have the right to grant or deny any permit or certificate or grant them in specific conditions.
- 2- The Management Authority shall have the right to revoke or modify any permit or certificate it has already issued if proved that such permit or certificate has been issued on the basis of false or misleading statements by the applicant.
- 3- The Management Authority may require applicants to provide any additional information that may deems necessary to grant the permit or the certificate.
- 4- The Management Authority shall cancel and retain the used export permits and the re-export certificates issued by foreign states immediately after completing the import transaction.

Article 12 – Validity of Permit and Certificate

1. Permit and Certificate, including those issued by the authorities of the importer's country, shall be deemed valid for one single operation, and a new permit or certificate is required for any new export or import operation. Upon expiry of the validity period of the permit or certificate, it shall renew and the fees

- prescribed paid in accordance with Article (15) of this Executive regulation. The management authority shall keep a special file for the permits and certificates related to export or re-export operations of the specimens, and a special file for the import operations of any specimen.
2. Permits and Certificates are personal and may not be transferred or assigned to any third person.
 3. Exports permits, Re-export certificates, and permits of Introduction from the sea are valid for a period of six months from their date of issue. Import permits are valid for a period of twelve months from their date of issue.
 4. Only original permits or certificates may be used in the procedures, while additional copies or photocopies shall only be acceptable if marked as valid for use by the Authority having issued the original.
 5. Holders of permits or certificates are required to return the copies issued to them by the management authority immediately upon fulfilling the purpose of their issuance.
 6. All applications for permits or certificates pursuant to the provisions of this Executive regulation must be on the form prescribed by the Management Authority.
 7. The Management Authority is required, in preparing the permit and certificate form, to use available materials and scientific means that prevent the forgery or tampering of such forms. The form attached to this Executive Regulation may be amended by decision of the Management Authority at the federal

Environmental Authority, after approval of the Management Authority at the Ministry of Agriculture and Fisheries.

Article 13 – Registers

1. The management authority shall keep the registers required to record and control international trade operations in the specimens within the state, and particularly records for each of:
 - a. Permits related to import operations.
 - b. Permits related to export operations.
 - c. Permits related to re-export operations.
 - d. Certificates related to re-export operations.
 - e. Permits and certificates related to transit, unloading, and re-shipping operations.
 - f. Live specimens and plants confiscated or abandoned, that are housed then relocated in their natural habitat.
 - g. Those who violated the provisions of the law, along with details of the judgments issued in this respect and the penalties imposed.
 - h. All persons carrying out any activity included in the scope of the provisions of the law, according to applications files by the persons concerned on the special form to be issued by virtue of a ministerial resolution, stipulating the conditions required to be met for registration, and the information to be recorded in the registers.

2. each register shall include the following information:

- a. Name of permit or certificate applicant.
- b. Date of application.
- c. Exporting, importing, re-exporting, or transiting party.
- d. Means of transport.
- e. Species and quantity of the specimens, subject of application.
- f. Result of the application and date of issuance thereof, date of delivery or delivery of permit or certificate to the applicant, with applicant's signature in acknowledgement of receipt.

3. Applications are required to be registered under serial numbers by chronological order.

Article 14 – files

A-The management authority shall keep in special files copies of the permits and certificates issued by the said authority, as well as the export permits issued by the competent authorities in the foreign states, along with copies of the import permits issued by the management authority pursuant to such export permits.

B-The management authority shall keep in a special file copies of the annual and biennial reports prepared by the said authority, and shall submit same to the Secretariat General of the convention.

Article 15 – Official Extracts

Any person concerned may, against payment of the fees prescribed, obtain from the Management authority on official extract of the registers or files.

Article (16)
FEES

The following fees shall be collected against the granted permits, certificates in accordance with the law.

Procedure or document	Fees in Dirham
1- Registration of an activity according to the provisions of this law.	1000 – 500 for renew
2- Application for obtaining permit of export, re-export or import or introduction from the sea.	200
3- Fees due against obtaining an official offprint from files and records	200
4- Fees due against obtaining certificate of production through breeding in captivity or productions of artificial insemination.	200
5- Fees due against obtaining any other certificates or permits according to this law. .	

Article 17
Measures of prohibition to trade in violating specimens

The management authority shall take the following measures concerning specimen in contravention:

1. Calculate all costs and expenses incurred as a result of specimen seizure, including custody costs, the costs of transporting and disposing of specimens or of conserving the specimen during the time of seizure, all in accordance with the provisions of article (31) of the law.
2. Complete as swiftly as possible the specimen transit procedures, and provide the best care possible to live specimens during the transit, waiting, or shipping period.
3. conserve in a suitable place the specimens confiscated and introduced from abroad in contravention to the provisions of the law, until returned to the exporting country after consultation with the said foreign country's competent authorities, or until delivered to any rescue center or any other similar place that fulfils the conditions prescribe in the law, the convention and the executive regulation, or until released in their natural habitat.
4. Provide the secretariat of the convention with samples of the official seals or tools used to authenticate the permits or certificates, and provide any management authority abroad, upon request, with such samples.

Article 18 – Exit and Entry Ports

The management authority at the Ministry of Agriculture & Fisheries shall designate the seaports, airports, and land ports for the exit and entry of specimens of the species listed in the appendices, in accordance with the provisions of article (10) of the law.

Article 19- forms

The management authority at the ministry of Agriculture & fisheries shall, after approval of the management authority at the Federal Environmental Authority, determine the forms of registers and seals used, and method of use thereof.

Article 20- Judicial Control Officers

1. the Judicial Control Officers nominated according to article (34) of the law, shall carry out the following tasks:
 - a. Impound the objects which may, for reasonable grounds, be considered as object of crime, or which may serve as evidence of crime.
 - b. Search and apprehend any person when it is believed, for reasonable grounds that such person has committed or has contributed to a crime punishable under the provisions of the law.
 - c. Access and search places, airplanes, vessels, and vehicles which, for reasonable grounds, are believed to contain a specimen in violation of the provisions of the law.
 - d. Examine any specimen when it is believed, for reasonable grounds, that the transport, possession, trade, or circulation of such Specimen has been performed in contradiction to the provisions of the law, and this Executive Regulation.
 - e. Examination of registers of specimens belonging to residents is subject to the provisions of the convention, the law, and this Executive Regulation.
2. Judicial control officers may, while fulfilling their duties, seek the assistance of the entities determined in article (35) of the law.

Article 21 – Exclusions

The Management Authority shall, in coordination with the scientific Authority, lay down the rules and procedures related to dealing with the species excluded by virtue of article (19-24) of the law, in order to ensure the conservation of these species, and avoid any contravening to the protection conditions stipulated in the convention, the law, and this executive regulation.

Article 22 – Effective Date of the Executive Regulation

This executive regulation shall be published in the official Gazette and takes effect as from the date of its publication.

Maktoum Bin Rashid Al Maktoum
Prime Minister

Promulgated in Abu Dhabi
On: 29th 1423 A.H
Corresponding to 29th & 30th October 2003 A.D.