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*The prevailing text the law is the Arabic text published in the Official Gazette*

## **Federal Law No. 9**

Issued on 26/11/2013

Corresponding to 22 Muharram 1435 H

### **On Plant Generic Resources for Food and Agriculture**

We, Khalifa bin Zayed Al Nahyan, President of the United Arab Emirates

After perusal of the Constitution,

The Federal Law No. 1 of 1972 on the Law on the Competencies of the Ministries and Powers of the Ministers, and its amending laws,

The Federal Law No. 5 of 1979 on agricultural quarantine, and its amending laws,

The Penal Code promulgated by Federal Law No. 3 of 1987, and its amending laws,

The Criminal Procedure Law promulgated by Federal Law No. 35 of 1992, and its amending laws,

The Federal Law No. 37 of 1992 on trademarks, and its amending laws,

The Federal Law No. 38 of 1992 on the establishment of arboretums and the regulation of the production, import and circulation of seedlings,

The Federal Law No. 42 of 1992 on the production, import and circulation of seeds and tubers,

The Federal Law No. 24 of 1999 for the protection and development of the environment, and its amending laws,

The Federal Law No. 7 of 2002 on copyrights and neighbouring rights, and its amending laws,

The Federal Law No. 11 of 2002 on the regulation and control of international trade of endangered species,

The Federal Law No. 17 of 2002 on the regulation and protection of industrial property rights for patents and industrial designs and models, and its amending laws,

The Federal Law No. 17 of 2009 on the protection of new plant varieties,

The Federal Law No. 1 of 2011 on the general revenues of the UAE,

The Federal Decree-Law No. 8 of 2011 on the rules for the preparation of the general budget and final accounts,

And according to the suggestion of the Minister of Environment and Water, the approval of the Council of Ministers and the Federal National Council and the ratification of the Federal Supreme Council,

Issued the following Law:

### **Article 1- Definitions**

In the implementation of the provisions of this Law, the following words and expressions shall have the meanings stated beside them unless the context requires otherwise:

State: The United Arab Emirates.

Ministry: The Ministry of Environment and Water.

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Competent Department: The department concerned with the supervision, control and follow-up of the implementation of the provisions of this Law and its implementing regulations and the decisions issued in implementation thereof at the Ministry.

Competent Authority: The local authority concerned with the affairs of the Department of Plant Genetic Resources for Food and Agriculture.

Treaty: The United Nations International Treaty on Plant Genetic Resources for Food and Agriculture.

Genetic Resources: Any material of plant origin including reproductive and vegetative propagating material, containing functional units of heredity.

Plant Genetic Resources for Food and Agriculture: Any genetic material of plant origin and with actual or potential value for food and agriculture.

Natural Site: The natural environment where the plant genetic resources for food and agriculture are located.

Collection outside the Natural Site: Collection of plant genetic resources for food and agriculture held outside their natural habitats.

Derivatives: The products that were developed or derived from plant genetic resources for food and agriculture, including new varieties or strains and other products.

Traditional and Heritage Knowledge and Practices: Accumulation of knowledge through the generations in the state of social and economic value necessary for the use and preservation of plant genetic resources for food and agriculture.

**Innovations:** Production of unprecedented knowledge or techniques or development of existing knowledge or techniques whether by accumulation, assembly or use of the properties, value or raising and deduction of any plant genetic resource for food and agriculture.

**Assembly:** Assembly of plant genetic resources for food and agriculture or their derivatives, the traditional and heritage knowledge and practices or innovations based on the prior consent of the Ministry.

**Assembler:** A person holding an assembly permit from the competent authority to assemble a certain plant genetic resource for food and agriculture from a specific area and under specific conditions after obtaining the prior consent in coordination with the Ministry.

**Type:** Any group of plant within a single botanical type of the lowest known rank, defined by the reproduction ability of their special and other genetic characteristics.

**Agriculturist Type:** A botanical group of special genetic properties, elected, bred and preserved by the agriculturist over the years.

**Election:** Qualitative selection of some specific individual plants from a mixed clan containing a group of plants, due to their desirable features, in order to improve the crop performance and increase productivity.

**Multilateral System:** System of obtaining plant genetic resources for food and agriculture and sharing benefits in accordance with the Treaty.

**Sharing Benefits:** The participation of all relevant parties in a fair sharing of the benefits resulting from the use of plant genetic resources for food and agriculture and the traditional and heritage knowledge and practices, whether material, technical or other.

**Stakeholders:** Federal, local or private government agencies or individuals dealing with plant genetic resources for food and agriculture.

**Prior Approval:** The Ministry's approval upon the application submitted by the assembler and on the basis of which a permit shall be granted to him for the assembly of plant genetic resources for food and agriculture or traditional and heritage knowledge and practices.

**Material Transfer Agreement:** Agreement signed between the Ministry and the applicant for the transfer of plant genetic resources for food and agriculture, specifying the obligations of both parties, the terms of use and the sharing of benefits resulting from the use according to the conditions of the agreement stated in the Treaty, and in coordination with the competent authority.

**Person:** Physical or legal person.

## **Article 2- Objectives**

This Law aims to:

1- Protect and conserve plant genetic resources for food and agriculture, reduce their depletion, continue the benefit thereof, and organize the access and circulation of the same for the purpose of agriculture and food security.

2- Ensure the sharing of benefits resulting from the use of plant genetic resources for food and agriculture in a fair and equitable manner, in a way that is consistent with the provisions of the Treaty.

3- Participate with all stakeholders in the implementation of the programs and activities related to the protection and conservation of plant genetic resources for food and agriculture.

4- Encourage scientific research activities related to plant genetic resources for food and agriculture in coordination with the stakeholders.

5- Limit, assemble, compile and document the plant genetic resources for food and agriculture in the State.

6- Document the traditional and heritage knowledge and practices as well as the innovations related to the plant genetic resources for food and agriculture.

## **Article 3- Scope of the Provisions of the Law**

The provisions of this Law shall be applied on:

1- The plant genetic resources for food and agriculture inside or outside their natural habitats and their derivatives.

2- The traditional and heritage knowledge and practices as well as the innovations related to the plant genetic resources for food and agriculture.

3- The stakeholders and dealers with plant genetic resources for food and agriculture and the traditional and heritage knowledge and practices. The Minister may, in coordination with the competent authority, exclude the traditional methods of assembly, use and exchange of the plant genetic resources for food and agriculture and the traditional and heritage knowledge and practices inside the State, without contradicting the provisions of the Treaty. The implementing regulations shall specify the controls of such exclusion.

## **Article 4- Tasks of the Ministry**

The Ministry shall carry out all activities related to the plant genetic resources for food and agriculture according to the provisions of this Law and its implementing regulations.

#### **Article 5- Gene Bank for the Plant Genetic Resources for Food and Agriculture**

A gene bank for the plant genetic resources for food and agriculture shall be established at the Ministry and shall assume the following tasks:

- 1- Exploration, restriction, documentation, conservation, characterization and evaluation of the plants' germplasm and strains and the use thereof.
- 2- Registration of germplasm and strains.
- 3- Collection and conservation of microbial group used in local agriculture from its various sources.
- 4- Development of plans necessary for the breeding of endangered species.
- 5- Granting prior approval for the assembly of any plant genetic resources for food and agriculture, as well as traditional and heritage knowledge and practices for the local community, in coordination with the competent department.

The Council of Ministers may, upon the suggestion of the Minister, add other competencies and the implementing regulations shall specify the Bank's work system.

#### **Article 6- Transfer of Plant Genetic Resources for Food and Agriculture outside the State**

It shall be prohibited to export any plant genetic resources for food and agriculture outside the borders of the State without a valid material transfer agreement.

#### **Article 7- Access to Plant Genetic Resources for Food and Agriculture**

- 1- Access to the plant genetic resources for food and agriculture covered by the multilateral system shall be with the consent of the competent department, whether these resources are inside or outside their natural habitats.
- 2- Access to genetic resources not covered by the multilateral system and not contained in Annex 1 of the Treaty shall be according to a material transfer agreement.

#### **Article 8- Conditions for obtaining Prior Approval**

1- The plant genetic resources for food and agriculture covered by the multilateral system in Annex 1 of the Treaty, whether they are conserved inside or outside the natural habitat, shall be subject to the conditions and provisions of this Law.

2- The prior approval of the Ministry shall be obtained before ratification of the permit of assembly of any plant genetic resources for food and agriculture or the traditional and heritage knowledge and practices for the local community and the implementing regulations shall specify the conditions of assembly.

### **Article 9- Assembly of Plant Genetic Resources for Food and Agriculture**

The purpose of assembly of plant genetic resources for food and agriculture and the related traditional and heritage knowledge and practices shall be stated in order to specify the type of prior approval for the permit of assembly.

### **Article 10- Types of Prior Approval**

1- The type of prior approval for the permit of assembly shall be specified according to one of the following objectives:

- a- Academic permit for research.
- b- Permit for commercial research.
- c- Permit for commercial exploitation.
- d- Any other objectives specified by the implementing regulations.

2- The implementing regulations shall specify the validity period of each.

### **Article 11- Assembly Permit**

1- The assembly permit shall be issued by the competent authority after obtaining the prior approval.

2- The competent authority shall have the right to amend or cancel the permit for plant genetic resources for food and agriculture upon violation of the permit conditions and shall notify the Ministry of the same.

### **Article 12- Obligations of the Assembler**

The assembler shall provide all data stating the condition of the plant genetic resource for food and agriculture and the implementing regulations of the Law shall specify the required data.

### **Article 13- Controls of Assembly of Plant Genetic Resources for Food and Agriculture**

The Ministry shall set the controls of assembly of the plant genetic resources for food and agriculture or prohibit the same according to the specified cases.

### **Article 14- Sharing Benefits**

1- Each of the Ministry and the competent authority may participate in the sharing of benefits that may arise from the direct or indirect use of plant genetic resources for food and agriculture or the related traditional and heritage knowledge and practices, according to the prior approval and the assembly permit.

2- The Ministry, the competent authority and the assembler shall agree on sharing benefits for the commercial exploitation of the plant genetic resources for food and agriculture and the related traditional and heritage knowledge and practices, provided that such agreement covers the system of exchange of knowledge and support of capacities or the financial fee.

### **Article 15- Agriculturists' Rights**

Include the rights arising from the contributions of agriculturists in the past, present and future in the conservation and development of plant genetic resources for food and agriculture, the improvement and availability of the same as well as the related traditional and heritage knowledge and practices and participation in the sharing of benefits.

### **Article 16- Protection of the Agriculturists' Type**

The type of non-inventing agriculturists shall be protected and the implementing regulations of this Law shall specify the type of agriculturist and his registration procedures.

### **Article 17- Administrative Sanctions**

1- The Minister or the competent authority may impose any of the following administrative sanctions:

- a- Warning.
- b- Cancellation of the permit.
- c- Closure of the shop for a period not exceeding six months.
- d- Definite closure of the shop.

2- The criminal case for the crimes set forth in Article 18 hereof shall only be filed by a written request from the Minister or his representative. Reconciliation may be made on any of these before referring the criminal case thereof to the Court against payment of an amount equivalent to twice the minimum fine imposed on the perpetrator of each.

3- The Minister shall issue a decision specifying the controls and procedures of reconciliation.

### **Article 18- Penalties**

1- Shall be punished by imprisonment for a period not exceeding one year and a fine not less than (AED 50,000) fifty thousand Dirhams and not exceeding (AED 500,000) five hundred thousand Dirhams or by one of these penalties:

a- Whoever exercises an activity of assembly of plant genetic resources for food and agriculture without obtaining a permit.

b- Whoever exports any of the plant genetic resources for food and agriculture outside the State without obtaining the necessary approvals.

2- Shall be punished by a fine not less than (AED 10,000) ten thousand Dirhams and not exceeding (AED 30,000) thirty thousand Dirhams whoever exceeds the period of the permit issued for him.

3- The Court shall confiscate the materials covered by the case and refer them to the entities that may deal or benefit from the same. It may, if the crime was committed on behalf or for the account of a legal person or a commercial or professional establishment, rule the closure for a period not exceeding six months.

### **Article 19- Imposition of the Most Severe Penalty**

The penalties set forth in this Law shall not prejudice any other more severe penalty stipulated in another Law.

### **Article 20- Judicial Officers**

The employees specified by a decision from the Minister of Justice, under agreement with the Minister or the competent authority, shall act as judicial officers as per the crimes occurred in violation to the provisions of this Law and the decisions and regulations issued in implementation thereof, within the jurisdiction of each.

### **Article 21- Assembly Permit Fees**

The Council of Ministers shall issue a decision upon the suggestion of the Minister to specify the prescribed fees according to the provisions of this Law within six months from the date of entry into force of this Law.

### **Article 22- Implementing Regulations**

The Council of Ministers shall issue, upon the suggestion of the Minister, the implementing regulations of this Law within six months from the date of entry into force of this Law.

### **Article 23**

Any provision violating or contradicting the provisions of this Law shall be cancelled.

### **Article 24- Entry into Force of the Law**

This Law shall be published in the Official Gazette and shall enter into effect three months from the date of publication thereof.

Promulgated by Us at the Presidential

Palace in Abu Dhabi:

On: 22 Muharram 1435 H

Corresponding to: November 26, 2013

**Khalifa bin Zayed Al Nahyan**

**President of the United Arab Emirates**

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