

Cabinet Resolution No. (16) of 2019

Regarding the System of Advertisements for Pesticides

The Cabinet,

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Regarding the Competences of Ministries and Powers of Ministers; as amended,
- Federal Law No. (41) of 1992 Regarding Agricultural Pesticides,
- Federal Law No. (24) of 1999 Regarding the Protection and Development of the Environment, as amended,
- Federal Law No. (24) of 2006 Regarding Consumer Protection, as amended,
- Federal Law No. (5) of 2009 Regarding Organic Inputs and Products,
- Federal Law No. (14) of 2016 Regarding Administrative Violations and Penalties in the Federal Government,
- Cabinet Resolution No. (27) of 2012 Regarding the Regulation of Trading of Public Health Pest Control Pesticides, and
- Upon the proposal of the Minister of Climate Change and Environment, and the approval of the Cabinet,

Hereby resolves as follows:

Article (1)

For the purposes of implementing the provisions of this Resolution, the following terms and expressions shall have the meanings assigned to each of them, unless the context requires otherwise:

State	:	The United Arab Emirates.
Ministry	:	The Ministry of Climate Change and Environment.
Competent Authority	:	The local authority competent to regulate pesticide advertisements in each Emirate.

- Advertisement** : Any electronic, audio, visual, or written communication process, that includes information, data, or images, intended to promote a pesticide or influence the public by encouraging them to purchase, use, or benefit from it, regardless of the means or language used for that purpose.
- Pesticide** : Any substance or mixture of substances, the purpose of which is to prevent, limit the spread of, or control any pest.
- Establishment** : Any company or institution licensed by the concerned local authorities to practice the activity of importing, trading, circulating, storing, and using pesticides.

Article (2)

This Resolution aims to achieve the following:

1. Regulating pesticide advertisements in the State.
2. Monitoring the quality of pesticides in circulation.
3. Ensuring that the advertisement is not misleading and does not encourage inappropriate or excessive consumption.
4. Ensuring that the advertisement does not result in side effects on public health or the environment.

Article (3)

It is prohibited to advertise the pesticide or publish an advertisement for it without obtaining a permit from the Competent Authority.

Article (4)

The advertisement shall meet the following conditions:

1. It shall be in Arabic language, and it may be in one or more other languages, in addition to the Arabic language.

2. It shall include safety instructions on the use of personal protective equipment when handling the pesticide.
3. It shall conform to the pesticide's specifications and the conditions of its circulation.
4. It shall not include any incorrect information about the pesticide and its uses.
5. It shall not induce or be likely to induce unrealistic expectations of the pesticide's effectiveness.
6. It shall not encourage inappropriate or excessive consumption, or its use for purposes other than those stated in the data on the package label approved by the Ministry.
7. It shall not contain any claim, statement, or indication that the pesticide is safe, or that its use cannot cause harm, or that it has no side effects.
8. It shall not contain any indication, sign, or logo that is falsified or counterfeited, or owned by another entity.
9. It shall not refer to comparisons with other pesticides in a wrong or misleading manner.

Article (5)

An establishment wishing to obtain an advertising permit shall submit an application for the permit to the Competent Authority, for review and verification of its fulfillment of all conditions. The duration of the advertisement permit shall be one year, or until the expiry of the pesticide registration certificate, whichever is earlier.

Article (6)

It shall be prohibited to advertise banned, restricted in use, or unregistered pesticides in the Ministry.

Article (7)

The Competent Authority shall maintain a special register in which it records the advertisement permits that have been approved, and it shall provide the Ministry with a copy thereof.

Article (8)

1. The Ministry or the Competent Authority, as the case may be, shall impose the following administrative penalties for acts committed in violation of the provisions of this Resolution:
 - a. An administrative fine of (20,000) twenty thousand dirhams for any person who violates the provisions of either of Articles (3) and (6) of this Resolution.
 - b. An administrative fine of (15,000) fifteen thousand dirhams for any person who violates the provisions of any of Clauses (3), (4), (5), (6), (7), (8), and (9) of Article (4) of this Resolution.
 - c. An administrative fine of (10,000) ten thousand dirhams for any person who violates the provisions of either Clauses (1) and (2) of Article (4) of this Resolution.
 - d. The administrative fine referred to in paragraphs (a), (b), and (c) of this clause shall be doubled in the event of a repetition of the same violation within one year from the date of committing the previous violation.
2. In addition to the administrative fine prescribed under the provisions of Clause (1) of this Article, the Ministry or the Competent Authority, as the case may be, may impose the following administrative penalties:
 - a. Closure of the violating establishment for a period not exceeding (6) six months, in coordination with the concerned local authorities.

The Ministry or the Competent Authority, as the case may be, may issue a decision permitting the establishment to resume its work before the end of the closure period referred to, once the establishment has rectified the violation committed thereby.
 - b. Revocation of the permit.
3. The owner of the establishment may file a grievance against the administrative penalty imposed thereon before the head of the entity that issued it, within (30) thirty days from the date of their notification of the decision. The grievance shall be in writing and accompanied by the supporting documents and evidence. The grievance shall be decided upon within (30) thirty days from the date of its submission, and the decision issued in respect thereof shall be final.

Article (9)

Any provision that contradicts or conflicts with the provisions of this Resolution shall be repealed.

Article (10)

This Resolution shall be published in the Official Gazette and shall enter into force three months after the date of its publication.

Mohammed bin Rashid Al Maktoum
Prime Minister

Issued by us:

On: 7 Jumada al-Akhirah 1440 A.H.

Corresponding to: 12 February 2019 A.D.