

Cabinet Resolution No. (42) of 2014
Concerning the Executive Regulations of Federal Law No. (9) of 2013
Concerning Plant Genetic Resources for Food and Agriculture

The Cabinet,

- Upon reviewing the Constitution; and
- Federal Law No. (1) of 1972 Concerning the Competences of the Ministries and the Powers of the Ministers, and the Laws amending thereof; and
- Concerning the Executive Regulations of Federal Law No. (9) of 2013 concerning Plant Genetic Resources for Food and Agriculture; and
- Federal Decree No. 7 of 2004 concerning the Accession of the United Arab Emirates to the International Treaty on Plant Genetic Resources for Food and Agriculture; and
- Based on the proposal of the Minister of Environment and Water and the approval of the Cabinet,

Has resolved as follows:

Article (1)

Definitions

In application of the provisions herein, the following words and expressions shall have the meanings ascribed thereto, unless the context requires otherwise:

- State** : The United Arab Emirates.
- Ministry** : The Ministry of Environment and Water.
- Minister** : The Minister of Environment and Water.
- Law** : Federal Law No. (9) of 2013 Concerning Plant Genetic Resources for Food and Agriculture.

- Treaty** : International Treaty on Plant Genetic Resources for Food and Agriculture of the United Nations.
- Competent Authority** : The local authority concerned with the affairs of managing Plant Genetic Resources for Food and Agriculture.
- Plant Genetic Resources for Food and Agriculture** : Any genetic material of plant origin that has actual or potential value for food and agriculture.
- Natural Site** : The natural environment where the Plant Genetic Resources for Food and Agriculture are located.
- Ex situ Collection** : A collection of Plant Genetic Resources for Food and Agriculture that are maintained outside their natural habitats.
- Derivatives** : Products developed or extracted from Plant Genetic Resources for Food and Agriculture, including new varieties or strains and other products.
- Traditional and Heritage Knowledge and Practices** : The accumulation of knowledge in the State over generations that has social and economic value necessary for the use and preservation of Plant Genetic Resources for Food and Agriculture.
- Innovations** : Producing unprecedented knowledge or techniques, or developing existing knowledge or techniques, whether through accumulation, collection, or use of the characteristics, value, breeding, or derivation of any Plant Genetic Resource for Food and Agriculture.
- Collection** : Collection of Plant Genetic Resources for Food and Agriculture, their derivatives, traditional and heritage knowledge and practices, or innovations based on Prior Approval from the Ministry.
- Collector** : The person who has obtained a Collection Permit from the Competent Authority to collect a specific Plant Genetic Resource for Food and Agriculture from a specific area and under specific

- conditions after obtaining Prior approval in coordination with the Ministry.
- Variety** : Any plant grouping, within a single botanical taxon of the lowest known rank, defined by the reproducible expression of its distinguishing and other genetic characteristics.
- Farmer Variety** : A plant grouping with distinct genetic characteristics that has been selected, propagated and maintained by the farmer over the years.
- Selection** : A qualitative selection of certain specific individual plants from a mixed population containing a group of plants, due to their desirable characteristics, with the aim of improving crop performance and raising productivity.
- Stakeholders** : Federal and local government or private agencies or persons dealing with Plant Genetic Resources for Food and Agriculture.
- Prior Approval** : The Ministry approval of the application submitted by the Collector, on the basis of which a permit is granted to collect Plant Genetic Resources for Food and Agriculture or traditional and heritage knowledge and practices.
- Material Transfer Agreement** : An agreement signed between the Ministry and the Applicant to transfer Plant Genetic Resources for Food and Agriculture outside the State, specifying the obligations of both parties, conditions of use, and sharing of benefits resulting from use in accordance with the terms of the agreement contained in the Treaty, in coordination with the Competent Authority.

Article (2)

Scope of Application

The provisions of this Law shall apply to:

1. Plant Genetic Resources for Food and Agriculture within or outside their natural habitats and their derivatives.
2. Traditional and heritage knowledge, practices, and innovations associated with Plant Genetic Resources for Food and Agriculture.
3. Stakeholders and those who deal with Plant Genetic Resources for Food and Agriculture, and traditional and heritage knowledge and practices.

Article (3)

Controls Excluding Traditional Methods of Collection, Use, and Exchange

The Minister, in coordination with the Competent Authority, may exclude traditional methods of collecting, using and exchanging Plant Genetic Resources for Food and Agriculture and traditional and heritage knowledge and practices within the State, in accordance with the following controls:

1. Applicant for exception shall be a UAE citizen.
2. Traditional methods shall not affect the sustainability of the State original genetic resources, and shall contribute to their preservation.
3. Traditional methods shall not be in conflict with the provisions of the law, the treaty and this resolution.

Article (4)

Bank System

A gene bank for Plant Genetic Resources for Food and Agriculture shall be established in the Ministry, and it shall undertake the following functions:

1. Exploring, inventorying, documenting, preserving, characterising and evaluating the genetic origins and strains of plants and their uses.
2. Recording genetic assets and strains.

3. Collecting and preserving the microbial collection used in local agriculture from various sources.
4. Developing the necessary plans to propagate endangered varieties.
5. Granting Prior Approval to collect any Plant Genetic Resources for Food and Agriculture or traditional and heritage knowledge or practices of the local community, in coordination with the Competent Department.

Article (5)

Requirements for the Collection of Plant Genetic Resources for Food and Agriculture

For the Collection of Plant Genetic Resources for Food and Agriculture, the following shall apply:

1. Submit documents explaining the purpose of collection of Plant Genetic Resources for Food and Agriculture.
2. Obtain a Collection Permit from the Competent Authority, after obtaining prior approval from the Ministry.
3. Signing the material transfer agreement.

Article (6)

Types of Prior Approval

The type of Prior approval for the Collection Permit shall be determined pursuant to one of the following purposes:

- a. Academic permit for research.
- b. Commercial research permit.
- c. Commercial exploitation permit.

Article (7)

Permit Duration

1. The validity period of the Collection Permits mentioned in Article (6) of this resolution shall be in accordance with the following periods:
 - a. Five years for academic permit for research.
 - b. Three years for commercial research permit.
 - c. One year for commercial exploitation permit.
2. The Competent Authority may renew the term of the Collection Permit for similar periods.

Article (8)

Collector Obligations

1. The Collector shall provide all data indicating the status of the Plant Genetic Resource for Food and Agriculture, and it shall specify the required data:
 - a. Clarification on the distribution and density of the Plant Genetic Resource for Food and Agriculture.
 - b. Statement of the health status of the Plant Genetic Resource for Food and Agriculture.
 - c. Advantages of the Plant Genetic Resource for Food and Agriculture.
 - d. A statement of the types, kinds, quantities, size and characteristics of Plant Genetic Resources for Food and Agriculture, including the number of samples taken from them and the purpose of their use.
 - e. A semi-annual report that includes data and information on the use of Plant Genetic Resources for Food and Agriculture, the benefits resulting from them, and the research and commercial work being conducted on them, which is submitted to the Ministry and the Competent Authority.
 - f. A statement of Non-Confidential information arising from research and development on Plant Genetic Resources for Food and Agriculture.
2. The Collector may not violate any of the conditions stated in the Collection Permit.

Article (9)

Protection of the Farmers Variety

A farmer non-breeding variety is a new, distinct variety when obtained through natural selection.

Article (10)

Farm Type Registration Procedures

1. Application to register a farmer variety shall be submitted to the Ministry, in accordance with the form and procedures approved by it in this regard. All documents proving the distinctiveness of the variety, its quality, uniformity and stability shall be attached to the Application.
2. The Ministry shall study the application from a technical standpoint and confirm that the item meets the elements necessary for its registration. The Ministry may issue its resolution of rejection or acceptance within (30) thirty days from the date of submitting the Application.
3. The Registration Applicant shall be notified of the Ministry resolution within (10) ten working days from the date of its issuance.
4. The Registration Applicant has the right to file appeal with the Minister against the Ministry resolution of rejection within fifteen (15) days from the date of notification of the resolution, and the Minister resolution in this regard shall be final.

Article (11)

Resolutions Issuance

The Minister shall issue the Resolutions necessary to apply the provisions of this Resolution.

Article (12)

Repeals

Any provision in any other resolution that may contradict the provisions of this resolution shall be repealed.

Article (13)

Publication and Enforcement

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

Mohammed Bin Rashid Al Maktoum

Prime Minister

Issued by us in Abu Dhabi:

Dated: 3 Safar 1436 AH

Corresponding to: 25 November 2014 AD