

Federal Law No. (10) of 2020 Regarding Pesticides

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

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Regarding the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (5) of 1979 Regarding Agricultural Quarantine, as amended;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. (35) of 1992 Promulgating the Criminal Procedures Laws 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. (5) of 2009 Regarding Organic Inputs and Products;
- Federal Law No. (2) of 2015 Regarding Commercial Companies, as amended;
- Federal Law No. (19) of 2016 Regarding Combating Commercial Fraud;
- Federal Law No. (12) of 2018 Regarding Integrated Waste Management;
- Upon the Proposal of the Minister of Climate Change and Environment as Approved by the Cabinet and the Federal National Council, and as Ratified by the Federal Supreme Council.

Hereby promulgate the following Law:

Article (1)

Definitions

For the purpose of applying the provisions of this Law, the following words and expressions shall have the meanings assigned to each of them unless the context otherwise requires:

State : United Arab Emirates.

Establishment : Emirates Drug Establishment.

Chairman	: Chairman of the Establishment.
Competent Authority	: Local Authority having competence for regulating the circulation of pesticides in each Emirate of the State.
Pest	: A species, strain or biotype of plant or animal, pathogenic agent that is harmful to plants, animals, plant or animal products, substances or environments, including parasites vectors, pathogens that affect humans or animals.
Pesticides	: Any chemical, biological or organic substance or mix of substances that contain the active substance and the additive in order to prevent, repel, limit the spread of pests, control or regulate its growth.
Agricultural Pesticides	: Substances used to control agricultural pests, such as insecticides, fungicides, herbicides, acaricides, rodenticides, molluscicides, nematocides, bactericides, oils, and disinfectants for soil, warehouses, and seeds.
Public Health Pesticides	: Substances used to control pests affecting public health, including pesticides for controlling disease vectors inside and outside houses, in public places and pesticides used for pest control in animal barns.
Chemical Pesticides	: Pesticides composed of a substance or a mixture of chemical substances or components.
Biocides	: These include pesticides of a natural origin, plants extract, microbial pesticides containing a microorganism as an active substance such as: fungi, bacteria, viruses, protozoa

and nematodes, which contain substances supporting plant protection.

Organic Pesticides : Pesticides composed of natural, non-synthetic natural sources that are authorized for use in organic production or the field of public health, and certified accordingly by an approved certification authority in accordance with the requirements applicable in the State.

Banned Pesticides : Pesticides containing an active substance of a negative or high-risk effect on the health of human, animal, plant or environment, whose circulation and importation have been prohibited by the Establishment.

Restricted Pesticides : Pesticides containing active substances that were restricted to be used in certain field by the Establishment due to considerations relevant to their risk.

Active Pesticide Substance : The biologically active part in the pesticide formulation that provides pesticidal effect.

Pesticide Additive : A chemical substance(s) that enters into the formulation of the pesticide product or is added thereto upon usage in order to enhance its formulation, physical and chemical properties and to improve its efficacy.

Pesticide Circulation : To offer for sale, to sell, store or possess, whether permanently or temporarily, or to transport by any means of transport.

Registration : The Establishment's process of entering the pesticide name into a dedicated database, making it available for import, re-export, or circulation after conducting a comprehensive scientific data assessment that determines its identity and

efficacy, with the aim of ensuring its effectiveness for the intended purposes and confirming that it does not pose risks to human, plant, or animal health, or the environment based on the usage circumstances in the State.

Facility : A company or enterprise licensed by the Establishment or the competent authority, as the case may be, to register, import or re-export and circulate pesticides.

Pesticides Warehouse : A specified place with certain specifications that is authorized by the competent authority, dedicated for keeping and storing pesticides until disposition.

Container : A tightly sealed container holding a specified quantity of pesticide in different volumes.

Container Label : An informational label containing the necessary data of the pesticide, including written, printed or illustrated information and details annexed to the container. This label shows the Formulation, properties, usage, precautions and graphic that should be followed before, during and after the use of the pesticide, in addition to the details of its registration number in the State, manufacturing date, expiry date and any other information according to the requirements of relevant international organizations.

The label shall be in Arabic and in English.

Licensing : The approval given by the competent authority to circulate, advertise or use pesticides as permitted and the activity shall not be practiced except after obtaining approval from the Establishment.

Advertisement	: Any electronic, audio or written communication that contains information, data, or images intended for the promotion of the pesticide or to influence the public to purchase, use or benefit from the pesticide, whatever the means or language used for such advertisement.
Damaged Pesticides	: Pesticides that have become unusable. These include the pesticides whose physical and chemical properties have changed or that have expired.
Adulterated Pesticides	: Pesticides in which any of their components have been wholly or partially substituted, or any quantity of their contents has been wholly or partially, added or modified compared to the registered specifications.
Counterfeit Pesticides	: Pesticides that are manufactured or prepared by imitating the original product and are marketed as an original product.
Pesticides Import	: The introduction of pesticides through approved ports of entry into the State to a public or private body entity.
Pesticide Safe Disposal	: The destruction, elimination or isolation of pesticide residues, used containers and contaminated materials, active substances and additives in accordance with the executive decisions issued by the Establishment in coordination with the competent authority.

Article (2)

Objectives of the Law

This Law aims to:

1. Ensure a high level of protection for human and animal health and environment safety.
2. Ensure sound treatment and safe disposal of expired pesticides and their containers.
3. Organize the processes of registration, importation, re-exportation, circulation, use, advertising, control and inspection of pesticides.

Article (3)

Scope of Application

1. Provisions of this Law shall be applicable to the following:
 - a. Agricultural pesticides and public health pesticides, whether composed of chemical, biological, or organic pesticides.
 - b. The active pesticide substance.
 - c. The pesticide additive, if sold separately for use with the pesticide.
2. The following shall be exempted from the application of the provisions of this law:
 - a. Pesticides imported by universities and research centers for scientific research, or imported by facilities for exhibitions, provided that such entities shall take safety measures and ensure that such pesticides shall not be circulated in the State, and submit their applications to the Establishment according to the requirements and conditions stipulated in the executive resolutions.
 - b. Pesticides that arrive at the seaports and airports of the State for Transit.
3. Provisions of this Law shall be applicable within the territory of the State, including the free zones.

Article (4)

Duties of the Establishment

The Establishment shall perform the following duties:

1. Develop a national plan for the safe use of pesticides.
2. Issue approvals or permits for the import, clearance, re-export and registration of pesticides. The Establishment may delegate any governmental or private entity to perform these task.
3. Set the maximum levels of pesticides residues allowed in food products and animal feed in coordination with the competent authority and relevant federal entities.
4. Inspect pesticides arriving to the ports of entry.
5. Establish a central database in coordination with the competent authority for the registration and classification of pesticides.

Article (5)

Competent Authority Duties

The competent authority shall be responsible for undertaking the following duties:

1. Following up the implementation of the provisions of this law, regulations and resolutions issued for its implementation and monitoring the circulation of pesticides.
2. Licensing the facilities working in the field of pesticides after the approval of the Establishment.
3. Establishing regulations for training personnel to work in these fields, and licensing entities to carry out such training.
4. Licensing pesticides warehouses.
5. Monitoring and inspection to ensure that licensed facilities comply with the safe treatment of pesticides and with the provisions of this law and resolutions issued for its implementation.
6. Disposing damaged, adulterated and counterfeit pesticides or any pesticides decided to be disposed of safely. The competent authority may delegate any other entity to perform this task under Its supervision.
7. Granting permits to advertise any pesticide or the activity of pest control.

Article (6)

Prohibited Actions

The following actions shall be prohibited:

1. Manufacture or produce of any kind of pesticides in the State. The Cabinet may exempt any entity from this prohibition upon a proposal from the Chairman and in coordination with the competent authority in accordance with the regulatory controls and conditions.
2. Import, re-export or circulate any category of pesticides that are not registered with the Establishment.
3. Import, re-export or circulate damaged, adulterated or counterfeit pesticides.
4. Import or re-export of pesticides through postal parcels or accompanied by importers or travelers.
5. Dividing or refilling of pesticide containers, except for treating or recycling the container after its primary use.
6. Providing any incorrect data or documents for pesticides registration.
7. Disclosing or announcing any data or information that relates to the pesticide or its effectiveness, that contradicts the registration data or container label.
8. Advertising or promoting any pesticide or pest control without acquiring the approval of the Establishment and the competent authority.
9. Removing, changing, defacing or destroying the container or the container label.
10. Circulating or using restricted pesticides by unlicensed persons for this purpose.
11. Transporting pesticides from one place to another without following safety and security measures.
12. Using pesticides empty containers for any other purposes.
13. Disposing of pesticides or their containers in violation of pesticides and containers' safe disposal conditions and measures.
14. Using the pesticide for a purpose other than that stated in the registration certificate issued by the Establishment.
15. Keeping pesticides in unsuitable environment in violation of regulatory resolutions.
16. Selling pesticides to persons under (18) years old.
17. Displaying or selling pesticides in places not allocated for this purpose.

18. Pesticides aerial spraying, unless in accordance with the controls and conditions decided by the Establishment.

Article (7)

Penalties

- a. The application of the penalties stipulated in this Law shall not prejudice the imposition of any more severe penalty provided under any other Law.
- b. Whoever violates any of the provisions of Clauses (1), (2), (3), (4) and (10) of Article (6) of this Law shall be punished by imprisonment for a period not less than three (3) months and a fine of not less than (100,000) one hundred thousand Dirhams and not exceeding (1,000,000) one million Dirhams, by either of these two penalties.
- c. Whoever violates any of the provisions of Clauses (5), (6), (7), (8), (9), (11) and (17) of Article (6) of this Law shall be punished by imprisonment for a period not exceeding one year and a fine of not less than (50,000) fifty thousand Dirhams and not exceeding (500,000) five hundred thousand Dirhams, or by either of these two penalties.
- d. Whoever violates any of the provisions of Clauses (12), (13), (14), (15), (16) and (18) of Article (6) of this Law shall be punished by a fine of not less than (30,000) thirty thousand Dirhams and not exceeding (100,000) one hundred thousand Dirhams.
- e. Whoever violates any provision of this Law or its executive resolutions, for which no specific penalty is provided herein, shall be punished by a fine of less than (10,000) ten thousand Dirhams and not exceeding (50,000) fifty thousand Dirhams.

Article (8)

Confiscation

The court shall, in all cases, order the confiscation of the item constituting the subject of the violation.

Article (9)

Executive Resolutions

The chairman shall, in coordination with the competent authority, issue the executive resolutions implementing the provisions of this law, specifically the following:

1. Procedures for the registration of pesticides, active substances, and additives; their importation, clearance, re-exportation, circulation, advertisement, cancellation, and disposal.
2. Procedures to license pesticide-importing facilities and the conditions of pesticides warehouses.
3. A list of banned and restricted pesticides.
4. Conditions and data of pesticides containers.

The Chairman shall issue decisions relevant to the destruction of pesticides or their return to the country of origin at the expense of the violator.

Article (10)

Fees

The Cabinet shall issue a resolution to determine the fees in accordance with the provisions of this law.

Article (11)

Judicial Enforcement

Employees who are designated by a resolution of the Minister of Justice in agreement with the Chairman or the head of the competent authority shall have the capacity of judicial officers to detect any violations of the provisions of this Law and the resolutions issued in implementation thereof.

Article (12)

Repeals

1. The aforementioned Federal Law No. (41) of 1992 is hereby repealed, as well as any provision that contradicts or conflicts with the provisions of this Law.
2. The regulations and resolutions implementing the aforementioned Federal Law No. (41) of 1992 shall remain in force without prejudice to the provisions of this Law until the issuance of superseding regulations and resolutions.

Article (13)

Publication and Entry into Force

This Law shall be published in the Official Gazette and shall enter into force from the day following the date of its publication.

Khalifah Bin Zayed Al Nahyan
President of The United Arab Emirates

Issued by us at the Palace of the Presidency in Abu Dhabi on:

May 28, 2020 AD

Corresponding to 05 Shawal, 1441 H.