

Federal Law No. (8) of 2021
on Access to Genetic Resources and their Derivatives and Fair and Equitable
Sharing of Benefits Originating from their Utilization

We, Khalifa Bin Zayed Al Nahyan,

President of the United Arab Emirates,

Having reviewed the Constitution;

- Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (5) of 1979 on Agricultural Quarantine, as amended;
- Federal Law No. (6) of 1979 on Veterinary Quarantine, as amended;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. (35) of 1992 Promulgating the Criminal Procedure Law, as amended;
- Federal Law No. (37) of 1992 on Trademarks, as amended;
- Federal Law No. (38) of 1992 Concerning the Creation of Nurseries and the Production, Import and Circulation of Seedlings;
- Federal Law No. (39) of 1992 Concerning the Production, Import and Circulation of Fertilizers and Agricultural Conditioners;
- Federal Law No. (42) of 1992 Concerning the Production, Import and Circulation of Seeds and Planting Materials;
- Federal Law No. (23) of 1999 on the Exploitation, Protection and Developments of Living Aquatic Resources in the United Arab Emirates, as amended;
- Federal Law No. (24) of 1999 on the Protection and Development of the Environment, as amended;
- Federal Law No. (11) of 2002 on the Regulation and Control of International Trafficking in Endangered Animals and Plants;

- Federal Law No. (17) of 2002 Regulating the Protection of Industrial Property of Patents and Industrial Drawings and Models, as amended;
- Federal Law No. (16) of 2007 on Animal Welfare, as amended;
- Federal Law No. (17) of 2009 on the Protection of New Plant Varieties;
- Federal Law No. (9) of 2013 on the Plant Genetic Resources for Food and Agriculture;
- Federal Decree Law No. (26) of 2019 on Public Finance;
- Federal Law No. (10) of 2020 on Pesticides; and

Based on the Proposal submitted by the Minister of Climate Change and Environment, as approved by the UAE Cabinet and Federal National Council and ratified by the Federal Supreme Council.

Hereby promulgate the following Law:

Article (1)

Definitions

For applying the provisions of this Law, the following words and expressions shall have the meanings assigned thereto respectively, unless otherwise required by the context:

The State	: The United Arab Emirates.
The Ministry	: The Ministry Climate Change and Environment.
The Minister	: The Minister Climate Change and Environment.
The Competent Department	: The Ministry's Department responsible for supervising and following up on implementing the provisions of this Law and its Executive Regulations and the resolutions issued in implementation hereof.
The Competent Authority	: The domestic entity in charge of the management affairs of genetic resources and their derivatives and fair and equitable sharing of benefits originating from their utilization.
Conventional and Heritage	: The accumulation of knowledge and practices across the succeeding generations in the State and which are of a necessary social and economic

Knowledge and Practices	value for preserving and utilizing the genetic resources.
Genetic Resources Derivatives	:Any substances of a plant or animal origin, microorganisms or other assets, which contain genes-bearing units and are of an actual or potential value. :Naturally occurring chemical and biological compounds that originate from gene expression or metabolism of biological or genetic resources, even if they do not have functional genetic units.
Innovations	:Getting access to groundbreaking or unprecedented knowledge or technologies or developing current knowledge or technologies by way of accumulation, compilation or use of the properties, value, upbringing or inference of any genetic substances.
Access to Genetic Resources	:Taking possession and collection of genetic resources or their derivatives or their associated conventional and heritage knowledge and practices and innovations for the purpose of collecting and preserving the genetic resource, conducting academic research, commercial utilization or exploitation or for any other purpose.
Benefit Sharing Agreement	:An agreement signed by the Ministry, the Competent Authority and the Person wishing to get access to genetic resources, whereby the obligations of the parties, the conditions regulating access to the genetic resources, the benefits originating from the utilization of genetic resources or their derivatives and associated conventional and heritage knowledge and practices and innovations are all determined.
The Person	:The natural or legal person.
Utilization of Genetic Resources and their Derivatives	:The utilization and circulation of genetic resources or their derivatives and associated conventional and heritage knowledge and practices and innovations.

Import : Bringing into the State any genetic resources or their derivatives or associated conventional and heritage knowledge and practices and innovations.

Export : Taking out of the any genetic resources or their derivatives or associated conventional and heritage knowledge and practices and innovations.

Article (2)

Objectives of the Law

This Law shall aim to:

1. Protect, preserve, reduce depletion, ensure sustainability of, and regulate access to and circulation of the genetic resources, in order to contribute to the maintenance and sustainability of biodiversity in the State.
2. Ensure fair and equitable shares of the benefits originating from the utilization of genetic resources or their derivatives and associated conventional and heritage knowledge and practices and innovations.
3. List, compile, classify and document the genetic resources and their derivatives or associated conventional and heritage knowledge and practices and innovations.
4. Enhance and promote research that contributes to preservation and sustainable use of the biodiversity.

Article (3)

Scope of Application

1. The provisions of this Law shall apply to the following:
 - A. The genetic resources and their derivatives and associated conventional and heritage knowledge and practices and innovations, which are accessed or utilized in the State, imported from abroad or exported abroad.
 - B. The genetic resources and their derivatives within or outside their natural habitats.

2. The provisions of this Law shall not apply to the following:
 - A. Human genetic resources;
 - B. Genetic resources intended for personal use; and
 - C. Genetic resources whose possession and benefit sharing are subject to particular international procedures.

Article (4)

Access to Genetic Resources

1. Any person may only get access to the genetic resources and fairly and equitably share the benefits originating from their utilization if an associated permit is obtained from the Competent Authority.
2. Any person may only import or export the genetic resources and fairly and equitably share the benefits originating from their utilization if an associated approval is obtained from the Ministry.
3. The Executive Regulations of this Law shall specify the type and validity period of the Competent Authority's permit, the Ministry's approval and any further necessary requirements.

Article (5)

Electronic Record

The Competent Department shall keep an electronic record to include therein all approvals issued by the Ministry as well as the permits issued by the Competent Authority and granted according to the provisions of this Law.

The Competent Authorities shall provide the Ministry with all necessary data.

Article (6)

Documentation of Conventional Knowledge and Practices

A Steering Committee, made up of members from the competent federal and local entities, shall be created for documenting the conventional knowledge and practices in the State. The formation, terms of reference and operation system of such a Committee shall be determined under a Minister's resolution.

Article (7)

Collection and Utilization of Genetic Resources and Their Derivatives

The genetic resources or their derivatives and associated conventional and heritage knowledge and practices and innovations may only be accessed in the State based on a permit from the Competent Authority, and in accordance with the controls and procedures set out in the Executive Regulations of this Law.

Article (8)

Export and Import of Genetic Resources and Their Derivatives

The genetic resources or their derivatives and associated conventional and heritage knowledge and practices and innovations may only be exported from or imported into the State based on the Ministry's approval and according to the controls and procedures set out in the Executive Regulations of this Law.

Article (9)

Sharing of Benefits

The Ministry and Competent Authority may share the benefits with the Party that gets access to the genetic resource and which originate from the direct or indirect utilization of the genetic resources and their derivatives and associated conventional and heritage knowledge and practices and innovations, according to the provisions of the Benefit Sharing

Agreement.

Article (10)

Revocation of Approval, Permit and Benefit Sharing Agreement

The approval, permit and Benefit Sharing Agreement may be revoked in any of the following cases:

1. If the requirements of the approval, permit and Benefit Sharing Agreement – as the case may be – are breached.
2. If incorrect information or data are provided in order to obtain the approval or permit or to sign the Benefit Sharing Agreement, as the case may be.
3. Any other cases set out in the Executive Regulations of this Law.

Article (11)

Penalties

1. The application of penalties set forth in this Law shall not prejudice any more severe penalty provided for in any other law.
2. Whoever breaches the provisions of paragraph (3) of Article (4) of this law shall be punished with a fine of not less than AED (200,000) two hundred thousand dirhams and not exceeding AED (1,000,000) one million dirhams. Such a penalty shall be doubled in case of recidivism.
3. Whoever breaches the provisions of Article (7) or (8) of this law shall be punished with prison sentence of not less than (6) six months and not exceeding (2) two years and / or a fine of not less than AED (1,000,000) one million dirhams and not exceeding AED (5,000,000) five million dirhams. Such a penalty shall be doubled in case of recidivism.
4. The Court shall order that the items involved in the Case be confiscated and delivered to the Ministry or the Competent Authority to be disposed of as deemed appropriate.

Article (12)

Grievance

Any of the resolutions issued by the Ministry in implementation of the provisions of this Law may be subject to grievance to be filed within (30) thirty days of the date of knowledge. The grievance shall be filed with a committee to be formed for such purpose based on a resolution of the Minister and the Committee shall decide on the grievance within (15) fifteen days of the date of being filed, and its resolution on the grievance shall be final.

Article (13)

Judicial Officers

The employees, to be named under a resolution of the Minister of Justice in agreement with both the Minister and Chairman of the Competent Authority, shall have the official capacity of judicial officers for detecting any violations of the provisions of this law and its Executive Regulations as well as the resolutions issued in implementation hereof, within their respective areas of competence.

Article (14)

Fees for Access to Genetic Resources

The Cabinet shall issue a resolution determining the fees prescribed according to the provisions of this Law.

Article (15)

Executive Regulations

The Cabinet shall, based on the Minister's proposal, issue the Executive Regulations of this Law within twelve months of its publication date.

Article (16)

Repeals

Each provision that contradicts or is contrary to the provisions of this Law shall be repealed.

Article (17)

Publication and Entry into Force

This Law shall be published in the Official Gazette, and shall come into force as of the day following its publication date.

Khalifa Bin Zayed Al Nahyan

UAE President

Issued by us at the Presidential Palace in Abu Dhabi

On: 17 Ramadan 1442 AH

Corresponding To: 29 April 2021