

**Federal Law No (40) of 2006 On the Prohibition of The Development,
Production, Stockpiling and Use of Chemical Weapons**

We, Khalifah Bin Zayed Al Nahyan, President of the United Arab Emirates,

- Pursuant to the perusal of the Constitution; and
- Federal Law No. (1) of 1972 pertaining to the Jurisdiction of the Ministries and the Powers of the Ministers and the amending laws thereof; and
- Federal Law No. (3) of 1979 pertaining to the Civil Defense and the amending laws thereof; and
- The Criminal Law promulgated by the Federal Law No. (3) of 1987 and the amending laws thereof ; and
- The Criminal Procedures Law promulgated by the Federal Law No. (35) of 1992 and the amending laws thereof; and
- Federal Law No. (39) of 1992 pertaining to the Production , Import and Circulation of Fertilizers and Agrarian Reformers; and
- Federal Law No. (41) of 1992 pertaining to the Organization of Agricultural Pesticides and Fertilizers; and
- Federal Law No. (1) of 2002 pertaining to the Organization and Control of the Use of Radioactive Sources and the Protection from the Dangers thereof; and
- Federal Decree No. (104) of 2000 pertaining to the Agreement on the Prohibition of the Production, Stockpiling and Use of Chemical Weapons; and
- Acting upon the proposal of the Minister of Interior, the approval of the Cabinet and the Federal National Council, and the ratification of the Supreme Council of the Federation,

Have promulgated the following law:

Article 1

For the purposes of applying the provisions of this Law, the following words and sentences shall have the meanings illustrated before each unless the context requires otherwise:

- The State** : The United Arab Emirates.
- The Committee** : The national committee for regulating and controlling the use of chemical materials and weapons.
- The Chairman** : The head of the Committee.
- The Competent Authority** : The concerned federal entity and the national authority in each emirates in the United Emirates.
- The Convention** : The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction ("The Convention") which was approved by the State by virtue of Federal Decree No. (104) of 2006.
- The Organization** : The Organization for the Prohibition of Chemical Weapons ("OPCW").
- The Chemical Weapons** : a. Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes and the environment;
b. Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (a), which would be released as a result of the employment of such munitions and devices;
c. Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in

subparagraph.

- Toxic Chemicals:** : Any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans, animals or environment. This includes all such chemicals, regardless of their origin or of their method of production, provided for in the schedules attached to the Convention and any amendments thereof.
- Precursor:** : Any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system, provided for in the schedules attached to the Convention and any amendments thereof.
- Purposes not Prohibited:** : (a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;
(b) Protective purposes: the purposes directly related to protection against toxic chemicals and to protection against chemical weapons;
(c) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare;
(d) Law enforcement-related purposes including domestic riot control purposes.

Article 2

1. A committee entitled "National Committee for Regulating and Controlling the use of Chemical Materials and Weapons" shall be established and shall be affiliated to the Cabinet. Such committee shall be established by virtue of Cabinet resolution and shall be competent to implement the provisions of this Law.
2. By virtue of Cabinet resolution, the work system of the committee shall be issued as well as the mechanism of filing complaints against the decisions issued by the Committee as per the Chairman proposal.
3. The Committee shall have the right - within the limits of its assigned to it - to make use of whoever it deems qualified and competent from the governmental and non-governmental entities.

Article 3

The committee aims at controlling , organizing and following up the prohibition of the creation, development, production, stockpiling and use of chemical weapons, and at supervising same .

Article 4

This article has been cancelled by Federal Law No. 12 of 2009

Article 5

This Article has been cancelled by Federal Law No. 40 of 2006

Article 6

The committee shall have the authority to practice the following tasks:

1 - Propose legislations and regulations for the implementation of the provisions of the agreement.

2 - Establish a permanent communication channel with the organization and exchange necessary information therewith.

3 - Specify and classify the chemical substances pertaining to the agreement by referring to the governmental and private institutions and establishments, and propose restrictions and regulations for the use of such substances in accordance with the provisions of the agreement and in coordination with the competent authority.

4 - Organize the import and export of chemical substances pertaining to the agreement in coordination with the competent authority.

5 - Inspect, supervise and follow up before governmental bodies and the private sector whatever relates to the chemical substances pertaining to the clauses of the agreement, thus ensuring the abidance by the restrictions and regulations mentioned in the clauses of the agreement in coordination with the competent authority.

6 - Set the regulations and rules for the entry of inspectors to the State in view of inspecting the establishments and examine the production of chemical substances in pursuance of the restrictions set by the organization and without prejudice to the security of the establishments and the safety of the State security information.

7 - Follow up the inspection operations carried out by the organization to learn about the results of said operations.

8 - Follow up the international chemical substances production bodies via the organization in view of learning about the chemical industry establishments which constitute a threat to the security and safety of the State; propose and submit requests to search for such establishments in pursuance of the applicable regulations .

9 - Collect and classify information and data related to the chemical substances used in the

State and set the adequate degree of secrecy for such information.

10 - Submit announcements provided for in the agreement.

11 - Cooperate with States Parties in offering the adequate legal and technical assistance in view of facilitating the implementation of the obligations mentioned in the agreement.

12 - Grant licenses for the safe use of chemical substances in coordination with the competent authority and in pursuance of the restrictions provided for in any decision that shall be promulgated by the Cabinet.

13 - File periodic annual reports to the Cabinet regarding the works and proposals of the committee, the work hindrances and other matters aiming at developing the work of the committee.

14 - Any other functions entrusted thereto by the Cabinet .

The committee may entrust the president and the competent authority with some of its functions in pursuance of the conditions it sees fit.

Article 7

Subject to the provisions of the agreement, it shall be prohibited to any natural or juridical person to carry out any of the following works:

1 - Create, produce, obtain in any other way, stockpile, consume, possess, keep or transport chemical weapons directly or indirectly.

2 - Use or threaten to use chemical weapons.

Article 8

Subject to the provisions of the agreement, it shall be prohibited to any natural or juridical person to carry out any of the following works without obtaining a prior consent from the committee and a license from the competent authority:

1 - Import, export, transport, stockpile, manufacture, circulate, possess or use toxic chemical

substances .

2 - Establish factories, laboratories or warehouses for the works provided for in clause 1 of the present article.

Article 9

The licensee shall abide by the following :

1 - The criteria of safe handling toxic chemical substances without contradicting the provisions of the agreement and in pursuance of the implementing regulation hereof.

2 - Keeping records in which all activities exercised by the licensee shall be noted. The implementing regulation hereof shall specify the data and information that must be provided and noted in such records.

3 - Periodically notifying the committee of the used chemical substances, the method of their use , the using bodies and the remaining quantities in pursuance of the implementing regulation hereof.

Article 10

The payable fees for licenses provided for herein shall be set by a decision promulgated by the Cabinet at the proposal of the committee.

Article 11

The employees of the Authority who are competent to implement the provisions of this Law and the decisions effectuating thereof and who are appointed by a decision issued by the Minister of Justice in agreement with the Chairman shall have the capacity of law enforcement officers to establish the violations of the provisions of this Law by Decree, decisions, regulations and instructions issued in execution thereof.

As for the entities authorized to deal in the activities subject to the provisions of this Law, they shall facilitate the work of such employees while carrying out there tasks.

Article 12

Whoever refrains from providing the committee with any information required for the implementation of the agreement or provides it with false information shall be sentenced to imprisonment and to a fine of AED 20.000 at least, or to either penalties .

Article 13

Whoever breaches any of the provisions of article 7 hereof shall be sentenced to imprisonment for a minimum period of five years, and to a fine of AED 200.000 at least and AED 500.000 at most, or to either penalties. In all cases, the substances object of the breach shall be confiscated, and an order may be issued to close the establishment for a minimum period of one month.

Article 14

Whoever breaches any of the provisions of article 8 hereof shall be sentenced to imprisonment and to a fine of AED 100.000 at least and AED 500.000 at most, or to either penalties. In all cases, the substances object of the breach shall be confiscated, and an order may be issued to close the establishment for a minimum period of one month.

Article 15

Any person disclosing in a direct or indirect manner any secret information related to the implementation of the agreement and received by the State from a State party in the agreement or from the organization, that came to his knowledge due to his work, shall be

sentenced to imprisonment and to a fine of AED 5.000, or to either penalties. The juridical person shall be sentenced to a fine of AED 50.000 at least should the members of its board of directors, its duly licensed staff or representatives commit any of the said deeds.

Article 16

The crimes mentioned in the present law shall be punishable as per the sanctions provided for therein without prejudice to any more severe penalty stipulated in any other law.

Article 17

Whoever breaches any of the other provisions of the present law, the regulations, rules and decisions issued in application thereof shall be sentenced to imprisonment or to a fine.

Article 18

The bodies dealing with toxic chemical substances and subject to the provisions of the present law shall accommodate their situation in conformity with the provisions thereof within six months from the date of its coming into force.

Article 19

The Cabinet shall promulgate the required rules and decisions for the implementation of the provisions hereof.

Article 20

Every provision conflicting with or contradicting the provisions hereof shall be cancelled.

Article 21

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

Khalifah Bin Zayed Al Nahyan
President of the United Arab Emirates State

Promulgated by Us at the Presidential Palace in Abu Dhabi

On 8 Shawwal 1427 H.

Corresponding to 31/10/2006