

**Cabinet Resolution No. (20) of 2008**  
**Regarding the Regulation of Crusher and Quarry Activities and the**  
**Transport of Products Thereof**

**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. (1) of 1979 Regarding the Regulation of Industry Affairs,
- Federal Law No. (3) of 1979 Regarding Civil Defense, as amended,
- Federal Law No. (8) of 1980 Regarding the Organization of Labor Relations, as amended,
- The Penal Code promulgated by Federal Law No. (3) of 1987, as amended,
- The Criminal Procedures Law promulgated by Federal Law No. (35) of 1992, as amended,
- Federal Law No. (7) of 1993 Regarding the Establishment of the Federal Environment Agency, as amended,
- Federal Law No. (24) of 1999 Regarding the Protection and Development of the Environment, as amended,
- Federal Law No. (1) of 2002 Regarding the Regulation and Control of the Use of Radiation Sources and Protection against their Hazards, as amended,
- Cabinet Resolution No. (37) of 2001 Regarding the Issuance of the Executive Regulations of Federal Law No. (24) of 1999 Regarding the Protection and Development of the Environment,
- Cabinet Resolution No. (5) of 2006 Regarding the Delegation of Certain Ministerial Functions to the Minister of Environment and Water,
- Cabinet Resolution No. (12) of 2006 Regarding the Air Protection from Pollution System,
- The Resolution of the Ministerial Council for Services No. (111/1) of 2007 Regarding the General Environmental Policy in the United Arab Emirates and the Main Obstacles Facing its Implementation,
- Cabinet Resolution No. (10/10) of 2008 Regarding the Regulation of Crusher and Quarry Activities, and the Transport of their Products, and

- Upon the proposal of the Minister of Environment and Water, and the approval of the Cabinet,

**Hereby resolves as follows:**

## **Article (1)**

### **Definitions**

For the purposes of implementing the provisions of this Regulation, 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.
- Minister** : The Minister of Climate Change and Environment.
- Agency** : The Federal Environment Agency.
- Licensing Entity** : The local authority that is competent to issue a license to an Establishment to practice a (commercial – industrial – professional) activity.
- Competent Authority** : The local authority that is competent to issue environmental permits, and for supervision, inspection, and enforcement in each emirate of the State.
- Establishment** : Projects operating in the field of extracting, manufacturing, storing, and transporting rocks and sand, including quarries, crushers, and pits.
- Quarry** : The location where raw materials are extracted from the earth's crust at a depth not exceeding one and a half meters.
- Crushers** : Projects that rely on natural resources of non-fossil origin and are specialized in the extraction, manufacturing, storage, and transport of rocks and sand, including related establishments and equipment.
- Pits** : The locations where raw material extraction operations are carried out, including sand, rocks, clay, or related sediments.

**Environmental Permit** : The permit issued by the Competent Authority after the approval of the Agency, which includes all technical details related to the activity of the Establishment for which the license is sought, including an Environmental Impact Assessment (EIA) for its activity.

## **Article (2)**

### **Scope of Application**

The provisions of this Resolution shall apply to all existing and new Establishments and their products within the State, while observing the resolutions issued by the Competent Authority in this regard.

## **Article (3)**

### **Licensing**

1. All establishments shall be obliged to obtain an Environmental Permit before commencing their activities.
2. The Licensing Entity shall be obliged not to issue a license to practice for any Establishment unless the license application is accompanied by an Environmental Permit issued by the Competent Authority in whose jurisdiction the project is located, and with the approval of the Agency.

## **Article (4)**

To obtain the Environmental Permit stipulated in Article (3) of this Regulation, the procedures and steps stipulated in the Environmental Impact Assessment System for Establishments, issued by Cabinet Resolution No. (37) of 2001 regarding the Executive Regulations Systems of Federal Law No. (24) of 1999 Regarding the Protection and Development of the Environment, must be followed.

### **Article (5)**

The Environmental Permit for setting up establishments covered by this Resolution in border areas between two emirates shall be subject to coordination between the Agency and the Competent Authority in each of the two emirates, if the Environmental Impact Assessment indicates that the project has adverse impacts on the emirate in which the project is not located.

### **Article (6)**

The Competent Authority, in coordination with the Agency, shall determine the daily working hours, as well as the times and conditions that necessitate the temporary cessation of work, particularly in the following two cases:

1. The existence of adverse weather conditions that contribute to the dispersion of dust;
2. The occurrence of a malfunction or maintenance operations for any of the systems used for dust suppression, whether filters or water sprinklers, until the malfunction is remedied or the maintenance operations are completed.

### **Article (7)**

#### **Prohibited Acts**

It is prohibited to use any radioactive or chemical sources, or devices containing radioactive sources without obtaining a prior permit to do so from the Competent Authority after the approval of the Agency.

### **Article (8)**

It is prohibited to use explosives of any kind and to carry out blasting operations by any means without obtaining a prior permit from the Competent Authority after the approval of the Ministry of Interior, and with the obligation to take all appropriate precautions. In all cases, every blasting operation shall be carried out under the supervision of the Ministry of Interior, in coordination with the Competent Authority.

### **Article (9)**

It is prohibited for any Establishment, during or in the course of carrying out its activity, to perform any acts that would or may result in causing damage to the environment in any form, including the exploitation and dredging of flat lands and valleys.

### **Article (10)**

#### **Control of Impacts**

The owner of the Establishment shall be obligated to use equipped means of transport that meet all the required technical specifications as determined by the Agency and the Competent Authority, for the transport of the products of the activities it practices at the project site. The transport companies operating in the field of transporting the products of these Establishments shall also cover the load of transport means securely in a manner that ensures that no part of the load falls or is dispersed during transit.

### **Article (11)**

The owners of Establishments shall be obligated to use modern techniques and means in accordance with the best international standards and specifications and to follow the best practices for dust control, as determined by the ministerial resolutions regulating the management and operation of this activity stipulated in Article (23) of this Resolution.

### **Article (12)**

#### **Environmental Monitoring**

The Competent Authority, in coordination with the Agency, shall establish an air quality monitoring network in the areas surrounding the Establishments. The Establishment may conduct self-monitoring of air quality within its area of operation. In this case, it shall immediately notify the Agency and the Competent Authority of any exceedance of the permissible limits for air pollutants specified in Annex No. (8) of the Air Protection from Pollution System, issued by Cabinet Resolution No. (12) of 2006, and in accordance with the procedures determined by the ministerial resolutions regulating the management and

operation of this activity stipulated in Article (23) of this Resolution.

### **Article (13)**

The Establishment shall be obligated to conduct a periodic analysis of waste and to monitor the specifications of discharge and pollutants resulting from these projects, including biodegradable materials, and to maintain monitoring records in accordance with the requirements of the Environmental Impact Assessment System for Establishments issued by Cabinet Resolution No. (37) of 2001, regarding the Executive Regulations Systems of Federal Law No. (24) of 1999 Regarding the Protection and Development of the Environment and in accordance with the procedures determined by the ministerial resolutions regulating the management and operation of this activity stipulated in Article (23) of this Resolution.

### **Article (14)**

The employees of the Agency or the Competent Authority shall have the right to inspect the Establishment and audit all environmental health and safety systems, environmental monitoring records, and inspect all procedures followed by the Establishment to ensure its compliance with the implementation of this System. A report on the results of the inspection and audit shall be submitted to the Ministry, and the Ministry may submit this report to the Cabinet if the matter so requires.

### **Article (15)**

#### **Liability and Compensation for Environmental Damage**

Any person who, by their act or negligence, causes damage to the environment or to a third party as a result of violating the provisions of this Resolution or the resolutions issued in implementation thereof, shall be liable for all costs necessary to remedy or remove such damage, and shall also be obliged to pay any compensation that may arise therefrom.

## **Article (16)**

The compensation for the environmental damage referred to in Article (15) of this Resolution shall include the damages that affect the environment itself and prevent or reduce its legitimate use, whether temporarily or permanently, or harm its economic and aesthetic value, as well as the cost of environmental rehabilitation if such damages occurred as a result of violating the provisions of this Resolution or in areas not covered by the license granted to the Establishment.

The Agency shall be the authority vested with the power to confirm the occurrence of environmental damage and to assess the value of compensation therefor. The competent court in the concerned emirate shall have the power to adjudicate any dispute related to the value of the compensation determined by the Agency.

## **Article (17)**

### **Administrative Penalties**

The application of the penalties stipulated in this Resolution shall not prejudice any other penalties or any more severe penalties provided for under the laws in force in the State or in the concerned emirate.

## **Article (18)**

The Agency or the Competent Authority may administratively close the Establishment that violates the provisions of this Resolution for a period not exceeding three months, and they shall have the right to issue decisions permitting the Establishment to resume its work before the expiry of the administrative closure period, provided that the violation has been remedied.

## **Article (19)**

The Minister may permanently close the Establishment and revoke its license in the event of failure to rectify the subject of the violation after the expiry of the administrative closure period.

### **Article (20)**

The Interested parties shall have the right to appeal against the closure decisions before the competent court within fifteen days from the date of notification of the closure decision.

### **Article (21)**

#### **Final Provisions**

The owner of the Establishment shall be obligated to level the site and remove the waste and distortions caused thereby during the work at the site after the expiry of the permit granted thereto, in accordance with what is decided by the Competent Authority with the approval of the Agency in this regard.

### **Article (22)**

Existing establishments shall regularize their status in accordance with the provisions of this Resolution, and the resolutions issued in implementation thereof within a period not exceeding one year from the date of entry into force of this Resolution.

### **Article (23)**

The Minister shall issue the resolutions regulating the management and operation of crusher and quarry activities, and the transport of their products, including operational guidelines, pollutants monitoring mechanisms, and any other resolutions necessary for the implementation of the provisions of this Resolution.

## **Article (24)**

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

**Mohammed bin Rashid Al Maktoum**

**Prime Minister**

**Issued by us in Abu Dhabi:**

**On: 13 Jumada al-Awwal 1429 A.H.**

**Corresponding to: 18 May 2008 A.D.**