

Federal Law number (11) of the year 2002
Concerning Regulating and Controlling the International
Trade in Endangered Species of Wild Fauna & Flora

We Zayed Bin Sultan Al Nahyan, president of the United Arab Emirates,

Pursuant to the provisions of the interim constitution,

And the federal law number (1) of the year 1972 concerning the function of ministries and the powers of the ministers and the laws issued in amendment thereof,

The federal law number (5) of the year 1979 concerning the Agricultural Quarantine,

The federal law number (6) of the year 1979 concerning Veterinary Quarantine and the laws issued in amendment thereof,

The federal law number (21) of the year 1981 on the establishment of the General Authority of Water Recourses Management in the U A E,

The federal law number (26) of the year 1981 on the commercial marine law and the laws issued in amendment thereof,

The Federal Law number (3) of the year 1992 on the Issuance of the Penal Law,

The Federal Law number (35) of the year 1992 on the Issuance of the Penal Law,

The federal law number (38) of the year 1992, on the establishment of nurseries, and regulating the production, importation, and circulation of seedlings,

The federal law number (7) of the year 1993 on establishment of the Federal Environment Agency,

The Federal Law number (19) of the year 1993 on the identification of the marine territorial of the United Arab Emirates,

The Federal Law number (23) of the year 1999 on exploitation, protection, and development of the living Aquatics in the United Arab Emirates,

The Federal Law number (24) of the year 1999 on the protection and development of the environment,

And the Federal Law number (9) of the year 1983 on regulating the hunting of birds and animals,

And the Federal Law number (81) of the year 1974 on the admission of the United Arab Emirates to the International Convention on Trade in Endangered Species of Wild Fauna and Flora,

And the submission of the Minister of agriculture and fisheries, the minister of health, and the approval of the cabinet, and the attestation of the supreme council of federation,

We have issued the following law:

Article (1)
Definitions

For the purpose of the provisions of the present Law the following terms and expressions shall have the meanings hereby assigned to them unless the context requires otherwise:

State: Shall mean the state of the United Arab Emirates.

Minister: Shall mean the Minister of Agriculture and Fisheries.

Managing Authority: Shall mean the competent Department in the Ministry of Agriculture and Fisheries and the Federal Environment Agency. The cabinet shall determine their functions.

The scientific Institution: Shall mean the institution determined by the Cabinet.

Convention: Shall mean the international Convention on International Trade in Endangered Species of Wild Fauna and Flora, of which the UAE was admitted to its membership.

Appendices: Shall mean the Appendices (1, 2, 3,) attached to the Convention or any amendments attached thereof.

International Trade: Shall mean importing, exporting, or re-exporting or any consignment by sea according to the regulations of customs in the country.

Sample: Shall mean animal or plant whether live or dead, their parts or derivatives included in the appendixes unless they are excluded according to the provisions of this law.

Species: Shall mean all species, kinds or any numbers which are geographically separated.

Exporting: Shall mean taking out any specimen from any place in the country.

Re -Exporting: Shall mean exporting any of specimens previously imported.

Importing: Shall mean the introduction or the trial to introduce, landing or bringing any of the specimens mentioned in the appendices in any place of the country in accordance with the measures of customs except for transit, unloading and re-shipping.

Introduction by sea: Shall mean the introduction of any specimen included in the Appendices to the country through the marine territories.

Transit and unloading with re-shipping: Shall mean the measures taken to preserve the specimens under the supervision of customs before being sent to the consignee outside the country and this shall include any interference in the movement of the specimen resulting from the necessary arrangements which shall be taken for these operations.

Examination before introduction, export, re exporting or transit: Shall mean check the attestation of certificates and permits mentioned in this law and this shall include examine the specimens, collecting parts thereof if found suitable or possible to be analyzed or clinically examined.

Issuance: Shall mean achieving all transactions required by the management

authority and this shall include the preparation, attestation, and delivery of permits or certificates.

Selling: Shall mean all types of r transfer of ownership and according to the provisions of this law the rent, exchange or barter trade shall be considered as selling.

Display for sale: Shall mean the advertisement or preparation for advertising in for sale or invitation for negotiation.

Basic commercial purposes: Shall mean all purposes of which their commercial aspects are distinctly dominated and the executive by-laws of this law shall determine the restrictions that govern commercial and non-commercial purposes.

Permits or Certificate: Shall mean the official documents shall be submitted upon import, export, re-export or introducing by sea any kind of specimens included in the appendices.

The relief centre: Shall mean the establishment approved by the management authority to lodge the live specimens, confiscated, none confiscated or hold for their safety.

The product bred in captivity: Shall mean the product delivered or produced by any means in controlled environment where males and females live together, propagate and beget, genetically produced or by any other means live in a controlled environment, and the above shall include off spring, descendants or eggs.

Products of artificial propagation: Shall include plants, or parts thereof, their derivatives produced by man such as seeds, cuttings, tissue culture, or any other propagated products under controlled environment.

Country of origin: Shall mean the country of which the specimen taken or the location of their breeding in captivity or propagated by artificial methods or from sea.

Article (2)
Scope of application

The provisions of this law shall be applied for all specimens of species included in the appendices. These appendices are considered as Appendices to this law and shall be published in the official Gazette together with any other amendments may be includes in a decision issued by the Minister in view of the recommendation of the management authority.

Article (3)
General Rules

1- It is prohibited to import any of the specimens mentioned in the appendices, their introduction, unloading and their re-shipping re-exporting or introduction by sea in contradiction with the provisions of this law.

2- The Burden of proof for the legal ownership of any specimens within the included species in the appendices shall be the responsibility of the holder.

Article (4)
The Management Authority

The management authority shall be directly responsible for implementing the provisions of this law as follows:

1- To cooperate with the local and international concerned authorities to facilitate the exchange of information concerned with implementing the provisions of this convention, and train the authorized persons to implement the legislations applied in the country regarding the protection of endangered species of animals and plants exposed to distinction.

2- To review the applications for permissions, certificates, their issuance and or rejection in accordance with the provisions of this law and the convention of (CITES) or to stipulate the conditions may be found necessary for certificates and permits.

- 3- Coordination with the Ministry of Foreign Affairs in order to contact the secretariat of the convention and its member countries regarding the scientific and administrative affairs and the implementing the provisions of the present convention as well.
- 4- Prepare the records of the international trading of specimens and the annual report to be submitted to the secretariat of the convention before the 31st of October of the following year, considering that the executive by- laws of this law shall determine the types of records and the enrolled data.
- 5- Prepare half year report about the organizational and management steps enforced in the country on the implemented provisions of the convention to be submitted to the secretariat of the convention.
- 6- Copy of the two reports stated in the clauses (4-5) of this Article to the cabinet before being referred to the secretariat of the convention.
- 7- Allocate relief centre or centers after consulting with the scientific Institution.
- 8- Coordination with juridical detection inspectors to examine the specimen and permits.
- 9- Any other works required to implement the provisions of this convention.

Article (5)
The scientific Agency

The scientific agency shall undertake the following:

1. Advise the management authority about the exportation of samples included in the Appendices (1 & 2) and its effect on the survival of these species.
2. Advise the management authority about the importation of samples included in the Appendix (1) and its effect on the survival of these species.

3. Suggest preparing quarantine centre for the living specimen stated in the Appendix (1) which may be permitted by the management authority for importation and recommend its liability for lodging and care of them.
4. To observe export permits of specimens stated in the in the Appendix number (2) and follow up the actual exportation operations of these specimens, recommend the suitable measures to be taken and recommend the annual exporting quota in order to restrict the export permits in purpose of protecting these species.
5. Advise the methods about how to dispose with the seizing or the confiscated specimens.
6. Suggest the suitable means to protect the endangered species.
7. Any other works entrusted by the management authority.

Article (6)
International Trade and Documents

- 1- It shall be impermissible to Export or re-export any specimen from the species included in the appendices unless obtaining prior permission.
- 2- It shall be impermissible to import any specimen from the species included in the appendix (1) unless prior permit import is obtained.
- 3- It is prohibited to import any sample from the species included in the Appendix 2 unless prior export or re- export permit is obtained.
- 4- Introduction by sea to any specimen from the species included in the Appendices shall be prohibited unless prior permit or certificate for introduction by sea is obtained.

Article (7)

The management authority shall undertake granting import, permits and certificates of export, re-export, and introduction by sea for any specimen from the species included in the Appendices unless meet the following conditions:

1- An approval from the scientific authority that exporting of the sample included in the appendices (1& 2) shall not affect the survival of these species and they are included within the annual exporting quota as determined by the scientific authority.

1- An approval from the scientific authority that the import of the specimen included in the Appendix (1) is used for purposes that shall not affect the survival of the species.

2- The required specimens shall not contravene the applied legislations in the country or the provisions of the convention.

3- The re-exported specimen shall be previously imported according to the provisions of the present law and the convention.

4- The shipping of living specimen for export or re-export shall not contradict with the guidelines stated in the convention for transporting the living specimen. In case of traveling by air, this shall go along with the latest rules and regulations for transportation of live animals issued by the International Air Transport Agencies.

5- To ascertain that shipping shall be made in away to ensure their safety against the dangers of wounds, injury, damage to health, and cruel treatment.

6- An import permit issued by the competent authority in the imported country is a condition before granting an import permit for any of the specimen from the species included in the appendix (1).

7- To ensure that the specimen shall not be used for trade purposes before granting import permit or introduction from the sea to a specimen included in the appendix (1).

Article (8)

1-The management authority shall have the right to withdraw or amend any granted permit or certificate if proved that the applicant was granted any of them according to incorrect or misguided information.

1- The management authority may request further information from the applicant it may be found necessary to take a decision to grant the permit or the certificate.

Article (9)

The management authority shall keep the utilized permits and certificates of re-export issued by the competent authorities in the exporting countries and their equivalent of import permits and certificates upon completing the requirements of importing of any species and shall be considered cancelled for any new importing orders.

Every specimen shall need to issue new permit or certificate for each shipment separately.

Article (10)

The management authority shall assign the ports for export and re-export of the specimen included in the appendices as well to the ports of import, the transit or transported shipments and the shipments introduced by sea.

Article (11)

Permits and certificates shall be considered personal and shall not be transferred to another name. The management authority shall prepare special form for permits and certificates and all other forms of permits and certificates shall not be considered valid.

Article (12)

Permits of export and re-export certificates shall be deemed valid for six months as from the date of their issuance while the import permits shall be deemed valid for one year as from the date of their issuance.

Article (13)

It shall not be permissible to export any of animal specimens which bred in captivity and included in appendix (1) for trade purposes unless they were originally recorded during breeding by the management authority and marked individually to become difficult for indelibility, imitation, and change by unauthorized person and the management authority shall determine the terms and conditions for registration.

Article (14)

- 1- It shall be permissible to dispose of specimens of animals bred in captivity and included in the appendix (1) for non- trade purposes.
- 2- It shall be permissible to trade in the specimens of all animals bred in captivity and included in the appendices (2 & 3) after presenting the certificate of (produced through breeding in captivity) issued by the

management authority or the competent authority in the exported or the re-exported country in lieu of obtaining an export or re-export certificate.

Article (15)

- 1- Trade in the specimens of plants produced in artificial propagation and included in Appendix (1) shall be prohibited unless they originally propagated in a registered nursery with the management authority and the management authority shall stipulate the conditions and regulations for registration.
- 2- It shall be permissible to trade in specimens of plant produced by artificial propagation and included in the appendix (1) for non- trade purposes.
- 3- Trade is allowed in specimens of plant species produced by artificial propagation and included in Appendices (1&2) after presenting certificate of (products of artificial propagation) issued by the management authority or the competent authority in the exporting or the re-exporting country in lieu of obtaining import permit or re-export certificate.

Article (16)

In case of International trade with non-member country in the convention, the management authority may accept documentation similar to that stated in this law and issued by the competent authorities in that country if proved agreeable to the requirements of this law to obtain permits and certificates.

Article (17)

- 1- Export permits, certificates of re-export, certificates of production through breeding in captivity or artificial propagation and certificates of origin issued by the exporting countries shall not be considered unless they are valid.

2- Each permit and certificate contravenes the terms and regulations of the management authority shall be considered cancelled.

Article (18)

Each practitioner of an activity included in the provisions of this law shall apply for registration with the management authority according to the terms stated in a ministerial decree and the this decree shall identify the type, form of application, the conditions and information necessary for registration.

3- Each application contradicts the above-mentioned regulations stated in the above article shall be considered cancelled.

Exceptional Rules

Article (19)

The specimens of animal species bred in captivity and included in the Appendix (1) or the specimen of plants produced through artificial propagation for commercial purposes shall be treated according to the provisions of specimens included in appendix (2).

Article (20)

1- Transit specimens or that unloaded and re-shipped in the country shall not need permits, certificates or any other documents from the management authority.

2- Transit, unloaded and reshipped specimen of shipped or unloaded and re-exported may be examined to ascertain obtaining (CITES) export permit issued by the competent authority in the exporting or the re-

exporting country in accordance with the provisions stated in the convention.

Article (21)

The provisions of Article (6) of this law shall not be applicable to the dead specimens, parts or derivatives included in the Appendices (1& 2) if they were private properties entered to, exported or re-exported from the country in accordance with the regulations stipulated by the management authority and the provisions of the present convention.

Article (22)

The provisions of Article (6) shall not be applicable to live specimens from the species included in the Appendices in case they were private properties and their owner has obtained certificate of ownership from the management authority after being fulfilled the terms, rules, and the measures laid by the management authority to register this kind of specimens.

Article (23)

Scientific Institutions shall be excluded from obtaining the permits and certificates referred to in Article (6) of this law if they were brought in purpose of loaning for non- trade purposes, gifts, or exchange between the scientists and the scientific institutions which are registered with the management authority or the competent authorities in their countries such as herbal specimens, canned, dried coated for museums and or the living plants which were approved by the concerned authorities in the exporter country.

Article 24

The management authority may exclude Zoos, Circus, animals and plant exhibitions or any other moving show from the terms and conditions of permits and certificates stated in the Article (6) of this law, as well for specimens which are consisting part of movable zoo, circus, and or animal and plant exhibition. This exemption shall include the specimens obtained before implementing the provisions of this law herein after referred to in Article (38) of this law as well as the specimens included in the appendix (1) which were bred in captivity or produced through artificial propagation and included in the Appendices (2&3) .

Punishments Article (25)

Whoever imported, exported, re-exported, introduced by sea or attempted to deal with any of the specimens of species included in the Appendix (1) prior to obtain permit or certificate from the management authority, or in case that the permits or certificates were invalid, he shall be imprisoned for a period not exceeding six months and levied a fine not less than (10,000) ten thousand dirham and not exceeding (50,000) fifty thousand dirham, or any of these punishments.

Article (26)

Whoever exported, re-exported, introduced by sea, or attempted to deal with any of the specimens of species included in the Appendices (2&3) prior to obtain permit or certificate from the management authority, or if the permit or certificate were invalid, he shall be imprisoned for a period not less than three months and levied a fine of minimum (5000) five thousand dirham and not exceeding (30,000) thirty thousand dirham.

Each person imports any specimens of species included in the Appendix (2) prior obtaining import permit or certificate stated in Clause (3) of Article (6) in this law shall be exposed to the same punishment.

Article (27)

whoever bestowed, sold, presented for sale, or displayed any of the specimens included in the appendices prior being registered in accordance with Article (18) of this law shall be imprisoned for a period not less than three months, and levied a fine of minimum (5000) five thousand dirham, and not exceeding (30000) thirty thousand dirham, or any of these punishments.

Article (28)

whoever presented incorrect or misleading information to obtain permit or certificate, in accordance with the provisions of this law shall be imprisoned for a period non-exceeding one month, and levied a fine not less than (3000) three thousand dirham, and not exceeding (20,000) ten thousand dirham, or any of these punishments.

Article 29

whoever changed, removed, or omitted any of the marks used by the management authority to recognize the specimens individually, shall be imprisoned for a period non exceeding one month, and levied a fine not less than (2000) two thousand dirham, and shouldn't exceed (10,000) ten thousand dirham.

Article (30)

Punishments stated in this law shall be applicable to the concerned person, his representatives, managers, and agents if the violation was committed in his behalf or under his name.

Article (31)

The offender shall bear all charges related to taking hold of specimens including custody, transportation of specimens, their dispose, or the retention of live animals.

Article (32)

Without prejudice to the rights of others and good retention, all specimens of conviction, cages, containers, and all other of similar materials placed in and used for committing the conviction shall be confiscated. The court shall have the right to confiscate the seized specimens and the management authority shall decide the way of disposition thereof.

Article (33)

Whoever violates any of the provisions of this law, its executive by-law shall be levied a fine not less than (1000) one thousand dirham, and not exceeding (5000) five thousand dirham.

Article (34)

The employees of the management authority determined by a decision from the Minister of Justice, Islamic Affairs, and Awkaf in agreement with the Minister of Agriculture and Fisheries shall be deemed to be as judicial detection inspectors against all convictions to the provisions of this law and the decisions issued in execution thereof and according to their liabilities.

Article (35)

The Authorities of Ports and Customs, Armed forces, the Ministry of Interiors and all other concerned authorities shall provide the prompt assistance to the management authority as required.

Article (36)

The Cabinet shall issue a resolution upon the suggestion of the management authority and the submission of the Minister to determine the fees to be charged against the activities, measures, licensing, permits and certificates granted in accordance with the provisions of this law.

Article (37)

The provisions of this law shall not applied for those who have obtained specimens from the species included in the Appendices before the implementation of its provisions and they have to inform the management authority within a period of one year as from the starting date of this law to be granted with a certificate of pre implementing of this convention.

Article (38)

The cabinet shall issue the by- law of this law upon the submission of the Minister.

Article (39)

All provisions contravene or contradict with the regulations of this law shall be considered cancelled.

Article (40)

This law shall be published in the official Gazette and shall come into effect six months after its publishing.

Zayed Bin Sultan Al Nahyan
President of the United Arab Emirates

Issued by us at the presidential palace in Abu Dhabi

On /20 /Shaban /1423H.

Corresponding to 26/ October/2002