

## **Federal Law No. 11**

Issued on 26/10/2002

Corresponding to 20 Sha'aban 1423 H.

### **CONCERNING REGULATING AND CONTROLLING THE INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA**

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

Pursuant to the perusal of the Constitution; and

Federal Law no. 1 of 1972 concerning the Jurisdiction of the Ministries and the Powers of the Ministers and the amending laws thereof; and

Federal Law no. 5 of 1979 concerning Agricultural Quarantine; and

Federal Law no. 6 of 1979 concerning Veterinary Quarantine; and

Federal Law no. 21 of 1981 concerning the Establishment of the Public Agency for Water Resources Management in the United Arab Emirates; and

Federal Law no. 26 of 1981 concerning the Commercial Maritime Law and the amending laws thereof; and

The Penal Code issued by Federal Law no. 3 of 1987; and

The Criminal Procedures Law issued by Federal Law no. 35 of 1992; and

Federal Law no. 38 of 1992 concerning the Establishment of Arboretums and the Regulation of the Production, Import, and Circulation of Seedlings; and

Federal Law no. 7 of 1993 concerning the Establishment of the Federal Environmental Agency; and

Federal Law no. 19 of 1993 concerning the Identification of the Maritime Zones of the United Arab Emirates; and

Federal Law no. 23 of 1999 concerning the Exploitation, Protection, and Development of Living Aquatic Resources in the United Arab Emirates; and

Federal Law no. 24 of 1999 concerning the Protection and the Development of the Environment; and

Decree-Law no. 9 of 1983 regulating the Hunting of the Birds and Animals; and

Federal Decree no. 81 of 1974 concerning the Adherence of the United Arab Emirates to the International Convention on Trade in Endangered Species of Wild Fauna and Flora, and the amending decrees thereof; and

Acting upon the proposal of the Minister of Agriculture and Fisheries and the Minister of Health, the approval of the Cabinet and the ratification of the Federal Supreme Council,

Have promulgated the following Law:

## **Article 1 - Definitions**

In the implementation of the provisions hereof, the following terms and phrases shall have the meanings assigned for each of them unless the context requires otherwise:

**State:** The United Arab Emirates State.

**Minister:** The Minister of Agriculture and Fisheries, and the Minister of Health.

**Administrative Authority:** The competent administration in the Ministry of Agriculture and Fisheries, and the competent administration in the Federal Environmental Agency. The Cabinet shall specify the jurisdictions thereof.

**Scientific Agency:** The agency whose determination is made by virtue of a Cabinet decision.

**Convention:** The International Convention on Trade in Endangered Species of Wild Fauna and Flora, to which the State adhered.

**Annexes:** The annexes 1, 2 and 3 enclosed with the Convention, and any amendments thereto and enclosed herewith.

**International Trade:** Any export, re-export, import, or entry by sea subject to the customs regulations in the State.

**Specimen:** 1- Any animal or vegetation mentioned in the annexes, whether living or dead.

2- Any part or derivatives that appear in the annexes, or through a sign or a label, or any other cases as a part or derivative of an animal or vegetation mentioned in the annexes, unless such parts or derivatives are exempt according to the provisions herein.

**Species:** All species, kinds, or any numbers thereof that are geographically separated.

**Export:** Taking out any specimen from any place located in the State.

**Re-Export:** The export of any specimen that has been previously imported.

**Import:** The introduction, or any attempt to introduce or to bring any of the specimens mentioned in the annexes in any region in the State, and such by virtue of any customs procedures save the transit, loading and reloading.

**Introduction by sea:** The introduction of any sample mentioned in the annexes into the State after taking them from the maritime environment not subject to the jurisdiction of any State.

**Transit, discharge and reload:** The operations in which the sample remains under the control of the Customs while being sent to a consignee outside the State. Such shall include

any intervention in the movement of the specimen, resulted only from the necessary procedures to be taken for such operations.

**Inspection upon introduction, export, re-export, or transit:** the verification of the certificates and permits set forth herein. Such shall include the inspection of specimens and the detailed analysis of some parts or specimens whenever adequate, for detailed testing.

**Issuance:** The finalization of all procedures required by the Administrative Authority including the preparation, approval and delivery of the permit or certificate to the applicant therefore.

**Sale:** Any kind of transfer of property, and for the purpose hereof, the rent, bartering, and exchanges shall be deemed as sale.

**Display for sale:** The declaration or the preparation to declare for the purpose of sale, and the invitation to negotiate.

**Basic commercial purposes:** All purposes whose commercial sides are distinctly prevailant. The implementing regulation hereof shall specify the restrictions of the commercial and non-commercial purposes.

**Permit or Certificate:** An official document used upon the authorization of import, export, re-export or introduction by sea of any sample mentioned in the annexes.

**Relief Center:** An establishment adopted by the Administrative Authority to deposit the confiscated, non-confiscated or impounded living specimens and such for their safety.

**Products bred in captivity:** The product bred or produced in any other way in a controlled environment where parents live and are bred, or products bred or produced genetically or in any other way in a controlled environment. All the above shall include any parts of offspring and eggs.

**Products of artificial breeding:** It shall include vegetation or any part thereof or derivatives produced by human beings as seeds, cuttings, tissue culture, or any other proliferated products under controlled environment.

**Country of Origin:** The country from where specimens were taken from their habitats, or where they were born, or where the place of breeding in captivity was, or where they were artificially bred, or where the sea environment from which they have been taken is located, provided that such environment is not under the jurisdiction of any State.

## **Article 2 - Scope of Implementation**

The provisions of the present Law shall be applicable to all specimens of the species listed in the annexes. Such annexes shall be considered annexes of the present Law, and shall be published in the Official Gazette. Furthermore, any amendments that may occur thereto shall be published in the Official Gazette by virtue of a decision of the Minister upon the proposal of the Administrative Authority.

### **Article 3 - General Provisions**

1- The import, transit, discharge, reload, export, re-export or introduction by the sea of any specimen of the species referred to in the annexes, in a way that breaches the provisions hereof, shall be prohibited.

2- The burden of proof of legal possession of any specimen of the species listed in the annexes shall fall upon the possessor thereof.

### **Article 4 - The Administrative Authority**

The Administrative Authority shall be directly responsible for the implementation of the provisions of the present Law, and shall have, in particular, jurisdiction to:

1- Cooperate with the pertinent parties in and outside the State in order to facilitate the exchange of information between the bodies concerned with the implementation of the Convention, and to train the persons concerned with the implementation of the legislations related to the protection of the species available in the State.

2- Review the applications of the obtainment of the permits and certificates, as well as the issuance or rejection thereof according to the requirements of the present Law and the Convention, or the imposition of any terms deemed necessary by the Administrative Authority to the permit or certificate.

3- Coordinate with the Ministry of Foreign Affairs for the communication with the secretariat of the Convention and the member States therein with regards to scientific and administrative issues as well the Convention rescue issues.

4- Keep the records of International Trade of specimens, prepare an annual report of the said trade, and submit it to the secretariat of the Convention prior to October 31<sup>st</sup> of the year following the report. The implementing regulation of the present Law shall specify the types of records and data to be enlisted therein.

5- Prepare a bi-annual report of the organizational and administrative steps adopted in the State in implementation of the provisions of the Convention, and submit it to the secretariat of the Convention.

6- Submit a copy of the two reports referred to in clauses (4-5) in the present Article to the Cabinet prior to the submission thereof to the Secretariat of the Convention.

7- Allocate one or more relief centers subsequent to the discussion with the Scientific Agency.

8- Coordinate with the judicial investigation officers regarding the testing and authorization of the specimen cargos.

9- Any other tasks required for the implementation of the provisions of the present Law or the Convention, or entrusted thereto by the Cabinet.

### **Article 5 - The Scientific Agency**

The Scientific Agency shall undertake the following:

1- Advise the Administrative Authority with regards to the export of specimens of species listed in annexes 1 and 2, and the extent of the damage thereof to the survival of said specie.

2- Advise the Administrative Authority with regards to the import of specimens of species listed in annex 1, and the extent of the damage thereof to the survival of said specie.

3- Advise with regards to the equipment of a location for the living specimens listed in annex 1, of which the Administrative Authority wishes to allow the importation, and express the adequacy thereof to the necessary requirements for the storage and care thereof.

4- Monitor the permits of export of any specimen of the species listed in annex 2, and the effective export of said specimen. Advise the Administrative Authority with regards to appropriate procedures to be taken, and show the annual share allocated for export in view of limiting permits of export to prevent the adverse effect on species.

5- Advise the Administrative Authority with regards to the disposal of the impounded or confiscated specimens.

6- Submit proposals to the Administrative Authority with regards to the protection of species.

7- Any other tasks entrusted thereto by the Administrative Authority.

### **Article 6 - International Trade and Documents**

1- The export or re-export of any specimen of the species listed in the annexes shall be prohibited unless subsequent to the obtainment of a permit of export or re-export.

2- The import of any specimen of the species listed in the annex 1 shall be prohibited unless subsequent to the obtainment of a permit of import.

3- The import of any specimen of the species listed in the annex 2 shall be prohibited unless subsequent to the submission of a certificate of export or re-export.

4- The introduction by sea of any specimen of the species listed in the annexes shall be prohibited unless subsequent to the obtainment of a permit and the submission of a certificate of introduction by sea.

## **Article 7**

The Administrative Authority shall undertake the granting of permits and certificates of import, export, re-export and introduction by sea of any specimen of the species listed in the annexes, and such after it ensures the fulfillment of the following requirements:

1- The Scientific Agency shall advise on the fact that the export of the specimen required and listed in one or both annexes 1 and 2 will not harm the survival of the said specie, and that it is included within the annual export share set by the Scientific Agency.

2- The Scientific Agency shall advise on the fact that the import of the specimen required and listed in annex 1 is for purposes that do not harm the survival of the specie.

3- The specimens required must not be obtained contrary to the provisions of the legislations in force in the State, or to the provisions of the Convention.

4- Any re-exported specimen shall have been imported in accordance with the provisions of the present Law and the Convention.

5- The shipment of any living specimen for export or re-export shall be compliant with the directives set by the Convention for the transport of living specimens. In the case of transport by air, it shall be compliant with the latest instructions for the transport of living animals issued by the International Air Transport Association.

6- The preparation of specimens and the shipment thereof shall reduce as much as possible the risks of wounds and injuries harmful to the health, or harsh treatment.

7- The existence of an import permit from the pertinent authority in the receiving country, prior to the issuance of the export of any specimen of the species listed in annex 1.

8- The specimen shall not be used for commercial purposes, and such prior to granting of the permit of import or the certificate of introduction by sea of a specimen listed only in annex 1.

## **Article 8**

1- The Administrative Authority may at any time retract or amend any permit or certificate issued thereby should it be proven that any thereof is issued based on false or misleading data submitted by the applicant.

2- The Administrative Authority may request from the applicant any additional information deemed necessary to take the decision thereof concerning the issuance of the permit or certificate.

## **Article 9**

The Administrative Authority shall keep the used permits of export and certificates of re-export issued by pertinent authorities in foreign countries, as well as permits of import upon the completion of the requirements of import of any specimen. Such permits and certificates shall be deemed cancelled with regards to any new import process. Furthermore, new permits or certificates shall be obtained for each cargo of any specimen later on.

## **Article 10**

The Administrative Authority shall determine the ports where exports and re-exports of specimens of species listed in the annexes, and shall determine the ports where the import, transiting or transported shipments, and introduction by sea shall take place.

## **Article 11**

Permits and certificates shall be personal and may not be transferred to persons other than whoever is mentioned therein. The Administrative Authority shall draw a special form for the permit and another for the certificate. Any permit or certificate issued based on any other form shall be deemed invalid.

## **Article 12**

Permits of export and certificates of re-export shall be effective for a period of six months from the date of the issuance thereof. The permits of import shall be effective for the period of twelve months from the date of issuance thereof.

## **Article 13**

No specimen of animal species bred in captivity and listed in annex 1 may be exported for commercial purposes unless they were originally recorded during the breeding process by

the Administrative Authority, and individually marked in order to render the amendment or modification thereof by an unauthorized person difficult. The Administrative Authority shall determine the terms of registration.

#### **Article 14**

1- Specimens of species of animals produced by breeding in captivity and listed in annex 1 may be disposed of for non-commercial purposes.

2- Specimens of all species of animals produced by breeding in captivity and listed in annex 1 and 3 may be trafficked, subsequent to the submission of a certificate (of production by breeding in captivity) issued by the Administrative Authority or the pertinent authority in the country of export or re-export, and such instead of obtaining a permit of export or a certificate of re-export.

#### **Article 15**

1- Specimens of species of plants produced by artificial breeding and listed in annex 1 shall not be dealt with unless it is originally bred in an arboretum registered before the Administrative Authority. Such Authority shall set the restrictions and terms for the said registration.

2- Specimens of species of plants produced by artificial breeding and listed in annex 1 shall not be dealt with for non commercial purposes.

3- Specimens of species of plants produced by artificial breeding and listed in annexes 2 and 3 may be trafficked, and such subsequent to the submission of a certificate (of products of artificial breeding) issued by the Administrative Authority or the pertinent authority in the country of export or re-export, instead of obtaining a permit of export or a certificate of re-export.

#### **Article 16**

Upon the international trade with a State not member in the Convention, the Administrative Authority may accept documents similar to the documents stipulated herein and issued by the pertinent authorities in the said State, should the content of such documents comply with the requirements hereof with regards to the permit and certificate.

#### **Article 17**



1- Permits of export, certificates of re-export, certificates of the production by breeding in captivity or artificial breeding, and certificate of origin from the exporting countries shall not be deemed valid for the authorization of the import of a specimen of species listed in annexes unless they were effective.

2- Every permit or certificate shall be cancelled in the event of the failure to abide by the terms set by the Administrative Authority.

### **Article 18**

1- Whoever practices any activity included in the frame of the provisions hereof shall submit an application for the registration before the Administrative Authority in accordance with the rules issued by virtue of a decision of the Minister, provided that such decision includes the format of the application and the requirements to be met for registration as well as the data of records.

2- Every application contradicting the rules referred to in the preceding clause shall be cancelled.

## **EXCEPTIONAL PROVISIONS**

### **Article 19**

The specimens of species of animals listed in the annex 1 and bred in captivity, or specimens of species of plants produced by artificial breeding for commercial purposes shall be treated in accordance with the provisions applicable on specimens of species listed in annex 2.

### **Article 20**

1- Transiting, unloaded and reloaded specimens in the State shall not require a permit, certificate, or any other document from the Administrative Authority.

2- Any transiting, unloaded and reloaded specimen may be tested to verify the existence of a permit of export issued by the pertinent authority in the exporting or re-exporting State in accordance with the provisions set forth in the Convention.

### **Article 21**

The provisions of Article 6 hereof shall apply neither to dead specimens nor to the parts or derivatives of the species listed in annexes 1 and 2 should they be personal or familial

properties brought in or out of the State, or re-exported therefrom in accordance with the rules set by the Administrative Authority in compliance with the provisions of the Convention.

### **Article 22**

The provisions of Article 6 herein shall not apply to living specimens of the species listed in the annexes should they be personal properties and should the proprietor thereof obtain a certificate of property from the Administrative Authority, subsequent to the fulfillment of the requirements and abidance by the rules and procedures set by the Administrative Authority for the registration of such specie.

### **Article 23**

Scientific institutions shall be exempt from obtaining permits and certificates referred to in Article 6 herein in the case of non-commercial lending, donations or exchange between scientists and scientific parties registered before the Administrative Authority or before the pertinent authority in the States thereof, and such with regards to grass or other specimens kept, dried, or covered specially to museums, or with regards to living vegetations carrying a card issued or permitted by the pertinent authority in the country of origin.

### **Article 24**

The Administrative Authority may exempt zoos, circuses, animal and vegetable exhibition or any other mobile exhibition from the terms of permits and certificates stipulated in Article 6 herein, and such with regards to certain specimens that are part of a mobile zoo, circus, exhibition for animals or plants, or any other mobile exhibition whatsoever. The said exception shall include specimens obtained prior to the application of the provisions of the Convention, referred to in Article 38 herein, as well as specimens listed in annex 1, bred in captivity, or produced by artificial breeding for non-commercial purposes, and all specimens listed in annexes 2 and 3, bred in captivity or produced by artificial breeding.

## **PENALTIES**

### **Article 25**

Whoever imports, exports, re-exports, introduces by sea, or commences to introduce by sea any specimen of any specie whatsoever listed in annex 1, without the obtainment of a permit or certificate thereof from the Administrative Authority, or should such permit or

certificate not be effective, shall be sentenced to imprisonment for a period not exceeding six months, and to a fine amounting to ten thousand Dirhams at least and to fifty thousand Dirhams at most, or to either penalties.

#### **Article 26**

Whoever exports, re-exports, introduces by sea, or commences to introduce by sea any specimen of any specie whatsoever listed in annexes 2 and 3, without the obtainment of a permit or certificate thereof from the Administrative Authority, or should such permit or certificate not be effective, shall be sentenced to imprisonment for a period not exceeding three months, and to a fine amounting to five thousand Dirhams at least and to thirty thousand Dirhams at most, or to either penalties.

Whoever imports any specimen of any specie whatsoever listed in annex 2, without the submission of the permit or certificate stipulated in clause 3 of Article 6 herein shall be sentenced to the same penalty.

#### **Article 27**

Whoever obtains any specimen of the species listed in the annexes, guards or displays same for sale, sells or displays same to public without having made the registration set forth in Article 18 herein shall be sentenced to imprisonment for a period not exceeding three months, and to a fine amounting to five thousand Dirhams at least and thirty thousand Dirhams at most, or to either penalties.

#### **Article 28**

Whoever submits false or misleading data in order to obtain a permit or certificate in accordance with the provisions hereof shall be sentenced to imprisonment for a period not exceeding one month, and to a fine amounting to three thousand Dirhams at least and twenty thousand Dirhams at most, or to either penalties.

#### **Article 29**

Whoever changes, removes or deletes any of the signs used by the Administrative Authority to individually and permanently identify the specimen shall be sentenced to imprisonment for a period not exceeding one month, and to a fine amounting to two thousand Dirhams at least and ten thousand Dirhams at most, or to either penalties.

#### **Article 30**

Penalties stipulated herein shall be applicable to the juridical person, the representatives, managers, and agents thereof, should the crime be perpetrated in his name and on his behalf.

### **Article 31**

The perpetrator of the crime shall bear all expenses incurred as a result of the impoundment including the expenses of guarding, transportation of specimens, disposal thereof, or expenses of preservation of living animals and plants during the period of impoundment.

### **Article 32**

Without prejudice to the rights and good faith of third parties, all specimens subject of the breach, cages, containers, and other similar materials used in the perpetration of the crime shall be confiscated. The court, upon the acquittal of the accused, may confiscate the impounded specimens for the benefit of the Administrative Authority who shall determine the final method of disposal thereof.

### **Article 33**

Whoever breaches any other provision hereof, or the implementing regulation thereof, shall be sentenced to a fine amounting to one thousand Dirhams at least and five thousand Dirhams at most.

### **Article 34**

The Administrative Authority officials determined by virtue of a decision issued by the Minister of Justice, Islamic Affairs and Endowments in agreement with the Minister, shall have, each in their respective jurisdictions, the capacity of judicial investigation officers with regards to the breach of the provisions hereof, and the decisions issued in implementation thereof.

## **FINAL PROVISIONS**

### **Article 35**

The Administrative Authority may request the assistance of ports, customs, armed forces, as well as the Ministry of Interior and any other entity in order to implement the provisions hereof. The said entities must offer assistance as soon as possible whenever required therefrom.

### **Article 36**

The Cabinet, upon the suggestion of the Administrative Authority and the proposal of the Minister, shall issue a decision regarding the determination of the fees prescribed for the activities, procedures, licenses, permits, and certificates granted in accordance with the provisions hereof.

### **Article 37**

The provisions hereof shall not apply to whoever possesses specimens of species listed in the annexes prior to the enforcement of the provisions hereof. The said person must submit to the Administrative Authority within a period of one year at most from the date of the coming into force of the present Law, a request for the obtainment of a certificate called (Certificate of pre-enforcement of the Convention). The Cabinet may extend said period.

### **Article 38**

The Cabinet shall promulgate the implementing regulation<sup>1</sup> of the present Law upon the proposal of the Minister.

### **Article 39**

Every provision contradicting or contravening the provisions hereof shall be cancelled.

### **Article 40**

The present Law shall be published in the Official Gazette and shall come into effect six months after the date of the publication thereof.

Promulgated by Us at the Presidential  
Palace in Abu Dhabi

On 20 Sha'aban 1423 H.

Corresponding to 26 October 2002

**Zayed Bin Sultan Al Nahyan**

This Federal Law has been published in the Official Gazette, issue no. 388, p. 9.



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<sup>1</sup> The implementing regulation of the present Law was promulgated by virtue of Cabinet Decision no. 22 dated 20/10/2003, published directly subsequent to the present Law.