

Federal Law No. 42

Issued on 28/9/1992

Corresponding to 1 Rabi' al-Thani 1413 H.

CONCERNING THE PRODUCTION, IMPORT AND CIRCULATION OF SEEDS AND TUBERS

Abrogating:

Federal Law no. 2/ 1974 dated 10/ 1/ 1974

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

Pursuant to the perusal of the provisional¹ 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. 2 of 1974 regulating the Import of Agricultural Seedlings and Seeds and the amending laws thereof; and

Federal Law no. 4 of 1979 concerning Quashing Adulteration and Fraud in Commercial Transactions; and

Federal Law no. 5 of 1979 concerning the Agricultural Quarantine and the amending laws thereof; and

Federal Law no. 3 of 1987 issuing the Penal Code; and

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

Have promulgated the following Law:

Article 1

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.

Ministry: The Ministry of Agriculture and Fisheries.

Minister: The Minister of Agriculture and Fisheries.

Undersecretary: The Undersecretary of Agriculture and Fisheries.

Competent Department: The agricultural affairs sector in the Ministry or any organizational unit pertaining thereto.

¹ The word "provisional" has been deleted from the Constitution of the United Arab Emirates, wherever mentioned, by virtue of Article One of the Constitutional Amendment no. 1/1996 dated 2/12/1996; this Constitution has become the permanent Constitution of the State.

Competent Authority: The Authority in charge of the regulation of the production, import and circulation of seeds and tubers in every Emirate.

Seeds and Tubers: The plant part(s) used in the propagation of the different agricultural crops for all approved types of propagation.

Proliferation zones: The zones determined¹ for the proliferation of seeds and tubers.

Contractor: The contracted party for the production of seeds and tubers.

Circulation: The display for sale, sale, storage or transfer in any means of transportation.

Article 2

The Competent Department shall cooperate with the Competent Authority to determine the authorized kinds and types of seeds and tubers, as well as the specifications and procedures of proliferation, production, import, circulation, preparation, use, and declaration thereof. The Competent Department shall specify in particular the following:

1- Technical terms and procedures of contracting for the local proliferation and production of seeds and tubers of all types and kinds.

2- The proliferation zones of seeds and tubers, as well as the necessary conditions therein.

3- The specifications of the containers of seeds and tubers, as well as the labels thereon and the data contained therein.

4- The terms and procedures of testing seeds and tubers, assessing their validity and quality, as well as the means of objection and settlement of the results of the tests.

5- Terms and specifications of the sifting, preparation, and setting of stations of seeds and tubers for circulation.

6- Precautionary procedures to be taken concerning the seeds and tubers violating the provisions of the present Law, and the implementing decisions thereof.

Article 3

Seeds and tubers may not be proliferated, imported, or circulated as per the provisions of the preceding Article, unless subsequent to the obtainment of a prior approval from the Competent Authority, except for:

¹ The phrase “zones determined” has been wrongly spelled in the original Arabic text published in the Official Gazette. Therefore a mention is in order.

1- The seeds and tubers pertaining to universities and research centers for scientific research purposes, provided that such bodies take measures that guarantee that such products are not circulated in the State.

2- The imported seeds and tubers for the purpose of re-export on condition that it does not trespass the borders of the State. The transportation of the cargo from a border to another for export may occur after having taken all necessary precautions in coordination with the Customs and agricultural quarantine authorities.

Article 4

As per the recommendation of the Competent Department, and in coordination with the Competent Authority, the Minister may prohibit the proliferation, production, export, import, or circulation of any kind or type of seeds and tubers, permanently or temporarily, whenever the public interest so requires.

Article 5

The seeds and tubers imported or prepared for export shall be subject to the procedures of the agricultural quarantine¹ in order to ensure that they are free from diseases and pests, and that they comply with the specifications.

Article 6

The persons currently residing in the State and whose activities or a part thereof are within the scope of the provisions hereof, shall adjust their conditions with the provisions and the implementing decisions thereof and such within six months as of the date of the coming into force hereof, failing which they shall be subject to the sanctions set forth herein.

Article 7

The employees charged with the supervision of the execution of the provisions hereof and the implementing decisions hereof, and who are determined by virtue of a decision issued by the Minister of Justice in agreement with the Minister of Agriculture and Fisheries and the Competent Authority, shall have the capacity of judicial investigation officers.

¹ With regards to the agricultural quarantine, refer to Federal Law no. 5/1979 dated 19/3/1979 published in the Official Gazette no. 67 page 34 and before to the present Federal Law.

By virtue of such capacity, they shall have the right to enter the locations which activities is within the scope of the provisions hereof, with the exception of the locations destined for residence, and such in order to ensure the implementation of the provisions and the implementing decisions thereof, and to control the infringements. The local authorities in the Emirates must offer the necessary facilities to such employees to enable them to execute the duties thereof.

Article 8

Whoever breaches the provisions of the present Law shall be sentenced to a fine amounting to five thousand Dirhams at least and fifty thousand Dirhams at most, in addition to the confiscation of the material subject of the breach.

Article 9

The fees due in accordance with the provisions of the present Law shall be determined by virtue of a Cabinet decision.

Article 10

The Minister shall issue the necessary regulations and decisions for the implementation of the provisions of the present Law.

Article 11

The Law No.2 of 1974¹ regulating the import of agricultural seedlings and seeds shall be abrogated.

Article 12

The present Law shall be published in the Official Gazette and shall come into force as of the date of the publication thereof.

Promulgated by Us at the Presidential
Palace in Abu Dhabi

On 1 Rabi' al-Thani 1413 H.

Corresponding to 28 September 1992

Zayed Bin Sultan Al Nahyan

President of the United Arab Emirates State

This Federal Law has been published in the Official Gazette, issue no. 243, p. 139.

¹ Federal Law no. 2/1974 dated 10/1/1974, abrogated by virtue of this Article and by virtue of the Article 11 of Federal Law no. 38/1992, is published in the Official Gazette no. 16 page 9.

