

Federal Law No. 12 of 2018

Issued on 18/12/2018

Corresponding to 10 Rabi' Al-Akhir 1440 H.

ON THE INTEGRATED WASTE MANAGEMENT

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

After perusal of the Constitution,

Federal Law no. (1) of 1972 on the Competencies of Ministries and Powers of Ministers, and its amendments;

Federal Law no. (26) of 1981 on the Commercial Maritime Law, and its amendments;

Federal Law no. (5) of 1985 promulgating the Civil Transactions Law and its amendments;

Federal Law no. (3) of 1987 promulgating the Penal Code, and its amendments;

Federal Law no. (11) of 1992 promulgating the Civil Procedure Law and its amendments;

Federal Law no. (35) of 1992 promulgating the Penal Procedure Law and its amendments;

Federal Law no. (18) of 1993 promulgating the Commercial Transactions Law, and its amendments;

Federal Law no. (23) of 1999 on the Exploitation, Protection and Development of Living Aquatic Resources at the United Arab Emirates and its amendments;

Federal Law no. (24) of 1999 on the Protection and Development of the Environment, and its amendments;

Federal Law no. (9) of 2011 on Land Transport;

Federal Law no. (2) of 2015 on Commercial Companies and its amendments;

Federal Law no. (14) of 2016 on the violations and administrative penalties in the federal government;

And according to the suggestion of the Minister of Climate Change and Environment, the approval of the Cabinet and the Federal National Council and the ratification of the Federal Supreme Council,

Issued the following Law:

Article 1- Definitions

In application of the provisions of this Law, the following terms and expressions shall have the meanings stated beside them, unless the context requires otherwise:

State: The United Arab Emirates.

Ministry: Ministry of Climate Change and Environment.

Minister: Minister of Climate Change and Environment.

Competent Department: Concerned Department at the Ministry.

Competent Authority: Competent local authority in each Emirate of the State.

Relevant Entities: Competent companies, institutions and entities in Waste Management licensed to operate by the Competent Authority.

Person: Physical or moral Person.

Establishment: The industrial, tourist and commercial Establishments, the electricity generation and water desalination Establishments and the Establishments operating in the field of oil detection, extraction, transfer and use, all infrastructure projects and any other Establishment according to the provisions of this Law and its Implementing Regulation.

Supplier: Establishment supplying products of any type to the State.

Environment: Biosphere in which life is manifested in its various forms.

Hazardous Substances: Solid, liquid or gas substances with properties harmful to the human health or affecting the Environment, such as toxic substances or explosive, flammable materials.

Waste: All types of hazardous or non-Hazardous Waste disposed of or required to be disposed of, including: Municipal Solid Waste, Sewage Waste, Hazardous Waste, Construction and Demolition Waste, Industrial Waste, organic Waste, Marine Waste and Oil Waste.

Municipal Solid Waste: Individuals' Waste originating from residential, commercial, professional, industrial or other sources.

Sewage Waste: Wastewater and solid Waste resulting from processing (sludge).

Hazardous Waste: Waste of various activities and operations, devices and equipment used, medical Waste or other Waste retaining the characteristics of Hazardous Substances.

Construction and Demolition Waste: All non-Hazardous Waste resulting from the construction, renovation or demolition of buildings, including residential and non-residential buildings, roads, bridges and others.

Industrial Waste: Hazardous or non-Hazardous Waste resulting from all industrial and transformational activities in industrial Establishments, determined according to the manufacturing process of laboratory tests.

Agricultural Waste: Waste resulting from agricultural activities, including Waste of agricultural crop and gardens, plant Waste, offal and fertilisers.

Marine Waste: Waste resulting from marine crafts of vessels, oil tankers or others, maritime operations and land operations near coastal areas.

Oil Waste: All oils to be disposed of from commercial, industrial and service Establishments, including oils of transport vehicles, industrial equipment, machinery and cooking oils.

Waste Management: Separation, collection, transfer, storage, reuse, recycling, treatment and disposal of Waste, including care subsequent to disposal.

Separation of Waste: Separation of Waste resulting from their primary source for the purpose of reuse, recycling, treatment or safe disposal thereof.

Waste Generator: Any Establishment of which the activity generates Waste.

Waste Management Facility: Legal Person working either through or on behalf of the Waste Generator, in Waste Management.

Waste Landfills: Waste disposal sites, determined by the Competent Authority.

Reuse of Waste: Reuse of Waste without being subject to any process.

Recycling of Waste: Processes carried out on Waste in order to extract raw materials thereof to be reused in commercial and industrial processes.

Article 2- Objectives of the Law

This Law aims to regulate the process of Waste Management and unify the mechanisms and methods of safe disposal thereof, through the application of best practices and techniques available, to protect the Environment and minimise harm to human health.

Article 3- Scope of Implementation and Validity

The provisions of this Law shall apply to Waste from their production, separation, collection, transport, storage, reuse, recycling, treatment and disposal inside the State including free zones. Nuclear and radioactive Waste shall be excluded from the application of the provisions of this Law.

Article 4- Waste Management Liability

The Competent Authority shall be liable for Waste Management within its territorial jurisdiction. For that purpose, it shall:

- 1- Provide Waste Management services and assign these tasks to Relevant Entities.
- 2- Prepare the necessary plans, programmes and measures for Waste Management to improve environmentally sound practices.
- 3- Notify the Ministry annually of its Waste Management plan.

Article 5- Liability of the Waste Generator, Supplier and Establishment

Both the Waste Generator and the Supplier shall accept the returned products and the remaining Waste after use, and the financial costs entailed therefrom according to the Implementing Regulation of this Law.

Article 6- Prohibition of some Types of Waste-Producing Materials

The Ministry may, after coordination with the Competent Authority:

- 1- Prohibit the introduction or import of single-use or short-term products in the markets that cause environmental damage.
- 2- Prohibit the use or import of materials that are hard to dispose of or of which the disposal is hazardous to the Environment.
- 3- Compel the manufacturing companies and institutions to avoid the use or import of Waste-producing materials of which the disposal is not environmentally friendly.

Article 7- Waste Reuse or Recycling

1- The Ministry may, after coordination with the Competent Authority:

- a- Compel the Establishment to reuse certain types of generated Waste if this would be less harmful to the Environment than the disposal thereof.
 - b- Compel the Establishment to reuse certain types of Waste that are suitable for reuse or to process some types of Waste requiring special treatment separately upon disposal thereof.
- 2- The Competent Authority shall encourage the Establishment of recycling plants to recover the maximum amount of recyclable Waste.

Article 8- Disposal of Waste

- 1- No Person shall be allowed to throw, bury, burn or dispose of Waste in open areas, roads, waterways, public parks and any other areas not designated for this purpose.
- 2- Waste may only be disposed of in landfills licensed by the Competent Authority.
- 3- The Competent Authority shall take the necessary measures to dispose of Waste remaining from the treatment of Municipal Solid Waste and resulting from plants of Waste transformation into energy sources in the landfills having approved engineering and environmental standards.

Article 9- Landfills' Conditions

The Implementing Regulation of this Law shall determine the technical and regulatory requirements related to landfills.

Article 10- Reuse of Secondary Products

The secondary raw materials resulting from industrial processes shall not be considered Waste if they can be usable as secondary products for the same industry or other industries as determined by the Implementing Regulation of this Law.

Article 11- Municipal Solid Waste

The Competent Authority shall take the necessary measures and procedures to reduce the generation of Municipal Solid Waste and separate them at source, through the provision of containers with different and uniform colours and the Establishment of Waste collection centres.

The Implementing Regulation of this Law shall determine the details and colours of containers and their use.

Article 12- Sewage Waste

The Competent Authority or the Person licensed by it shall establish and operate Sewage Waste treatment facilities. Such Waste shall be treated according to the approved treatment standards determined by the Implementing Regulation.

Article 13- Hazardous Waste

The Competent Authority shall manage Hazardous Waste within the standards of protection of Environment, health and safety, and shall prepare and implement a periodic programme monitoring the remaining of Hazardous Waste, their presence and the presence of their effects on the ecosystem elements in the sites and facilities of treatment and disposal of Hazardous Waste and their surroundings, as determined by the Implementing Regulation of this Law.

The Competent Authority shall be liable for ensuring that the Municipal Solid Waste is collected separately from other Waste.

Article 14- Construction and Demolition Waste

The Competent Authority shall manage the Construction and Demolition Waste according to the standards of separation from the source, shall not mix them with other Waste and shall transport them to the nearest Waste Management Facility for recycling.

Article 15- Industrial Waste

The Establishment shall manage its Industrial Waste through reuse, recycling or safe disposal thereof, while undertaking to observe the procedures specified for the same by the Competent Authority.

The Competent Authority shall also be liable for the Waste of vehicles, industrial machines and equipment through their treatment, recycling, final disposal or export.

Article 16- Agricultural Waste

The Competent Authority shall separate Agricultural Waste in order to facilitate and support the production of high-quality organic fertilisers and the production of biogas and energy. It shall take necessary measures to prevent the burning of Agricultural Waste.

Article 17- Marine Waste

Taking into consideration the provisions of the said Federal Law no. (24) of 1999 or any other legislation in force replacing the same, the Competent Authority and the ports authorities shall coordinate between them concerning the Establishment of appropriate facilities at the State's maritime ports, in order to receive Waste from shipping vessels and from the operators of other marine facilities. The Competent Authority shall transport the Waste collected from these facilities and deal with them according to each category.

Article 18- Oil Waste

1- The Competent Authority shall follow the procedures of collection, treatment and recycling of Oil Waste and ensure that they are not mixed together or with any other substances or Waste.

2- The Competent Authority shall send periodic reports to the Ministry concerning the quality and quantity of Oil Waste and the methods of treatment thereof.

Article 19- Joint Waste Management

The competent authorities may coordinate together to establish joint facilities for Waste treatment and disposal, and to allow the transport of Waste from one Emirate to another, taking in consideration the highest levels of environmental protection and the best available techniques and practices, provided that the Ministry is notified of such coordination and its consequences in advance.

Article 20- Waste Transport

The Ministry may, in coordination with the Competent Authority, allow the Relevant Entities that manage and supervise the Waste treatment facilities, to transport Waste among the regions of the State where such facilities are located, according to the conditions and rules determined by the Implementing Regulation of this Law.

Article 21- Rehabilitation of Unhealthy Landfills

The Competent Authority or the entity licensed by it shall treat and rehabilitate the unhealthy landfills located within its geographical scope.

Article 22- Education and Awareness

The Ministry shall, in coordination with the competent authorities, prepare and implement programmes for the education and awareness of the community members and owners of Establishments on reducing Waste generation and promoting their recycling.

Article 23- National Waste Database

The Competent Department shall establish a national Waste database, provided that the Competent Authority provides all data related to Waste Management on a periodic basis.

Article 24- Gate Fees

The minimum fees of Waste disposal in landfills shall be determined by a Cabinet decision and the proceeds shall be devolved to the Competent Authority.

Article 25- Civil Liability for Environmental Damage

Whoever causes, due to his act or neglect, a damage to the Environment as a result of violation of the provisions stated in this Law, regulations or the decisions issued in implementation thereof, shall be liable for all the costs necessary for the remedy or removal of such damage and shall pay any compensation entailed therefrom.

Article 26- Administrative Sanctions

Without prejudice to the penalties prescribed by this Law or any other Laws, the Competent Authority may impose the following administrative sanctions on the violating Establishments:

- 1- Suspension of the licence.
- 2- Temporary closure.
- 3- Final closure.

The Implementing Regulation of this Law shall determine the procedures of appeal against administrative sanctions and the periods of suspension of the licence and temporary closure.

Article 27- Penalties

The penalties set forth in this Law shall not prejudice any more severe penalty stipulated in another Law.

Article 28

Every private Establishment that throws, buries, burns or disposes of Waste in open areas, roads, waterways, public parks and any other areas not designated for this purpose, shall be punished by a fine not exceeding AED (1,000,000) one million.

Article 29

Every physical Person that throws, buries, burns or disposes of Waste in open areas, roads, waterways, public parks and any other areas not designated for this purpose, shall be punished by a fine not exceeding AED (30,000) thirty thousand.

Article 30

Whoever violates the other provisions prescribed under the provisions of this Law, regulations and the decisions issued in implementation thereof shall be punished by a fine not exceeding AED (20,000) twenty thousand.

Article 31- Conciliation

1- The Cabinet may issue a decision determining the crimes for which conciliation is permissible.

2- The criminal action shall not be set in motion for the crimes set forth in Clause (1) of this Article without a written request from the Ministry or the Competent Authority, after coordination with the Ministry.

3- The conciliation for the crimes set forth in Clause (1) of this Article shall take place before the case is referred to the competent Court against an amount equivalent to half the prescribed fine. The criminal action shall be settled by payment of the conciliation amount.

4- If the violating party rejects the conciliation, the matter shall be transferred to the Public Prosecution.

Article 32- Judicial Officers

The employees specified by a decision from the Minister of Justice, under agreement with the Minister or Head of the Competent Authority, shall have the capacity of judicial officers as per proving the violations falling within their jurisdiction, to the provisions of this Law, its Implementing Regulation and the decisions issued in implementation thereof.

Article 33- Implementing Regulation

The Cabinet shall issue the Implementing Regulation of this Law within six months from the date of publication thereof.

Article 34- Cancellation of the Violating and Conflicting Provisions

Any provision violating or contradicting the provisions of this Law shall be abrogated.

Article 35- Publication and Entry into Effect of the Law

This Law shall be published in the Official Gazette and shall enter into force three months after the date of publication thereof.

Issued by Us at the Presidential Palace in Abu
Dhabi:

On: December 18, 2018

Corresponding to: 10 Rabi' Al-Akhar 1440 H

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates State

This Federal Law was published in the Official Gazette no. 644 (Annex), p. 73.