

Republic of Yemen

Ministry of Agriculture & Irrigation
General Department of Plant Protection



**LAW NO. (25) FOR THE YEAR 1999 CONCERNING
THE REGULATION OF HANDLING PESTICIDES
FOR PLANT PESTS.**

LAW NO. (25) FOR THE YEAR 1999 CONCERNING THE REGULATION OF HANDLING OF AGRICULTURAL PESTICIDES

In the Name of the people,
The President of the Republic

After reference to the constitution of the Republic of Yemen and, pursuant to the approval of the Parliament,

We have issued the following law:

CHAPTER ONE DESIGNATION AND DEFINITIONS

Article (1): This Law is designated as law for regulation of handling of agricultural pesticides.

Article (2): The following words and phrases shall have meanings that appear in front of each of them as long as the context of the preceding texts does not indicate otherwise:

The Republic: The Republic of Yemen.

The Ministry: The Ministry of Agriculture and Irrigation.

The Minister: The Minister of Agriculture and Irrigation.

Competent Authority: The department competent with plant protection at the General Administration of the Ministry of Agriculture and Irrigation.

The Committee: Pesticide-Registration Committee.

The Person: Any legal or private person undertaking any of the operations of pesticides handling.

Pesticides: Any material or element competent or mixture of chemical products or natural preparation **used in** the field of agriculture for the purpose of protecting plants against pests or for eliminating such pests by way of combating or destruction or chasing away or attraction or reduction in numbers. This also includes the use of hormones and all other products regulating growth, fruit-bearing and loss of leaves or flowers within the scope of pesticides for plant pests, and all materials used for the protection of crops before or after harvesting or during storage and transportation.

Agricultural pests: Any live organism, which may cause economical damage to plants or their produce during plantation, storage, transportation or marketing.

Handling of Pesticides: Any commercial or industrial or agricultural or technical activity relating to the import or export or transportation or sales or storage or packing or filling or preparation or performing the profession combating plant pests.

Registration: The operation on the basis of which the committee agrees for handling of pesticide after evaluation of comprehensive results and complete scientific data which show the effectiveness of the pesticide and its safety for human beings, animals and the environment.

- License: The approval of the Ministry for handling with pesticides in conformity with the relevant procedures.
- Permit: The Ministry's prior technical approval for permitting the importation and exportation of pesticides.
- Control and Inspection: The procedures imposed by the competent authority to insure abidance by the provisions of this law.

CHAPTER TWO

GENERAL OBJECTIVES

- Article (3) This law aims to:
- A. Regulate the operations of handling of pesticides for plant pests.
 - B. Regulate the procedures of the registration, monitoring and as well as inspection and handling of agricultural pesticides.
 - C. Avoid the risks of pesticides and the poisonous effects thereof to human and animal health as well as the environment, and to protect the natural enemies of pests and economically beneficial insects.

CHAPTER THREE

REGISTRATION OF AGRICULTURAL PESTICIDES

- Article (4) A. A committee of specialists on pesticides shall be formed by a resolution of the Minister based on a proposal by the competent authority and shall be designated as the committee for registration of pesticides. Its head office will be at the location of the competent authority in Sana'a. The tasks of the committee and its schedule of meetings shall be defined by the Minister's resolution.
- B. The committee shall prepare a guide called "a guide for the registration and handling of pesticides". This guide must contain clarifications of all procedures, information, documents and conditions which are necessary for the registration and handling of pesticides. The guide should be approved by the Minister and shall be handed-over to the applicants at cost price.
- Article (5) The competent authority shall establish a register and shall issue a registration certificate against a fee of (10'000) ten thousand Yemeni Riyals for the pesticides, which are already allowed for handling in the Republic. The register and certificate should fulfill the following statements:
- A. Each pesticide, concentration or formulation thereof shall be registered under its own registration number.
- B. Each pesticide produced by a certain manu

facturing company shall be registered under its own individual number.

Article (6): Registration procedures shall be performed as follows:

- A. An application shall be submitted in writing to the competent authority for the registration of any pesticide.
- B. All analysis, tests and field experiment and trials shall be performed on the pesticide to be registered at the expense of the applicant. The experiment period prior for the registration shall not be less than two years or more than three years.

Article (7): After registration, no changes or alternations may be made on the composition of neither the pesticide nor its label.

- Article (8):
- A. The validity period of the registration of the pesticide is 5 years renewable as of the date of registration.
 - B. The registration of any pesticide may be subject to reconsideration if any new developments necessitate that action to be taken.

Article (9): The registrations of a pesticide shall be cancelled in the following cases:

- A. In the case of appearance of a new characteristic which was not known before the registration and which would have prevented the registration if it were known.
- B. In the case of expiry of the validity period of registration as stipulated in this law.

- Article (10) A: The competent person has the right to file a complaint to the Minister against the committee's decision to refuse or cancel the registration of a pesticide within 60 days of the date of issue of the decision. The decisions of the committee should be taken in conformity with the content of item (c) or article (3).
- B. Upon receipt of the complaint, the Minister shall refer the matter to any scientific authority specialized in this field for guidance and shall resolve the matter within 60 days.
- C. In all cases the complaining person has the right to resort to the courts of justice.

CHAPTER FOUR

HANDLING OF AGRICULTURAL PESTICIDES

Article (11) No person is allowed to undertake any of the operations of handling of pesticides without acquiring a prior license from the competent authority.

Article (12): The procedures for issuing licenses shall be performed as follows:

- A. Any person has a right to submit a written application to the competent authority for obtaining a license to handle with pesticides against a fee of (100,000) one hundred thousand Riyals.
- B. Prior to issuing the license the competent authority shall perform the necessary inspections of the areas allocated for sorting and

selling pesticides to make sure that they satisfy the technical and sanitary conditions prescribed by the regulation of this law.

C. After the approval of the Minister, the competent authority shall issue the licenses in conformity with the functions and competence vested in it. The validity period of the license shall be two years subjected to renewal against payment of fees of (50,000) fifty thousand Riyals.

- Article (13):
- A. Any person may acquire more than one license to perform more than one operation of handling with pesticides provided that the person satisfies the necessary conditions prescribed by the regulation of this law for each operation. In all cases it must be performed under the supervision of a Yemeni agricultural engineer specialized in plant protection, or a Yemeni agricultural technician enjoying not less than five years of experience in plant protection.
- B. If the holder of the license terminates the services of his supervisor, or if the supervisor requests the termination of the contract for any reason what so ever, both parties should inform the competent authority in writing of the same within a period not exceeding 15 days.
- C. Any person desiring to make use of or import foreign labor to perform operations of pesticide handling should submit an application to the competent authority and should

abide by the provisions of the labor law in practice.

Article (14): Any person is prohibited to import and export of pesticides without acquiring the prior permit from the competent authority.

Article (15): The procedures of acquiring approval permits for the import and export of pesticides shall be conducted as follows:

- A. Any person has the right to apply to the competent authority in writing for obtaining a permit to import or export registered pesticides unless these pesticides are already handled by a local agent, in which case, a written approval for the importation from the local agent shall be necessary.
- B. The competent authority shall issue import/export permits in conformity with its functions and competence against payment of a fees of 0.002 of the total value of imports.
- C. For scientific research or registration purposes only, any legal person may be permitted to import pesticides as a samples only provided that the quantities do not exceed 20 kg or liters of each product or any concentrations thereof and provided that the standard products are supplied for analysis.
- D. To avoid the dangers and risks, which may result from the expiry of the utilization period of the pesticide, the Ministry shall issue permits for the importation of yearly-required quantities.

Article (16): It is prohibited to import any kind of pesticide except through the direct importation from the producing and manufacturing companies.

Article (17):

Any imported pesticide must carry on its packaging clearly in Arabic language the following information:

- A- The scientific name, the trade name and chemical composition (in Arabic & English languages) of the pesticide and the percentages of active ingredient and additives contained therein as well as the type of formulation .
- B- Name and address of the producer and local importer.
- C- Net quantity contained in the container.
- D- Validity period of the pesticide must be inscribed on the outer packaging of the container provided that such validity period should not be less than two years depending on climatic conditions in the Republic.
- E- A list of the pests which the pesticide was made to combat, as well as methods of application, dosage of concentration and necessary safety waiting period between the dates of the last application and harvesting.
- F- A list or precautions, which must be regarded when using the pesticide, as well as the methods and procedures of first aid in case of poisoning and the type or medical treatment to be used in such cases.

- G- A clarification of the harmful effects of the pesticide to the organisms and the environment.
- H- A statement of the pesticide's ability to be mixed with other pesticides.
- I- Warning symbols and texts, which indicate the dangerous and poisonous nature of pesticide, should be included on every container together with instructions for storage and disposal of emptied containers.
- J- Number and date of registration in Yemen, Mixture number and date of production and batch number.

Article 18: Persons acquiring permit for importation of pesticides must abide by the following regulations:

- A- Inform the competent authority one week before the arrival of the pesticide to the official customs station as is indicated on the importation permit.
- B- Submit all documents relating to the imported pesticides to the competent authority.
- C- Send samples of the imported pesticide under the supervision of the technician of the competent specialized in the customs station to the competent authority before starting the customs clearance formalities to insure the conformity of the product with the prescribed conditions and technical specifications within a period of no longer than one week.
- D- The importer shall within a period of no longer than 30 days re-export at his own ex-

pense any quantities or pesticides which do not satisfy the conditions and technical specifications.

Article 19: Licensed dealers of pesticides must abide by the following:

A- Allocate a shop especially restricted only for trading with pesticides and related equipment for application.

B- Keep a serially numbered registers, stamped by the competent authority for the registration of all commercial transactions.

C- All types of pesticides should be stored and sold in their original containers. Importers and sealers are not allowed to open original containers nor split their contents.

D- Without prejudice to the provisions of article (13) of this law, non-adults are prohibited from any involvement selling or dealing with these products.

Article 20: It is prohibited to prepare local technical publications or to publish commercial ads for promoting pesticides in the media and other information instruments without the prior approval of the competent authority.

CHAPTER FIVE

CONTROL AND INSPECTION

Article 21: The competent authority shall undertake the necessary measures for performing control and inspection of any of the operations of handling of pesticides in a periodic or on sudden manner.

Article 22: 1- The Minister will propose to the Minister of Justice the Number of some employees, who after the issues of a special decree, shall enjoy the status of legal controllers competent with the implementation of the provisions of this law They should present the legal card which proves their function before performing any of the control and inspection operations. These employees enjoy the following authorities:

- A- Inspection of areas where pesticides are handled.
- B- Inspection of all bills and or any other documents relating to the handling with pesticides.
- C- Adoption of all necessary measures leading to the closure of shops, warehouses and storages, in co-ordination with the competent authorities.
- D- Taking of samples of pesticide containers, plants or other materials which were treated with the pesticide or subjected to it to perform necessary tests and analysis and sub

- mit reports on their findings for taking the necessary legal action in this matter .
- 2- Any action or measure taken by the employee while performing functions of control and inspection that must be documented in official minutes .
 - 3- In any case, the suffering party has the right to resort to courts or justice.

Article 23: The competent authority has the right to adopt the following measures:

- A- Stop the sales of and confiscate the pesticides, which are in violation of the provisions of this law.
- B- Call the attention of all agents, within a period or no longer than 3 months, to the expiry of the validity period of the pesticides, force the agents to withdraw the expired pesticides within a period of no longer than one month from the market, gather them in their warehouses or stores for disposal thereof at their own expense in co-ordination with the competent authorities and under the supervision of the competent authority and publish information about its invalidity in the mass media.
- C- Any person handling with pesticides in the Republic is obliged to refill any leaking pesticide-container and to clean contaminated areas and to pay financial compensation under the supervision of the competent authority.

CHAPTER SIX

PENALTIES

Article 24: Except in cases several penalties are stipulated by other laws, violations of the provisions of this law shall be subject to the following penalties:

- 1- Every person violating any of the provisions of articles (14/27 A B) of this law shall be subject to an imprisonment for a period of no less than three years and no more than five years, or to pay a fine of no less than (1.800.000) one million and eight hundred thousand Riyals. Moreover the violator shall be forced to return the pesticide at his own expenses to the source from which it was imported.
- 2- Any person violating any of the provisions of item (D) of article (18) of this law shall be subject to an imprisonment for a period of not less than two years and not longer than four years, or to pay a fine of no less than (1,200,000) one million and two hundred thousand Riyals. Moreover he shall be forced to return the pesticide at his own expenses to the source from which it was imported.
- 3- Any person violating the provision of article (7) of this law shall be subject to an imprisonment for a period of no less than one year and not longer than two years or to pay a fine of no less than (900,000) nine hundred thousand Riyals.

- 4- Any person violating the provisions of articles (16 and 17) and items (A, B and C) of article (18) of this law shall be subject to a penalty of no less than (300,000) three hundred thousand Riyals. Moreover the violator of article (17) shall be forced to return the pesticide at his own expense to the source from which it was imported.
- 5- A penalty of no less than (150'000) one hundred and fifty thousand Riyals for violation of the provisions of article (11) and closure of the store until a license is obtained.
- 6- A penalty of no less than (300,000) three hundred thousand Riyals for the violation of any of the provisions of articles (19 and 20).
- 7- A penalty of no less than (90,000) ninety thousand Riyals for the violation of any of the provisions of article (13) and item (c) of article (15) in addition to the confiscation of the quantities subject of the violation of item (c) of article (15).
- 8- A legal person shall be subject to a relative penalty equivalent to the value of the pesticide quantity subject of the violation and shall pay a penalty of no less than (1,500,000) one million and five hundred thousand Riyals whichever is greater if he violates any of the provisions of articles (7,14,18/D, 27/A, B) and a fine of no less than (600,000) six hundred thousand Riyals for other cases.

- Article 25: 1- The number of penalties will be relative to the number of violations. In case of repetition of the violation, the penalty prescribed in article (24) shall be doubled in addition to the possibility of withdrawing the license or permit or closure of the store temporarily or permanently and preventing the violator from undertaking any activity related to pesticides depending on the severity of the violation and as the court sees fit and suitable.
- 2- If the pesticides subject of the violation fall under the items whose importation or manufacturing or possession or selling or marketing or usage is prohibited in the Republic in conformity with the provisions of this law and other regulations, the violator shall be obliged to return the pesticides at his own expense to the source from which they were imported.

Article 26: Prosecuting and penalizing the violator in conformity with the provisions of this law does not exclude his prosecution in criminal courts if his violation has led to a criminal act(s) and consequently his punishment accordingly and oblige him to compensate third parties for occurring damages. In all cases right of third parties shall be preserved in accordance with the applicable laws.

CHAPTER SEVEN

GENERAL AND FINAL PROVISIONS

- Article 27:**
- A- It is absolutely prohibited to import any pesticide of any kind or sort and in any quantities without acquiring prior approval from the competent authority. In the event of any violations, the violator subjects himself to penalties as stipulated in this law.
 - B- It's prohibited to import, export or transit of any pesticide, except through the official points of entry of the Republic of Yemen as stipulated in the import or export permit.
 - C- Security and customs authorities are not allowed to release any pesticide without the permission of the competent authority.
- Article 28:** The armed forces, security units , customs authorities, supply and trading organizations, harbor , airport and post authorities and all other related authorities shall participate in the implementation of this law in terms of control of violations, and prevent importation, exportation and transit of any pesticides unless it is permitted originally by the competent authority.
- Article 29:** Provisions of international and regional agreements with which our country is bound must be regarded in the implementation of this law.
- Article 30:** Equipment, instruments, tools, pesticide samples and protection necessities destined for the labo-

ratories and units of the competent authority shall be exempted from any taxes or customs duties.

Article 31: The competent authority shall work in co-ordination with the Environmental Protection Council in regard to all the provisions stipulated in chapter (2) of section (2) of the law no. 26 for the year 1995 regarding the protection of the environment.

Article 32: All persons performing any activity related to the handling of pesticides at the time of issuance of this law shall haste to rectify their positions in conformity with its provisions during a period not exceeding six months as of the date of its publication.

Article 33: A- 75% of the service fees shall be allocated to the responsible department for pesticides analysis in the competent authority.

B- The competent ministry shall adopt all social and sanitary securities for persons working in the plant protection sector.

Article 34: The executive regulation for the implementation of the provisions of this law shall be issued by resolution of the minister.

Article 35: The resolution of the council of ministers number (68) for the year 1989, which was issued in Sana'a concerning the bill for regulating the handling of agricultural pesticides, is here by cancelled as well as any texts contradicting with the provisions of this law.

Article 36: This law will come into force as of the date of its issue and shall be published in the official gazette.

Issued by the office of the President of the Republic
On 10 April 1999
24 thulhajah 1419

Ali Abdullah Saleh
President of the Republic