

Resolution number (7) of the year 2002
Relating to the control of the import and the use of banned chemicals and
substances subject to limitations

Minister of Municipality and Environment affaires:

After consulting the decree number (4) of the year 1973 concerning the control of the circulation of the **narcosis** their use and all related amendments,

And the decree number (26) of the year 1975, about the regulation of pharmaceutical practices and pharmacies amended by the decree number (7) for the year 1978,

And the decree number (3) of the year 1985 related to the control of imported food,

And the decree number (11) of the year 1989 about pesticides,

And the decree number (21) of the year 1996 about the environment, amended by decree number (8) of the year 1997,

And the order of the Ministry of Commerce number (3) of the year 1996 about the ban of import, production and circulation of Aspistos and all products containing it,

And the order number (10) of the year 1998 concerning the fees of permits issued by the environment authority and the services it provides,

Has decided

Article (1)

The following words and their corresponding meanings are essential for the implementation of this decree if not used in a different context:

(A) Chemical substance: any natural or industrialized substance that auto reacts or reacts when mixed or added to other substances.

(B) Banned chemicals and substances subject to limitations: any gas, liquid or solid substance on the two attached tables and that the regional and international organizations or researches, studies and references have proved that they are highly dangerous on the humans, animals and plants. They could also badly affect the environment either because they are toxic,

explosive or inflammable or have a corrosion aspect. They may alone or when with other substances have hazardous effects on the public health or the environment.

And these articles include the following definitions:

- (A) **Banned chemicals:** Any substance that the environment office- in agreement with the official government institutions- issue its import ban and use in all fields for health or environmental reasons as shown in table (1) attached to decree.
- (B) **Substances subject to limitations:** Any substance used in a specific activity and that cannot be used in another one according to specific conditions and regulations issued by the environment office with the consent of the officials bodies with relation and that for health or environmental reasons as shown on table (2) attached to this decree.
- (C) **Chemical component:** a chemical substance made up of two or more elements that react together with various proportions.
- (D) **Environment threats:** Direct or indirect, instant or cumulated damages that occur to the water, the air or the land and that might critically affect humans, animals or plants or in anyway affect the environment or the ecosystems or limit the usual uses of the environmental elements alone or together.
- (E) **Health threats:** Direct or indirect, instant or cumulated damages as a result of the exposure of humans directly or indirectly to chemicals in production units or in human concentration such as in houses, means of transport, etc.. Also as when using these products, dealing with them in transportation, stocking or getting rid of their waste.
- (F) **Import:** that is to bring any banned substance or subject to limitations from abroad or let it in from any official check points either legally or illegally except for transit.
- (G) **Importer:** Any physical or moral person granted an official permit to import banned chemicals or chemicals subject to limitations either for him or for others.
- (H) **Use:** the consumption of banned substances or chemicals subject to limitations in productions processes, selling or others.

- (I) **User:** Any physical or moral person who uses the banned substances or chemicals subject to limitations.
- (J) **Project:** any facility or establishment that imports or uses in any way banned substances or chemicals subject to limitations.
- (K) **Official bodies with relation:** Official government organisms other than the environment office and that should be referred to within the framework of their specialties and responsibilities in accordance with the laws they implement.

Article (2)

This decree aims at regulating the import and the use of the banned substances and chemicals subject to limitations and the chemical mixtures, goods and products containing banned substances and chemicals subject to limitations. It also determines the purposes and fields of their use as to stop or lessen the spread of their harmful effects on the public health and the environment.

Article (3)

This law is to be implemented on banned substances and chemicals subject to limitations with the exception of banned chemicals imported for the purpose of scientific research and laboratory experiment provided that a written approval from the environment office is granted prior to their import or their use. In this case, they are dealt with according to the rules and regulations that govern the substances subject to limitation included in this decree.

Article (4)

Exempt from the implementation of this, all pharmacological anesthetic substances, radioactive substances, pharmaceutical products, human and veterinarian medicines, chemicals used in weapons of all kinds and foods and additions to them. The implementation of this does not concern waste.

Article (5)

The environment office is charged of explaining this law and determining the framework of rules and regulations and any possible amendments to it.

Article (6)

Any new or established projects are prohibited from importing or using any banned chemicals for whatever reason.

Article (7)

Importers and users of the banned chemicals who are currently using them can continue using the chemicals for the period of three months from the issue of this decree provided that they prove to the environment office with documents issued from local or international accredited organisms that there are no substitutes to such substances and that the office accepts and determines the way and period of use in accordance.

Article (8)

The environment office reserves the right to inform the importers and users of these substances with registered mail if any substitutes to the chemicals are found. The importers and users shall inform the office of the necessary schedule to use these substitutes and this within a period not exceeding three months from receiving the mail. A schedule that the environment office would study and adopt provided that the importers and users commence their plan within one month from getting a registered mail from the environment office informing them of its acceptance.

Article (9)

Without offending the rules and regulations regarding the import and use of the banned substances, no physical or moral person is allowed to import or use the substances subject to limitation except when getting a permit to do so from the environment office. Permit applicant must fulfill all the required data included in the application document designed by the office. The environment office reserves the right to request any additional information, data or documentation considered necessary to process the application.

The permit is not to be issued until the stated fees are paid.

Article (10)

Any current importer or user of banned substances or chemical subject to limitation is urged to file his name at the environment office within sixty (60) days from the implementation of this decree according to the format provided by the office. Meanwhile, the environment office has to register all the names and related processed data in a special memorandum.

Article (11)

The importers and users of banned substances or chemicals subject to limitation have to submit an annual report starting from the implementation of this decree containing all information about the type of imported and stocked quantities of these substances as well as the quantities sold, used, discarded or anyhow dealt with. It would also contain any relevant information the environment office considers necessary.

Article (12)

The importers and users of chemicals, products and goods that contain banned chemicals or substances subject to limitation must submit authentic official documents from the country of origin stating that these have no effect on human's health or the environment. If applicable, they would be exempt from the implementation of this decree otherwise, the environment office arranges with the relevant organisms ways of dealing with these products in accordance with the rules of substances subject to limitation included in this decree.

Article (13)

When doubting the information mentioned in article (12) of this decree or any chemicals, products or goods containing substances subject to limitation, the environment office reserves the right to request the importer or the user to make sample analysis at a laboratory or other bodies accredited by the office to assert they are free from harmful proportions or containing little proportions that cannot harm human health or the environment. If proved the opposite, the environment office arranges with the relevant organisms to deal with these products in accordance with the rules of substances subject to limitation included in this decree.

However, if the importer or the user refuses to respond or if the results of the sample analysis show that they do not match the information they had submitted, articles (8,9,10) of ruling number (10) of the year 1998 concerning the fees of permits issued by the environment authority and the services it provides

Article (14)

The environment office reserves the right to annul a permit or block it for a period of time that it determines in the following cases:

- 1- If the importer or the user offends the rulings of this decree.
- 2- If the environment office concludes that the imported or used products and chemicals are unsafe for the public health or the environment.
- 3- If the environment office considers that the importer or the user has submitted fake or forged reports, information or documents.

In the event of such, the environment office has to inform the importer or the user, through a registered mail, of the measures and decisions taken on this concern. If feeling unfairly judged, the latter can complain to the minister of environment affaires within (15) fifteen days from receiving the registered mail. The minister has to respond to this complaint within the following (15) fifteen days. Those whose complaints were rejected can.....to the high civil court within sixty days from informing him of the rejection of complaint.

Article (15)

The general director of environment affairs can modify both tables of banned chemicals or substances subject to limitation attached to this ruling either by adding, omitting or moving from one table to another according to information, analysis findings, reports and researches issued by international, regional or local authorities. The environment office has to inform the importers and the users of banned chemicals or substances subject to limitation of any modification to both mentioned tables. Consequently, they have to respect the modifications starting from the date of the notice.

Article (16)

In respect to article (26) of the decree number (21) of the year 1996 about the environment, anyone who infringes this ruling is to be punished in accordance with article (29) of the above mentioned decree.

Article (17)

The general director of the environment affairs is in charge of implementing this decree and this, six months after it is published in the official journal.

Minister of Municipality and Environment Affairs
Jawad Jassim Al Arayath

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