

ETHIOPIA

**NEGARIT GAZETA
OF THE TRANSITIONAL GOVERNMENT OF ETHIOPIA**

COUNCIL OF STATE SPECIAL DECREE NO. 20/1990**COUNCIL OF STATE SPECIAL DECREE
TO PROVIDE FOR THE REGISTRATION
AND CONTROL OF PESTICIDE****"ETHIOPIA TIKDEM"**

WHEREAS the utilization for different purposes, for raising agricultural output in particular, has steadily been growing;

WHEREAS it is found necessary to lay a scheme of control which would make it possible to minimize, to the extent realizable, the adverse effects that utilization of pesticides might cause to human beings, animals, plants and the environment;

NOW, THEREFORE, in accordance with Article 83(1) of the Constitution, it is hereby decreed as follows:

**PART ONE
GENERAL****1. Short Title**

This Special decree may be cited as the "Pesticide Registration and Control Council of State Decree No. 20/1990."

2. Definitions

In this Special Decree:

- 1) "pesticide" means any substance, mixtures thereof or a living organism intended for use in preventing, destroying or controlling any pest, the following in particular:
 - a) unwanted species of plants or animals causing harm during, or otherwise interfering with, the production, processing, storage, transport or marketing of food commodities, agricultural produce, wood and wood products or animal feedstuffs;
 - b) insects or other pests in or inhale the bodies of animals and causing harm to their health;
 - c) vectors of human and animal diseases;it also includes substances or mixtures thereof intended for use as a plant - growth regulator, defoliant, desiccant or agent for thinning fruit or preventing the premature fall of fruit and substances applied to crops, either before or after harvest, to protect the commodity from deterioration during storage or transport;
- 2) "manufacture" means preparing, compounding, formulating, mixing, making, packing, labelling or otherwise treating a pesticide with a view to its sale;
- 3) "package" means anything in or by which a pesticide is cased, covered, closed or contained;
- 4) "label" means any written, printed or graphic matter on or accompanying the package of

- a pesticide;
- 5) "sell" includes offering for sale, advertising, exhibiting or transfer for any consideration whatsoever;
- 6) "Ministry" and "Minister" means the Ministry and Minister of Agriculture, respectively;
- 7) "person" means a natural person or an organ with juridical personality.

3. *Prohibition*

- 1) No person may manufacture, import, sell or use a pesticide not registered in accordance with this Special Decree.
- 2) Notwithstanding registration, a pesticide may not be imported, stored, transported or offered for sale where not packed or labelled as provided in this Special Decree and directives issued hereunder.

PART TWO

Registration of Pesticide

4. *Application of Registration*

- 1) Application for the registration of a pesticide shall be made by the manufacture or by the importer in the form prescribed by the Minister.
- 2) The application form shall, in particular, contain the following:
 - a) the name and address of the registrant;
 - b) the name and address of the manufacturer of the pesticide as well as the place of manufacture;
 - c) the brand name of the pesticide;
 - d) the common name, content by percentage weight and other particulars as well as the name and address of the manufacturer of the active ingredient contained in the pesticide;
 - e) the size, type and specifications of the package in which the pesticide is to be sold;
- 3) the following shall be submitted together with the application for registration:
 - a) a replica of the label intended for the pesticide;
 - b) a sample of the pesticide formulation, the technical grade and the laboratory standards as well as the methods of analysis of its active ingredient;
 - c) other pertinent data required pursuant to directives issued by the Minister.

5. *Authorization of Registration*

The Minister may, subject to such conditions as he thinks fit to impose, authorize registration upon satisfaction that the application complies with the provisions of Article 4 hereinabove and that:

- 1) the intended package and label of the pesticide is in compliance with this Special Decree and directives issued hereunder;
- 2) the pesticide, if used or handled according to the instructions contained in its proposed label would be efficacious;
- 3) the pesticide if used or handled according to the instructions contained in its proposed label, would constitute a risk to human beings, animals and the environment of such a minimal extent or degree as to be outweighed by the necessity or advantages of using it.

6. *Certificate of Registration*

A certificate of registration shall be issued to the registrant upon registration of the pesticide by the Ministry.

7. *Duration of Registration*
Registration of a pesticide shall be valid for a period of five (5) years.
8. *Renewal of Registration*
Unless the Ministry requires that additional data be submitted, renewal of registration may be allowed on mere submission of application upon expiry of the period of validity.
9. *Cancellation of Registration*
- 1) The Minister may decide on the cancellation of the registration of a pesticide on the following grounds:
 - a) where the data submitted for registration of the pesticide are found to be untrue;
 - b) where it is considered undesirable that the pesticide should continue in use owing to its toxicity or inefficacy;
 - c) where the package or the label of the pesticide is found to be not in conformity with the requirements of this Special Decree and directives issued hereunder;
 - d) upon receipt of a notification, in writing, from the manufacture of the Pesticide that it has been withdrawn from sale or use;
 - e) upon confirmation that the pesticide has fallen into disuse;
 - f) where any of the conditions subject to which the pesticide is registered are violated by the registrant.
 - 2) Notwithstanding the provisions of sub-article 1 of this Article, the registration of a pesticide may be cancelled on other sufficient grounds as determined by directives to be issued by the Minister.
10. *Keeping of a List of Registered Pesticides*
- 1) The Ministry shall keep a List of Registered Pesticides.
 - 2) The list shall be updated annually by including additionally registered pesticides and by excluding those the registration of which is not renewed under Article 8 or is cancelled under Article 9 herein, and shall be distributed to concerned parties. A copy of the List may also be issued upon request.

PART THREE
*Packaging, Labelling, Storage
and Disposal of Pesticides*

11. *Packages*
Any package shall be designed and made in such a way that it contains the pesticide safely during transportation, storage, marketing, distribution and, use, including reuse where applicable, and in accordance with relevant standards set by the Ethiopian Standards Authority.
12. *Labels*
- 1) The label of a pesticide shall be done, unless otherwise directed by the Minister, in Amharic and English and contain the following:
 - a) the brand name of the pesticide;
 - b) a description and diagram indicating the hazard according to the World Health Organization classification;
 - c) the common name of the active ingredient and a description of its content ratio;
 - d) the batch identify number;
 - e) directions for use;
 - f) safety intervals;
 - g) firs-aid advice;

- h) date of manufacture and shelf-life
- 2) The label of a pesticide shall be inscribed with lasting conspicuousness and firmly fixed to the package.

13. *Storage*

The manner of storage of pesticides shall be determined by directives to be issued by the Minister in consultation with the appropriate government organs.

14. *Disposal*

The manner of disposal of pesticides and packages thereof shall be determined by directives to be issued by the Minister in consultation with the appropriate government organs.

PART FOUR

Pesticide Advisory Committee and Inspectors

15. *Establishment of Pesticide Advisory Committee*

- 1/ A Pesticide Advisory Committee (hereinafter referred to as the "Committee") is hereby established.
- 2/ The Committee shall have such sub-committees as may be necessary.

16. *Members of the Committee*

The Committee shall have the following members:

- 1/ an official to be designated by the MinisterChairman
- 2/ a representative of the Ministry of HealthVice Chairman
- 3/ an official of the Ministry in Charge of
Pesticide AffairsMember and Secretary
- 4/ a representative of the Ministry of State Farms
DevelopmentMember
- 5/ a representative of the Ministry of Coffee and
Tea Development "
- 6/ a representative of the Valleys Development
Studies Authority "
- 7/ a representative of the Ethiopian Standards Authority ... "
- 8/ a representative of the Agricultural Research
Institute "

17. *Responsibilities of the Committee*

The Committee shall:

- 1/ prepare a list, that would help facilitate registration, by collecting and evaluating data relating to pesticides recognized to be efficacious through domestic research, pest use or otherwise.
- 2/ consider pesticides submitted for registration and advise the Minister as to their compliance with the requirements specified under sub-articles 1, 2 and 3 of Article 5 hereinabove.
- 3/ advise the Minister on the implementation of this Special Decree and directives issued hereunder.

18. *Meetings of the Committee*

- 1/ The Committee shall meet at any time at the request of the Chairman.

2/ The Committee may draw its own rules of Procedure.

19. *Powers of Inspectors*

- 1/ An Inspector duly authorized by the Minister may:
- a) enter and search any work place during working hours; and
 - b) require production of data or examine books and documents relating to pesticides;
- with a view to enforcing this Special Decree and directives issued hereunder.
- 2/ The Inspector shall produce his identification card if so required by the person concerned, in the course of exercising his duties.

PART FIVE

Miscellaneous Provisions

20. *Engagement in the Business of Pesticide Production, Importation or Sale*

Any person shall have to be issued, by the Ministry, with a certificate on fulfillment of desired technical requirements prior to obtaining industrial or trade license to engage in the business of production, importation or sale of pesticide.

21. *Importation of Pesticide for Research Purposes*

- 1/ Notwithstanding the provisions of Article 3 hereinabove, the Minister may authorize the importation of unregistered pesticide for research purposes:
- 2/ An application for the importation of pesticide for research purposes shall contain the necessary data as prescribed by the Minister.
- 3/ The Minister may, upon authorization for the importation of pesticide pursuant to sub-article 1 of this Article, impose such restrictions as he deems necessary concerning conditions under which the research is to be conducted.
- 4/ The label of the pesticide imported for research purposes shall be marked with the words "For Experimental Purposes Only - Not For Sale".
- 5/ Plants or animals treated with experimental pesticide shall not be sold or disposed of for consumption unless authorized, in writing, by the Minister.

22. *Import Certificate*

Any pesticide may not be imported without an import certificate issued by the Ministry.

23. *Maintenance of Books of Records*

Any person shall maintain, and produce upon request by Inspectors, a book of records showing in full the pesticide manufactured, imported, stored or sold by him.

24. *Reporting of Accidents*

- 1/ Any person cognizant of the occurrence of an accident in connection with the transportation, storage, marketing, use or treatment otherwise of a pesticide shall forthwith report same to the Ministry.
- 2/ Upon receipt of a medical practitioner's report on pesticide-caused death or injury of a person, the Ministry of Health shall forward same to the ministry.

25. *Fees*
The fees to be paid for services rendered by the Ministry pursuant to this Special Decree shall be fixed by directives issued by the Minister subject to approval by the Government.
26. *Penalty*
Any person violating the provisions of this Special Decree or directives issued hereunder shall be punished in accordance with the Penal Code.
27. *Transitory Provision*
The conditions for the use of pesticides imported or under order for importation prior to the effective date of this Special Decree shall be determined by directives to be issued by the Minister.
28. *Applicability of Other Laws*
Any law inconsistent with this Special Decree shall not be applicable to matters provided for herein.
29. *Effective Date*
This Special Decree shall come into force on the date of its publication in the Negarit Gazeta.

Done at Addis Ababa, this 1st day of September, 1990.

*MENGISTU HAILEMARIAM
PRESIDENT OF THE PEOPLE'S DEMOCRATIC
REPUBLIC OF ETHIOPIA*