

Federal Law No. (8) Of 2020 Regulating Railways

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

- Having reviewed The Constitution;
- Federal Law No. (1) of 1972 Concerning the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (26) of 1981 Concerning the Maritime Commercial Law, as amended;
- Federal Law No. (5) of 1985 Promulgating the Civil Transactions Law of the United Arab Emirates, as amended;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. (11) of 1992 Promulgating the Civil Procedure Code, as amended;
- Federal Law No. (35) of 1992 Promulgating the Criminal Procedure Code, as amended;
- Federal Law No. (18) of 1993 Promulgating the Commercial Transactions Law;
- Federal Law No. (21) of 1995 Concerning Traffic, as amended;
- Federal Law No. (24) of 1999 on the Protection and Development of the Environment, as amended;
- Federal Decree-Law No. (1) of 2001 on Guarding the Land and Sea Borders of the State;
- Federal Law No. (28) of 2001 Establishing the Emirates Ministry for Standardization and Metrology (ESMA), as amended;
- Federal Law No. (23) of 2006 Concerning Civil Defence;
- Federal Law No. (6) of 2007 Establishing the Insurance Ministry and Regulating its Operations, as amended;
- Federal Law No. (13) of 2007 Concerning Commodities Subject to Import and Export Control Procedures, as amended.
- Federal Law No. (16) of 2007 On Animal Welfare, as amended;

- Federal Decree-Law No. (2) of 2009 Establishing Etihad Rail Company, as amended;
- Federal Decree-Law No. (6) of 2009 Concerning Peaceful Uses of Nuclear Energy;
- Federal Decree-Law No. (2) of 2011 Establishing the National Emergency Crisis and Disasters Management Ministry, as amended;
- Federal Decree-Law No. (6) of 2011 Establishing the General Ministry for the Security of Ports, Borders and Free Zones, as amended;
- Federal Law No. (9) of 2011 Concerning Land Transport;
- Federal Law No. (4) of 2012 Regulating Competition;
- Federal Law No. (2) of 2015 On Commercial Companies, as amended;
- Federal Law No. (8) of 2015 On the Federal Customs Ministry;
- Federal Law No. (14) on Violations and Administrative Penalties in the Federal Government;
- Federal Law No. (22) of 2016 Regulating the Possession of Dangerous Animals;
- Federal Decree-Law No. (26) of 2019 On Public Finance; and
- Based on the proposal of the Minister of Infrastructure Development, Minister of the Ministry of Energy and Infrastructure, the approval of the Cabinet and the Federal National Council and the ratification of the Federal Supreme Council,

Hereby enact the following Law:

Chapter One

Definitions and General Provisions

Article (1)

Definition

For the purpose of applying the provisions of the present Law, the following words and expressions shall bear the meanings assigned thereto respectively unless the context requires otherwise:

The State/UAE : The United Arab Emirates.

The GCC Countries	: The member states of the Cooperation Council for the Arab States of the Gulf.
The Ministry	: The Ministry of Energy and Infrastructure.
The Board	: The Minister of the Ministry.
The Chairman of the Board	: The Minister of the Ministry.
The Competent Ministry	: The federal or local government entity or the company in which the federal or local government has a stake.
The Railway	: Railway transportation systems dedicated for the transport of passengers and/or goods and governed by specific routes designated for operating on single or multiple rails or any other designated system classified as railways as determined in the Executive Regulations of the present Law.
The Federal Railway	: The railway which is designated by virtue of a resolution of the Cabinet in agreement with the member emirates of the Federal Supreme Council and which connects the emirates of the State together or which is connected to a railway outside the State's borders and the associated facilities and land.
The Gulf Railway	: The railway which connects two or more countries of the GCC countries.
The Network	: A system of rail routes and the related systems, equipment and land used to support, guide and operate railway vehicles or the relevant matters.
The Railway Services	: Passenger or cargo services via the Federal Railway. The services of maintenance of the Federal Railway Assets shall not be deemed as operation of such Assets.
The License	: The document issued by the Ministry on the management of the Infrastructure or operation of the Railway Services.
The Railway Assets	: Networks, stations, cargo facilities or maintenance facilities related to the Federal Railway or any railway vehicle run on the

Federal Railway; all establishments, facilities, systems and software necessary for operating the Federal Railway and enabling the same to run safely as railways; the structures thereof; service roads; signal, communication and control systems; signals; marks; sources of electrical energy; buildings; stations; warehouses; machinery; equipment; structures; corridors; switches; tunnels; bridges; platforms; railings; support services; drainage; and any constructions or works related to railway.

The Infrastructure	: The railway assets, except for railway vehicles.
The Operational Capacity	: The maximum number of trains, passengers and tons of cargo that may be carried out within a specific period by using the infrastructure and complying the applicable controls and criteria.
The Station	: Real property and facilities designated for providing passenger or cargo services and the supplies thereof.
The Infrastructure Manager	: A legal person responsible for possessing, developing, managing, operating and maintaining any part of infrastructure, except for the provision of railway services.
The Operator	: A legal person licensed to provide railway services.
The Inspector	: An employee of the Ministry who is authorized to verify the safety of railway services or assets and the operation thereof, conduct technical investigation into the accident or incident and issue the necessary recommendations.
The Rail Incident	: Any act or omission that may result in a rail accident which does not produce harmful consequences.
The Rail Accident	: Any unexpected and non-deliberate incident which produces harmful consequences within the scope of application of the provisions of the present Law.
Technical Investigation	: An action carried out to identify the causes of the accident or incident and the consequences thereof and identify the methods

	for handling the same and guaranteeing non-recurrence.
The Railway Vehicle	: Cars, locomotives and mobile equipment that can run on the railway either under their own power or towing them with another vehicle.
The Cargo Facility	: The place designated for loading, unloading or storing goods.
The Maintenance Facility	: Any real or movable property used for the purpose of maintaining railway vehicles or relevant purposes even if it is used for other purposes.
The Notice to Remedy	: A notice given by the Inspector in case of a violation related to the safety of the Federal Railway on taking the necessary actions to remedy such violation within a specific period.
The Prohibition Notice	: A notice given by the Inspector on suspending any activity practiced against the safety of the Federal Railway.
The Standards for Enabling Interoperability	: Joint guidelines on implementing and operating the Gulf Railway and any other documents related to the enabling of interoperability approved by the GCC countries.
The Safety Zones	: The rail route and land adjacent to the outer railroad tracks on both sides of the rail route as determined by the Executive Regulations of the present Law.
The Protection Zones	: The land adjacent to the Safety Zones and any land identified in agreement with the Competent Ministry in accordance with the conditions and controls set by the Executive Regulations of the present Law.
The Independent Safety Assessor	: Any legal person authorized by the Ministry to review the safety guides and verify the Infrastructure Manager or the Operator's compliance with the safety requirements in accordance with the safety conditions and guides and the requirements of the Ministry.
The Safety Permit	: The approval issued by the Ministry to approve the safety management system of any infrastructure manager or any

	operator applying for the Ministry's approval of such permit.
The Safety Management System	: A systematic and comprehensive system for managing safety risks.
The Person	: The natural or legal person.

Article (2)

Applicability of the Law

The provisions of the present Law shall apply to the Federal Railway, those in charge of developing, operating, regulating and maintaining the same, the operators of the Federal Railway Services and the users thereof.

Article (3)

Objectives of the Law

The present Law aims at:

1. Regulating, developing, operating, maintaining and establishing the Federal Railway in accordance with the best international standards and practices;
2. Providing railway services facilitating the interoperability with the railway assets and counterpart services in the GCC countries;
3. Achieving a level of structural or operational safety of the Federal Railway in accordance with the provisions and the approved standards;
4. Encouraging and supporting the use and development of the Federal Railway in the State for the purpose of transporting goods and/or passengers; and
5. Encouraging, supporting and publishing the standards for environmental protection and sustainable development.

Article (4)

Competences of the Ministry

For the purposes of the provisions of the present Law, the Ministry shall, with regard to the

Federal Railway, have the following competences:

1. Proposing the legislation and regulations on railway;
2. Developing and updating the transport strategy of the Federal Railway and submitting the same to the Cabinet for approval in coordination with the competent authorities and each infrastructure manager;
3. Developing and updating the policies and systems related to the safety of Federal Railway;
4. Performing the control and regulatory functions in accordance with the provisions of the present Law;
5. Setting the conditions and procedures to be met in order to license the infrastructure managers and the operators of the Federal Railway and monitor their performance;
6. Issuing the safety permits, setting the controls and conditions to be met in order to be issued and monitoring the application of the safety conditions;
7. Developing and approving the Federal Railway performance criteria with the participation of the competent authorities, including the requirements for enabling interoperability with the Gulf Railway;
8. Developing and implementing the plans and programs for inspections and auditing with regard to the safety of the Federal Railway;
9. Conducting technical investigations into the rail incidents or accidents and submitting the results and recommendations to the competent authorities as set out in the Executive Regulations of the present Law;
10. Considering the complaints filed therewith by any person, including the complaints about the resolutions of the Ministry as set out in the Executive Regulations of the present Law;
11. Settling the disputes related to the railway assets and services relevant to the present Law as set out in the Executive Regulations of the present Law;
12. Submitting a comprehensive annual report on the federal railway sector to the Cabinet;
13. Implementing the provisions of the present Law, the Executive Regulations hereof and the resolutions issued in implementation hereof; and
14. Performing any other relevant functions or competences assigned thereto by the

Cabinet.

Article (5)

Soliciting the Assistance of the Ministry

Any emirate may request the Ministry to perform the control and regulatory functions with regard to railway not constituting part of the Federal Railway.

Chapter Two

Regulation and Development of Transport via the Federal Railway

Article (6)

Licensing the Infrastructure Manager and the Operator

Subject to the provisions of Federal Decree-Law No. (2) of 2009, no person shall act the Infrastructure manager or the operator of any federal railway assets without obtaining a license from the Ministry.

The Executive Regulations of the present Law shall set the procedures and conditions for granting the license.

Article (7)

Suspension or Revocation of the License

The Ministry may suspend or revoke the license issued thereby if the licensee violates the provisions of the present Law, the Executive Regulations hereof or the regulating resolutions issued in implementation hereof or fails to meet any of the licensing conditions.

Article (8)

Contracting an Operator

The Infrastructure Manager may not contract any operator not licensed by the Ministry.

Article (9)

Licensing Operators of the GCC Countries

Subject to the provisions of Federal Decree-Law No. (2) of 2009, the Ministry may license any of the licensed operators of the GCC Countries.

Article (10)

Exemption from the License

Any holder of a valid license issued by the entities concerned in the GCC Countries may be exempt from obtaining the license if the Cabinet approves the mutual acknowledgment of the licenses between the relevant GCC Countries.

Article (11)

Designation of the Operational Capacity

The Infrastructure Manager shall notify the Ministry upon concluding contracts with any operator of the designation of the federal railway routes under its management.

Article (12)

Controls for Designation of the Operational Capacity

1. The decisions allowing the operators to operate rail vehicles on the Federal Railway and the decisions designating the routes of the rail vehicles on any part of the Federal Railway shall be issued by the Infrastructure Manager appointed to manage the same.
2. Routes shall be designated in any part of the Federal Railway for any rail vehicles whose trip starts or ends outside the State in accordance with the relevant bilateral agreements concluded between the State and any GCC country.

Article (13)

Railway Standards

The Infrastructure Manager and the Operator shall comply with the standards regulating the federal railway performance and safety and the standards for enabling interoperability

agreed upon and issued by the GCC countries.

Article (14)

Safety Zones

1. Safety Zones shall be designated for the Federal Railway as set out in the Executive Regulations of the present Law.
2. The use of the safety zones shall be restricted to the installation of the equipment necessary for the safe operation of the rail vehicles such as railway signaling systems, traffic safety equipment, traffic control equipment and environmental protection equipment.
3. The safety zone shall be managed by the infrastructure manager responsible for such part of the Federal Railway.

Article (15)

Protection Zones

Protection zones shall be designated for the Federal Railway in accordance with the conditions and controls set by the Executive Regulations of the present Law.

Article (16)

Acts Prohibited in the Protection Zones

Without prejudice to the landowner's right to claim fair compensation, it shall be prohibited to perform any of the following acts within the protection zones of the Federal Railway without obtaining the approval of the Infrastructure Manager in accordance with the regulatory resolutions:

1. Any permanent or temporary constructions, including any work that may obscure the visibility of railway route or the railway signals;
2. Using any pillars for signs or any colored lights that may obstruct or affect in any way the visibility of railway signals;
3. Installing any equipment that may disrupt or affect any railway assets or impede such

- the proper functioning of such assets;
4. Performing any work that may cause landslides, collapses or soil fragmentation or threaten constructions or infrastructure;
 5. Placing any material or wastes; or
 6. Performing any other activities that may affect the safety of the railway and the users thereof.

Article (17)

Exceptional or Urgent Cases

1. In the exceptional or urgent cases, the Infrastructure Manager may place the required material and equipment or build protection structures in the protection zones of the Federal Railway without prejudice to the landowner's right to claim fair compensation.
2. The Executive Regulations of the present Law shall set the conditions and controls of the exceptional or urgent cases and the procedures for claiming fair compensation stipulated in Paragraph (1) of this Article.

Article (18)

Infrastructures Intersect

Intersections shall not be permitted between any infrastructures of any person and the Federal Railway infrastructure, including roads, other railway, service lines, oil or gas pipelines, etc., except in accordance with the conditions, controls and procedures set by the Executive Regulations of the present Law.

Article (19)

Prohibition of Crossings

It shall be prohibited to cross the Federal Railway from areas other than the designated areas, subject to compliance with the relevant safety rules.

Chapter Three

Rules Regulating Passenger and Freight Transport Services via the Federal Railway

Article (20)

Rules Regulating Passenger and Freight Transport

The rules regulating passenger and freight transport via the Federal Railway and the conditions and controls for benefiting from its services and stations and maintaining the same and its infrastructure shall be set by virtue of a resolution of the Cabinet, based on the proposal of the Chairman of the Board.

Chapter Four

Safety of Inspections and Security of the Federal Railway

Article (21)

Obligations of the Infrastructure and the Operator

The Infrastructure and Operator, each within its respective area of competence, shall:

1. Take all procedures and measures and provide the equipment, tools and places necessary for ensuring the safety of passengers, goods, and the Federal Railway infrastructure and assets;
2. Ensure the safety of the Federal Railway services provided and the safe operation of its assets; and
3. Set and apply the appropriate measures to control the risks related to the safety of the Federal Railway.

Article (22)

Responsibility for Ensuring Safety

1. The Infrastructure manager and the Operator, each within its respective area of competence, shall develop, keep, maintain and sustain the safety management systems and the relevant safety documents in order to ensure:

- a. The safety of the railway services provided and the safe operation of the railway assets;
 - b. The health and safety of all employees and other persons, while performing their duties, who enter places subject to the control of the Infrastructure Manager or the relevant Operator or who have connection with the relevant part of the Federal Railway; and
 - c. The protection of persons from exposure to any damage or injuries.
2. The Executive Regulations of the present Law and the regulatory resolutions shall set the controls for implementing this Article.

Article (23)

Conformity with Specifications

Without prejudice to the provisions of Article (21) and (22) of the present Law, the manufacturers, maintenance service providers, railway service providers and procurement authorities shall be responsible for the conformity of the railway vehicles, installations, equipment, services or assets supplied by them with the requirements, specifications and conditions regulating their use in the State.

Article (24)

Safety Permit

No person shall operate any type of assets of the Federal Railway without obtaining a safety permit.

Article (25)

Obtaining the Safety Permit

1. Safety permits shall be issued in accordance with the following conditions:
 - a. They shall be issued to operate each type of the Federal railway assets.
 - b. The Infrastructure or the Operator shall provide its own safety management system and any manual requested by the Ministry to meet the safety requirements.

- c. The Infrastructure or the Operator shall submit an audit report on the safety management system by an independent safety assessor, as determined by the Executive Regulations, which is approved by the Ministry and which shall assess the efficiency and adequacy of the safety management system.
2. If the Ministry finds out that the holder of the safety permit does not meet the requirements of the safety permit, the Ministry may suspend or revoke such permit.
3. The regulatory resolutions shall set the procedures, conditions, controls and criteria for granting and suspending or revoking the safety permit and the controls and requirements of the independent safety assessor.

Article (26)

Exemption from the Safety Permit

The Ministry may exempt the Operator which holds a valid safety permit issued by the competent authorities in any GCC country from the condition to obtain a safety permit as determined by the Executive Regulations of the present Law.

Article (27)

Occupational Health and Safety Requirements

The Ministry shall coordinate with the competent authorities with regard to the verification of the fulfillment of the occupational health and safety requirements for the Federal Railway in accordance with the provisions of the present Law.

Chapter Five

Inspections and Security of the Federal Railway

Article (28)

Ensuring Railway Safety and Security

The Infrastructure Manager and the Operator, each within its respective area of competence, shall:

1. Take all the necessary procedures to ensure the safety of the Federal Railway and its

- infrastructure, assets and users as determined by the competent authorities;
2. Notify the Ministry of any incidents or accidents occurring within its jurisdiction on the Federal Railway, conduct a technical investigation into the same and submit a report on the results of such investigation to the Ministry in accordance with the procedures and controls set by the Executive Regulations of the present Law; and
 3. Provide the information, documents and analyses related to its activities subject to the present Law to the Ministry if so requested.

Article (29)

Technical Investigation Committee

The Board shall, in coordination with the competent authorities, form an independent technical investigation committee of the competent persons with specialized expertise in the technical, security and police fields. Such committee shall conduct technical investigations into the Federal Railway incidents and accidents.

The Board shall issue a resolution on the competences of such committee, its rules of procedure, the conditions and controls for appointing the investigators and the mechanism of their work.

Article (30)

Investigations Conducted by the Competent Ministry

The technical investigations set out in this Chapter shall not preclude conducting any other investigations by the competent authorities.

Article (31)

Duties and Competences of the Inspector

The Executive Regulations of the present Law shall set out the inspector's duties and competences which include inspections over the safety conditions, the procedures for issuing the notices to remedy and prohibition notices, the conduct of technical investigations, report writing and the procedures and conditions for filing complaints.

Chapter Six
Charges and Tariff

Article (32)

Service Charges

The charges collected by the Ministry for the services provided thereby in accordance with the provisions of the present Law and the Executive Regulations thereof shall be set by a resolution of the Cabinet, based on the proposal of the Ministry and the Minister of Finance.

Article (33)

Freight and Passenger Tariffs

The controls for setting the freight and passenger tariffs via the Federal Railway and exempting some segments of the society from such tariff shall be set by a resolution of the Cabinet after coordinating with the competent local Ministry.

Chapter Seven

Penalties

Article (34)

The penalties stipulated in the present Law shall not prejudice any other severer penalty stipulated in any other law.

Article (35)

Whoever attacks a railway vehicle with the intention of seizing it or all or some of the cargo it carries or with the intention of hurting one or more persons or diverting it shall be punished by life or temporary imprisonment.

Article (36)

Whoever deliberately endangers the safety of the railway and its infrastructure or any of its

assets shall be punished by temporary imprisonment and a fine of not less than (AED 100,000) One Hundred Thousand UAE Dirhams and not more than (AED 5,000,000) Five Million UAE Dirhams.

Article (37)

Whoever deliberately sabotages, disrupts or damages the railway infrastructure or assets shall be punished by temporary imprisonment. The penalty shall be imprisonment for no less than seven years if the act results in a wound or injury and the penalty shall be increased in case of death.

In all cases, the value of the thing damaged by him/her shall be paid.

Article (38)

Whoever by negligence or omission endangers the safety of the railway and its infrastructure or any of its assets shall be punished by imprisonment and/or fine of not less than (AED 10,000) Ten Thousand UAE Dirhams and not more than (AED 5,000,000) Five Million UAE Dirhams.

Article (39)

Whoever steals any of the railway movables shall be punished by imprisonment for not less than one year.

Article (40)

Whoever by negligence or omission causes a crash or derailment of a railway vehicle shall be punished by imprisonment and/or a fine of not less than (AED 100,000) One Hundred Thousand UAE Dirhams and not more than (AED 5,000,000) Five Million UAE Dirhams.

The penalty shall be imprisonment for no more than five years if the act results in a death.

Article (41)

Whoever crosses or allows or facilitates the crossing of pedestrians, vehicles or animals via

the railway from places other than those designated for such purposes shall be punished by imprisonment and/or a fine of not less than (AED 20,000) Twenty Thousand UAE Dirhams and not more than (AED 100,000) One Hundred Thousand UAE Dirhams.

The penalty shall be imprisonment for no less than one year and/or a fine of not less than (AED 100,000) One Hundred Thousand UAE Dirhams if the crossing results in an accident.

Article (42)

1. Without prejudice to the penalties stipulated in the present Law, whoever violates any provision of the present Law or the Executive Regulations or Regulatory Resolutions thereof shall be punished by a fine of not more than (AED 10,000,000) Ten Million UAE Dirhams.
2. Based on the proposal of the Chairman of the Board, the Cabinet shall issue a resolution identifying violations and the value of the fine prescribed for each violation.

Article (43)

Conciliation

1. Criminal actions shall be instituted in respect of the offences stipulated in Article (42) of the present Law only by a written request from the Ministry.
2. Conciliation shall be permitted in respect of the offences stipulated in Article (42) of the present Law before the action if referred to the competent court in return for paying an amount equivalent to half the fine prescribed for the offence. The criminal action shall be abated by the payment of the conciliation amount.
3. If the violator refuses conciliation, the matter shall be referred to the public prosecution.

Chapter Eight

Final Provisions

Article (44)

Registers

The Ministry shall create registers for the Federal Railway. The Executive Regulations of the

present Law shall identify the types of registers, the period during which they shall be kept, the process of creating and updating the same and the conditions and controls regulating the recording and destruction of their contents.

Article (45)

Capacity of Judicial Officers

The Ministry's employees, who are identified by a resolution of the Minister of Justice in agreement with the Chairman of the Board, shall have the capacity of judicial officers to detect the violations of the provisions of the present Law, the Executive Regulations thereof and the resolutions issued in implementation thereof which are committed within their competence.

Article (46)

Periodic Reports

The Infrastructure Manager and the Operator shall submit a periodic report on their transport activities to the Ministry as set out in the Executive Regulations of the present Law.

Article (47)

Executive Regulations

Based on the proposal of the Chairman of the Board, the Cabinet shall issue the Executive Regulations of the present Law within nine months from the date of publishing hereof.

Article (48)

Regulatory Resolutions

The Chairman of the Board shall issue the regulatory resolutions on the policies and procedures of the Ministry within the provisions of the present Law and the Executive Regulations thereof.

Article (49)

Repeals

Any provision contradicting or contrary to the provisions of the present Law is hereby repealed.

Article (50)

Publishing and Entry into Force

The present Law shall be published in the Official Gazette and shall enter into force from the day following the date of publishing thereof.

Khalifa bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by Us at the Presidential Palace in Abu Dhabi

On: 5 Shawwal 1441 AH

Corresponding to: 28 May 2020 AD