

Cabinet Resolution No. (93) of 2021
Regarding the Implementation of Certain Provisions of the Multilateral
Administrative Agreement for Automatic Exchange of Information

The Cabinet:

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Regarding the Competences of the Ministries and the Powers of the Ministers, as amended;
- Federal Law No. (8) of 2004 Regarding the Financial Free Zones;
- Federal Law No. (14) of 2016 Regarding Administrative Violations and Penalties in the Federal Government;
- Federal Decree by Law No. (15) of 2018 Regarding the Collection of Public Revenues and Funds;
- Federal Decree No. (48) of 2018 ratifying the Multilateral Administrative Agreement for Automatic Exchange of Information;
- Cabinet Resolution No. (17) of 2012 Regarding the Collection and Exchange of Information for the purpose of implementing International Tax Agreements; and
- Cabinet Resolution No. (5/11) of 2020 Regarding the Implementation of Certain Provisions of the Multilateral Administrative Agreement for Automatic Exchange of Information,

Hereby resolves as follows:

Article (1)

Definitions

For the purposes of implementing the provisions of this Resolution, the following terms and expressions shall have the meanings assigned to each of them, unless the context requires otherwise:

State : The United Arab Emirates.

Agreement	: The Multilateral Administrative Agreement for Automatic Exchange of Information, which was ratified by Federal Decree No. (48) of 2018.
Common Reporting Standard (CRS)	: The global standard for the Automatic Exchange of Financial Account Information (AEOI) issued by the Organization for Economic Co-operation and Development (OECD).
Competent Authority	: Ministry of Finance.
Regulatory Authorities	: The Authorities specified in Article (3) of this Resolution.
Financial Institution	: The Financial Institution as defined in the Regulation issued by the Regulatory Authority.
Account Holder	: The Account Holder as defined in the Regulation issued by the Regulatory Authority.
Controlling Person	: The Controlling Person as defined in the Regulation issued by the Regulatory Authority.

Article (2)

Scope of Application

1. This Resolution shall apply to:
 - a. The Reporting Financial Institution; and
 - b. The Account Holder or, where applicable, the Controlling Person who opens a reportable account with the Financial Authority.

Article (3)

Regulatory Authorities

1. The following entities shall be deemed Regulatory Authorities for the purposes of implementing the provisions of the Agreement and the CRS:
 - a. The Central Bank of the United Arab Emirates in relation to any Financial Institution that is subject to supervision in accordance with the provisions of the Applicable Laws and Regulations issued by the Central Bank;
 - b. Securities and Commodities Authority in relation to the Financial Institution that is

- subject to its supervision in accordance with the provisions of the Applicable Laws and Regulations issued by the Securities and Commodities Authority;
- c. A Financial Free Zone Authority designated by the relevant Financial Free Zone as a Regulatory Authority in relation to a Financial Institution registered in that Financial Free Zone;
 - d. The Ministry of Finance in relation to any Financial Institution that is not subject to the supervision of any of the above-mentioned Regulatory Authorities.
2. The Regulatory Authorities, each within its competence, shall exercise the following tasks:
- a. Issue the regulations, directives, and due diligence procedures necessary to implement the provisions of the Agreement, the CRS, and this Resolution, in coordination with the Competent Authority;
 - b. Issue forms that shall be filled out for the purposes of ensuring compliance with the provisions of the Agreement, the CRS and this Resolution, in coordination with the Competent Authority;
 - c. Collect the information and supporting documents to be submitted by the Reporting Financial Institution, Account Holder or Controlling Person in accordance with the provisions of the Agreement, the CRS, this Resolution, and the provisions of any Resolutions or Regulations issued in this regard;
 - d. Review the submitted information and supporting documents in accordance with the provisions of the Agreement, the CRS, this Resolution, and any Resolutions or Regulations issued in connection with this Resolution in the State to ensure their completeness and accuracy;
 - e. Submit to the Competent Authority, upon its request, the information, documents and records in possession thereof relating to the Financial Institution, the Account Holder, and the Controlling Person in the form and within the period specified in that request;
 - f. Carry out such reviews and investigations as may be required to ensure compliance with the provisions of the Agreement, the CRS, this Resolution, and any Resolutions or Regulations issued in connection with this Resolution in the State and in accordance with the directives issued by the Competent Authority;
 - g. Take the necessary evaluation and audit procedures to ensure compliance with the

provisions of the Agreement, the CRS, this Resolution, and any Rules or Regulations issued in the State in this regard in accordance with the directives issued by the Competent Authority;

- h. Request any information or documents that shall be requested from the Financial Institution and the Account Holder or, as the case may be, the Controlling Person for the purposes of ensuring compliance with the provisions of the Agreement, the CRS and any other Rules, Resolutions or Regulations issued in the State in implementation thereof;
 - i. Impose the administrative fines prescribed under this Resolution;
 - j. Manage the procedures and mechanisms for grievance against administrative fines in accordance with the provisions of this Resolution;
 - k. Exercise any other powers or tasks necessary to implement and comply with the provisions of the Agreement, the CRS, this Resolution, and any Rules, Resolutions or Regulations issued in connection therewith in the State;
 - l. Perform any other tasks or powers reasonably required for the purposes of assisting the State in complying with its obligations under any international agreement or similar arrangement with respect to the CRS.
3. With regard to the implementation of the tasks of the Ministry of Finance as a Regulatory Authority under Clause (1/d) of this Article, the Federal Tax Authority shall be entrusted with implementing the tasks specified in Clauses (2/g), (2/i) and (2/j) of this Article, as well as it shall be entrusted with the participation of the Ministry of Finance in implementing the tasks specified in Clauses (2/c), (2/d), (2/e), (2/f), (2/h), (2/k) and (2/l) of this Article.

Article (4)

Reporting and Record Keeping Duties

1. Each Reporting Financial Institution shall collect the information required to be reported under the Agreement, the CRS, this Resolution, and any Rules, Resolutions or Regulations issued in connection therewith in the State, and shall report such information to the Competent Authority, either directly or through the Regulatory Authority, on the dates

specified by that Authority and in accordance with the reporting system established by it for this purpose.

2. Each Reporting Financial Institution shall submit to the Competent Regulatory Authority a report with the information specified under the Rules and Regulations issued by such Regulatory Authority in accordance with the provisions of the Agreement, the CRS and this Resolution no later than the date specified by that Competent Regulatory Authority **“Report on Reportable Accounts”**.
3. If it becomes apparent to the Reporting Financial Institution during any Gregorian year, following the application of the due diligence procedures specified in the CRS and the rules issued in this regard by the Competent Regulatory Authority under the provisions of paragraph (a) of Clause (2) of Article (3) of this Resolution, that it does not have any reportable financial account, it shall notify the Competent Regulatory Authority, no later than the date specified by the Competent Authority, that it does not maintain reportable financial accounts **“Nil Return”**.
4. The Reporting Financial Institution shall establish and implement the necessary internal systems and procedures that enable it to comply with the requirements of this Resolution and any Resolutions, Rules or Regulations issued by the Regulatory Authority supervising it or issued by the Minister of Finance pursuant to this Resolution.
5. The Reporting Financial Institution shall maintain records that demonstrate the procedures and measures it has undertaken, the evidence it has relied upon for the purposes of due diligence procedures thereof undertaken to comply with this Resolution, and any Resolutions, Rules or Regulations issued by the Regulatory Authority or the Minister of Finance pursuant to this Resolution.
6. The Reporting Financial Institution shall maintain the records and information collected and maintained pursuant to this Resolution, including all evidence that was relied upon and referred to in Clause (5) of this Article, for a period of no less than five (5) years from the date of reporting this information to the Regulatory Authority.
7. The Reporting Financial Institution shall provide any other information, documents or records as may be reasonably requested by the Regulatory Authority supervising it and the Competent Authority at the time specified by them for the purposes of implementing

the provisions of this Resolution and the rules and regulations issued thereunder, including information relating to the Account Holder or, as the case may be, the Controlling Person.

Article (5)

Violations and Administrative Fines

1. The following provisions shall apply to the violation of submitting incorrect or false personal information:
 - a. A fine of (AED 20,000) twenty thousand dirhams shall be imposed on the Account Holder or the Controlling Person, as the case may be, if the statement of personal information and any supporting documents submitted to the Reporting Financial Institution contain incorrect or false information with their knowledge, or if they ought to have known of such incorrectness or falsity.
 - b. Upon the detection of the violation stipulated in Clause (a) of this Article, the Reporting Financial Institution shall notify the Competent Regulatory Authority of this violation and all information available thereto regarding the identity, address and place of residence of the violator within a period not exceeding (30) thirty days from the detection of the violation.
 - c. The Competent Regulatory Authority shall, within a period of (30) thirty days from the date of the notification stipulated in Clause (b) of this Article, notify the Account Holder or the violating Controlling Person, as the case may be, of the value of the fine and oblige them to pay it within a period not exceeding (30) thirty days from receiving such notification.
2. A fine of (AED 1,000) thousand dirhams shall be imposed on the Reporting Financial Institution if it opens an account for the Account Holder or the Controlling Person, as the case may be, without obtaining the personal information statement or without verifying the accuracy of the personal information statement submitted thereto.
3. The following fines shall be imposed for the violation of the failure to submit the report:
 - a. A fine of (AED 50,000) fifty thousand dirhams shall be imposed on the Reporting Financial Institution if it fails to submit the report on the reportable account to the

Regulatory Authority in accordance with the form and mechanism and within the period specified by the Competent Authority, and a fine of (AED 1,000) one thousand dirhams shall also be also imposed for each day of delay in submitting that report, up to a maximum of (AED 100,000) one hundred thousand dirhams.

- b. A fine of (AED 10,000) ten thousand dirhams shall be imposed on the Reporting Financial Institution if it fails to submit the Nil Return to the Regulatory Authority in accordance with the form and mechanism and within the period specified by that Regulatory Authority, and a fine of (AED 1,000) one thousand dirhams shall be imposed for each day of delay in submitting the report, up to a maximum amount of (AED 30,000) thirty thousand dirhams.
4. The following provisions shall apply to the violation of submitting incomplete or false information:
- a. A fine ranging between (5,000) five thousand and (25,000) twenty-five thousand dirhams shall be imposed on the Reporting Financial Institution if it reports the information required to be reported in accordance with the provisions of this Resolution and any Laws or Regulations in force in the State regarding the CRS if such reporting was incomplete or contains false data, and the same fine shall be imposed for each instance of this violation during the year in which the report is required to be submitted "**Reporting Year**".
 - b. In the event that the Reporting Financial Institution commits the same violation specified in paragraph (a) of this Clause in the year following the Reporting Year in which the violation was committed, the fine in this case shall not be less than (AED 10,000) ten thousand dirhams and not more than (AED 50,000) fifty thousand dirhams.
 - c. In the event that the Reporting Financial Institution commits the same violation specified in paragraph (a) of this Clause in the year following the second Reporting Year (as specified in paragraph (b) of this Clause) and in each of the subsequent Reporting Years, the fine shall not be not less than (AED 60,000) sixty thousand dirhams and not more than (AED 100,000) one hundred thousand dirhams.
5. A fine of (AED 40,000) forty thousand dirhams shall be imposed on The Reporting

Financial Institution if it fails to comply with the due diligence procedures specified in the CRS and the rules issued in this regard by the Competent Regulatory Authority in accordance with the provisions of paragraph (a) of Clause (2) of Article (3) of this Resolution.

6. The following shall be imposed for the violation of non-compliance with this Resolution or any of the Laws or Regulations related to the CRS in the State:
 - a. A fine ranging between (AED 10,000) ten thousand and (AED 30,000) thirty thousand dirhams shall be imposed on the Reporting Financial Institution in the event of its violation of any other provision of this Resolution or any of the Laws or Regulations in force regarding the CRS in the State;
 - b. A fine of (AED 250,000) two hundred and fifty thousand dirhams shall be imposed on the Reporting Financial Institution if it deliberately violates any other provision of this Resolution or any of the Resolutions or Regulations in force regarding the CRS in the State or if it adopts any practices related thereto, with the intent of circumventing the implementation of this Resolution or those Resolutions or Regulations.
7. Other administrative penalties
 - a. The Competent Regulatory Authority may, in the event that the Reporting Financial Institution commits any of the violations specified in Clauses (1) to (6) of this Article, take any other complementary penalties, including suspension, withdrawal or non-renewal the license issued to the violator for the purposes of ensuring compliance with the provisions of this Resolution or any of the Laws or Regulations issued in the State regarding the CRS.
 - b. The Competent Regulatory Authority shall notify the Reporting Financial Institution of the administrative penalty imposed pursuant to paragraph (a) of this Clause and of the period within which such penalty shall be implemented.

Article (6)

Notification of Imposition and Enforcement of an Administrative Fine

1. If the Competent Regulatory Authority decides that the Account Holder or the Controlling Person, or the Reporting Financial Institution has committed any of the administrative violations stipulated in Article (5) of this Resolution and the prescribed administrative fine has been imposed on them, it shall notify them in writing of the following:
 - a. That an administrative violation has been committed, precisely specifying it;
 - b. The date on which the administrative violation was committed;
 - c. The reasons for the decision to impose an administrative fine; and
 - d. The amount of the imposed administrative fine.
2. The Competent Regulatory Authority shall send the notification to the e-mail address of the person who committed the administrative violation registered with it. If, for any reason, it is not possible to obtain their e-mail address, the notification shall be sent to their registered mailing address with the Competent Regulatory Authority by means of a letter with acknowledgement of receipt.
3. The person who committed the administrative violation shall pay the amount of the prescribed administrative fine within a period of (30) thirty working days from the date of receiving the notification sent to them in accordance with the provisions of Clause (2) of this Article.
4. If the person subject to the administrative fine files a grievance against the decision imposing the fine or its amount , then in case of rejection of the grievance or their non-acceptance of it, they shall pay the fine within (15) fifteen working days from the date of being notified of the rejection or non-acceptance of the grievance.
5. The Central Bank of the United Arab Emirates may instruct the banks licensed by it to collect the fines specified in Clause (1) of Article (5) of this Resolution and remit them to the bank account specified by the Central Bank for this purpose.
6. If the offender does not initiate payment of the prescribed administrative fine for it within the period specified in this Resolution for payment thereof, the notification referred to in Clause (1) of this Article shall be deemed as an executory instrument, and the Competent Regulatory Authority shall submit the executory instrument to the Execution Judge in the

Competent Court to proceed with forcible execution thereof.

Article (7)

Grievance Against the Administrative Fine

1. A person against whom a decision has been issued imposing an administrative fine may file a grievance against such decision before the Regulatory Authority that issued that decision within (20) twenty working days of receiving the notification referred to in Clause (2) of Article (6) of this Resolution.
2. The grievance shall be in writing and signed by the person against whom the decision imposing the administrative fine was issued, or by a person authorized to file the grievance on their behalf, provided that it shall be based on one of the following reasons:
 - a. The person did not commit the administrative violation attributed to them;
 - b. The amount of the administrative fine imposed on them is not commensurate with the administrative violation attributed to them;
 - c. The amount of the administrative fine imposed on them exceeds the maximum limit prescribed for the administrative violation attributed to them in accordance with the provisions of this Resolution.
3. The Competent Regulatory Authority shall consider the grievance, and it shall notify the grievant of its receipt and that it will issue its decision thereon within the period specified in the notification, provided that it does not exceed (60) sixty working days from the date of that notification, and this notification shall be sent to the e-mail address specified by the grievant in the grievance. If this address is not specified, the notification shall be sent in accordance with the provisions of Clause (2) of Article (6) of this Resolution.
4. The Competent Regulatory Authority may request the grievant to submit any additional documents or information that it deems necessary to decide on the grievance, and for the same purpose, it may set a date for the grievant to appear before it to hear their statements and confirm their defenses.
5. The Competent Regulatory Authority shall issue its decision on the grievance according to the following:
 - a. Acceptance of the grievance and cancellation of the decision subject to the grievance;

- b. Amendment of the fine subject to the grievance;
 - c. Rejection or non-acceptance of the grievance.
6. If the person subject to the administrative fine files the grievance after the expiry of the specified deadline, the Competent Regulatory Authority shall issue a decision of non-acceptance of the grievance unless it determines that there are serious reasons that prevented the grievant from submitting the grievance within that period.
 7. The Competent Regulatory Authority may issue a decision specifying any procedures or forms for the implementation of any of the provisions stipulated in this Article.

Article (8)

Inspection and Supervision Authorities

For the purposes of implementing the provisions of this Resolution, the Competent Authority may undertake any of the following procedures:

1. Request any information from any Account Holder and any Controlling Person who has an account with the Reporting Financial Institution, including account records and all other records maintained relating to the information or statements provided to that Financial Institution;
2. Request assistance from the Reporting Financial Institution to obtain information or records related to the Account Holder or, as the case may be, the Controlling Person;
3. In the event of suspected commission of any of the administrative violations stipulated in this Resolution, the headquarters of the Reporting Financial Institution may be entered for the purposes of inspecting and auditing documents and information related to the suspected administrative violation.
4. Examine the records and original documents related to the suspected administrative violation and obtain copies thereof;
5. Request any information, data or documents from the Account Holder or, as the case may be, from the Controlling Person or the Reporting Financial Institution to ensure their accuracy and completeness, and to assess the extent of compliance by any of them with the Agreement provisions, CRS and this Resolution.

Article (9)

Information Exchange

1. The Competent Authority shall provide information related to the Reportable Account on an annual basis to the Competent Foreign Authority in accordance with the form and mechanism specified in the Agreement and under any treaty, agreement or similar international arrangement to which the State is a party relating to the CRS.
2. For the purposes of assisting the State in complying with its obligations under the Agreement and any treaty or agreement to which the State is a party relating to the CRS, the Competent Authority shall exercise the following tasks:
 - a. Issue the necessary forms to implement the provisions of this Resolution;
 - b. Determine the reporting dates and formats that the Reporting Financial Authority shall be required to carry out in accordance with this Resolution;
 - c. Receive and request any information required to be reported in accordance with this Resolution in the form and on the date specified by the Competent Authority;
 - d. Request the Competent Regulatory Authority or the Reporting Financial Institution to provide any additional information or documents that may reasonably be requested for the purposes of implementing the provisions of this Resolution.

Article (10)

Interpretation of the Provisions of this Resolution

The interpretation of any provision of this Resolution shall be in accordance with the commentaries on the CRS issued by the OECD, and any update thereto.

Article (11)

Executive Resolutions

The Minister of Finance shall issue the resolutions, directives, and procedures necessary for the implementation of the provisions of this Resolution.

Article (12)

Repeals

Cabinet Resolution No. (5/11) of 2020 Regarding the Implementation of Certain Provisions of the Multilateral Administrative Agreement for Automatic Exchange of Information is hereby repealed as well as any provision that contradicts or conflicts with the provisions of this Resolution.

Article (13)

Publication and Entry into Force

This Resolution shall be published in the Official Gazette and shall enter into force on the day following the date of its publication.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us:

Dated: 3 Rabi'al-Awwal 1443 A.H.

Corresponding to: 10 October 2021 A.D.