

Federal Law No. (11) of 2019 on the Rules and Certificates of Origin

I, Khalifa Bin Zayed Bin Sultan Al-Nahyan, President of the United Arab Emirates;

- Having reviewed the Constitution;
- Federal Law No. (1) of the Year 1972 on the Competences of Ministries and Powers of Ministers, and its amendments;
- Federal Law No. (5) of 1975 concerning the Commercial Register;
- Federal Law No. (1) of 1979 Concerning the Regulation of Industrial Affairs;
- Federal Law No. (18) of 1981 with respect to the Regulation of Trade Agencies, and amendments thereof;
- Federal Law No. (6) of 1983 with respect to identifying the fees imposed on certificates of origin for the national products of the United Arab Emirates;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. (11) of 1992 Promulgating the Civil Procedures Code, as amended;
- Federal Law No. (35) of 1992 Promulgating Penal Procedures Code, as amended;
- Federal Law No. (37) of 1992 On Trademarks, and amendments thereof;
- Federal Law No. (18) of 1993 Promulgating the Commercial Transactions;
- Federal Law No. (18) of 1995 concerning Simple Crafts;
- Federal Law No. (22) of 2000 concerning the Establishment of the Union of Chambers of Commerce & Industry;
- Federal Law No. (17) of 2002 with respect to regulating and protecting industrial property rights for patents, industrial drawings and designs and amendments thereof;
- Federal Law No. (17) of 2004 on the Combating of Commercial Concealment;
- Federal Law No. (1) of 2006 on Electronic Commerce and Transactions;
- Federal Law No. (2) of 2015 on Commercial Companies, and any amendments thereof.

- Federal Law No. (8) of 2015 on the Federal Customs Authority;
- Federal Law No. (19) of 2016 on Combating the Commercial Fraud;
- Federal Law No. (1) of 2017 on Anti-Dumping and Countervailing & Preventive Measures;
- And pursuant to the proposal presented by the Minister of Economy, and approval of the Cabinet and the Federal National Council, and ratification of the Supreme Federal Council,

we promulgate the following Law:

Chapter One

Article (1)

Definitions

In application of the provisions of this Law, the following words and expressions shall have the meanings ascribed thereto unless the context requires otherwise:

State	: United Arab Emirates.
Ministry	: The Ministry of Economy.
Department	: Competent Department at the Ministry.
Customs	: Local Customs Department in each Emirate.
Departments	
Chamber	: Chambers of Commerce & Industry in State.
Commodities	: Materials and Products.
Materials	: Any items, raw materials or components or parts and others, which are used in manufacturing the product.
Products	: Products which have been manufactured even if used in other manufacturing processes.
Manufacturing	: All processes of operation or processing including the assembly operations or certain operations.
Customs Value	: Value of a commodity as stated by the customs law in State.
Rules of Origin	: Basics which identify the country of origin of the commodity

	subject to this law or conventions.
Certificate of Origin	: A document identifying the country of origin concerning the commodity.
Preferential Origin	: Country of origin identified according to the conventions in order to give the commodity a preferential treatment at the export or import.
Non-Preferential Origin	: : Country of origin identified according to the general application of rules of origin without giving the commodity a preferential treatment at the export or import.
Label of Origin	: Any statement points to or indicates that the commodities had been manufactured or produced in a country, whether stated on the commodity itself or on its cover in non-removable manner.
Conventions	: International or regional or bilateral conventions to which the State is a party.
Country of Origin	: Country in which the commodity is produced or manufactured or extracted in accordance with the rules of origin.
Preferential Treatment	: Granting the commodities a relief or reduction from customs fees or granting them any other benefits at the import or export as identified by provisions of the conventions.

Chapter Two

Rules Identifying the Country of Origin

Article (2)

Wholly Obtained Commodities

The commodity shall be deemed to belong to the country of origin from which it was wholly obtained in any of the following cases:

1. Mineral products extracted from its soils or from its seabed.

2. Vegetable products harvested or gathered in that country.
3. Live animals born and raised in that country.
4. Products obtained from live animals in that country.
5. Products obtained from hunting or fishing in that country.
6. Products obtained from maritime fishing and other products taken from the sea by a vessel outside territorial waters of that country. Products obtained aboard a factory ship of that vessel, in accordance with controls stated by the Executive Regulation of this law.
7. Products used articles, collected in that country and fit only for the recovery of raw materials.
8. Waste of products resulted from manufacturing operations carried out therein.
9. Products extracted from marine soil or subsoil outside that country's territorial waters, provided that the country has sole rights to work that soil or subsoil.
10. Commodities produced in that country solely from the products referred to in paragraphs (1) to (9) of this Article.

Article (3)

Wholly processed, produced or manufactured Commodities

Product shall be deemed from the country in which it is obtained and that product contains materials that are not fully obtained inside it, provided these materials are processed, produced or manufactured wholly inside the country in accordance with the standards and controls stipulated by the Executive Regulation of this law.

Article (4)

Minimal Operations

Operations shall be deemed as insufficient or secondary, whether made separately or together, to give a commodity the originating status in any of the following cases:

1. Operations necessary for assuring the proper preservation of commodities for the purposes of transportation or storage including, ventilation, diffusion, drying, cooling, removal of damaged parts, etc.
2. Simple operations conducted on the products including, removal of dust, filtering,

ordering, classification, washing, varnishing, cutting, changing and disengaging and assembling of covers, simple packaging in bottles, vials, bags, cans or boxes, labelling the trademarks on the products or its boxes, simple mix-up, animal slaughtering, in addition to other similar simple operations.

Chapter Three

Proving the Country of Origin

Article (5)

Cases of proving the Country of Origin

1. Imported commodities shall prove the country of origin by providing the certificate of origin or any other documents issued by the competent authority in the export country or by a non-removable label of origin on the product, in accordance with the rules adopted within the framework of the agreements and cases determined by the Executive Regulation of this law.
2. As an exception of the provisions of paragraph (1) of this article, commodities imported to the State may be exempted from providing the certificate of origin or the documents proving the country of origin in accordance with the cases determined by the Executive Regulation of this law.

Article (6)

Issuing the Certificates of Origin

1. The Ministry shall issue the preferential certificates of origin for the national commodities exported abroad in accordance with the rules and forms set out in the agreements and procedures determined by the Executive Regulation of this law.
2. The Ministry shall issue the preferential certificates of origin for the national commodities exported abroad, and the Chamber shall issue them in coordination with the Ministry, in accordance with the general rules and forms and procedures determined by the Executive Regulation of this law.
3. The Chamber shall issue the certificates of origin for the foreign commodities

re-exported in accordance with the regulations and procedures adopted thereby.

Article (7)

Validity of Certificate of Origin

Validity of preferential and non-preferential certificate of origin shall be in accordance with the periods determined by the Executive Regulation of this law, unless otherwise stated.

Article (8)

Register of Certificates of Origin

1. The department shall establish a register to record all the preferential and non-preferential certificates of origin and shall keep a copy at least for three years.
2. The Executive Regulation of this law shall determine the rules and controls to establish and keep these registries.

Chapter Four

Controlling the Validity of Country of Origin

Article (9)

Verifying the Validity of Country of Origin

1. In coordination with the department, in exceptional cases, upon the occurrence of serious doubts concerning the validity of the certificate of origin, or origin of concerned products, in case of duplication of the origin between the certificate and proof or if there is more than a proof on the origin of the commodities, the Customs Departments may: Reject to grant the preferential treatment to the products imported to the State till the Department ensures the validity of certificate of origin or the real origin of the imported products.
2. In case of rejection to grant the preferential treatment to the products imported to the State, the Department shall return the certificate of origin and related documents to the competent authority in the country of export, clarifying the reasons beyond the request to verify the validity of country of origin or the origin of imported products. The

Executive Regulation shall determine the reasons and procedures to verify the validity of certificates of origin.

3. Subject to Clause (1) of this Article, the Customs Departments shall offer the importer to release these products in accordance with the customs procedures stipulated in the customs laws of the State.

Article (10)

Review of Documents of Country of Origin

1. The Department may carry out a subsequent, selective review for the documents of proof of country of origin when it finds serious doubts on the validity of these documents or the origin of the specified products or data and information provided for the proof of country of origin and other relevant reasons.
2. The Customs Departments shall automatically and periodically, or upon a request from the Department, provide the Ministry with copies of preferential certificates of origin upon importing to the State, in order to carry out a subsequent selective review for the validity of certificates of origin or the real country of origin of the imported products.
3. In coordination with the Customs Departments, the Department may suspend granting the preferential treatment for the products under verification within the verification period, provided that the importer is offered to release these products in accordance with the customs procedures stipulated in the customs laws in the State.
4. The Executive Regulation of this Law shall specify the controls and procedures of subsequent review stipulated in paragraphs (1), (2) and (3) of this Article.

Article (11)

Simple and Formal Differences

1. The detection of simple differences between the data stated in the certificate of origin and customs clearance documents shall not cause the certificate of origin to be automatically invalid whenever these documents are proved to be related to the provided products. The executive Regulation of this Law shall specify the requirements to determine simple differences between the data stated in the certificate of origin and

customs clearance documents.

2. The typographical or formal errors in the certificate of origin or the customs clearance shall not justify the rejection of the document if such errors do not result in serious doubts on the validity of data stated in these documents.

Article (12)

Obligations of Ministry towards the Country of Origin

1. The Ministry shall reply to all subsequent requests of verification referred thereto from the competent authority in the country of import with respect to the preferential certificates of origin issued thereby for the national products.
2. The Ministry shall settle the disputes which may arise with the importing or exporting countries with respect to the application of rules of origin or other relevant cases.
3. The Ministry shall cooperate and coordinate with the competent authority in the country of import for the proper application of rules of origin and shall provide it with templates for the seals used in the preferential certificates of origin.

Chapter Five

Article (13)

Objection, Grievance and Appeal

1. Anyone the department rejects to grant him the preferential certificate of origin may object before the Director of the Department within (7) seven working days from the date of the notice sent to him. His objection should be considered within no more than (10) ten working days from the date of submission of the request. In case of rejection of the request, the relevant person shall be informed in writing and such rejection shall be reasoned.
2. Anyone whose objection is denied or whose request is not replied may appeal before the Minister within (10) ten working days from the date of rejection of the request. His grievance shall be decided within no more than (20) twenty working days from the date of submitting the grievance. In case of rejection of the request, the relevant person

should be informed in writing and such rejection shall be reasoned.

3. Anyone the Minister has rejected his grievance may appeal before the competent courts in State subject to the aforementioned Civil Procedures Law.

Chapter Six

Penal and Administrative Penalties

Article (14)

Penal Punishments

Without prejudice to any more severe penalty set forth in any other law, whoever falsifies the data of commodities imported to the State or exported outside it or provides misleading information with a view to cheating in the certificate of origin or proof of origin, shall be punished of temporary imprisonment and a fine that is not less than AED (100.000) one hundred thousand dirhams and not more than AED (500.000) five hundred thousand dirhams, or by one of these two punishments. The punishment shall be doubled in case of repetition.

Article (15)

Administrative Penalties

The Minister or his delegate may impose on the exporter, whether natural or legal personalty, upon violating any of the provisions stipulated in this law, its Executive Regulation and resolutions issued for its enforcement, any of the following administrative penalties:

1. Warning.
2. Temporary suspension of granting the preferential and non-preferential certificates of origin for no more than a year.
3. Permanent suspension of granting the preferential and non-preferential certificates of origin.

Chapter Seven

Final Provisions

Article (16)

Power of Judicial Officer

Employees of the Ministry, who are determined by a resolution by the Minister of Justice in agreement with the Minister shall be granted the power of judicial officer in proving the violation of the provisions of this Law and the resolutions issued for its enforcement, each within their area of competence.

Article (17)

Fees

The Cabinet shall issue a resolution to determine the fees of preferential and non-preferential certificates of origin issued by the Ministry, upon the proposal of the Minister of Finance.

Article (18)

Executive Regulation

The Cabinet shall issue the Executive Regulation of this Law, upon the proposal of the Minister, within six months as of the date of its issuance.

Article (19)

Repeals

1. The Federal Law No. (6) of 1983 with respect to identifying the fees imposed on certificates of origin for the national products of the United Arab Emirates and its executive resolutions shall be repealed. It, as well as its executive resolutions, shall remain in force until the issuance of the Cabinet resolution mentioned in Article (17) of this Law.
2. Any provision that contradicts or conflicts with the provisions of this Law shall be repealed.

Article (20)

Publication and Enforcement

This Law shall be published in the official Gazette and shall come into force after a month from the date of its publication.

Khalifa Bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us in the presidential palace at Abu Dhabi: on 22/Rabaa II/1441

AH Corresponding to: 19 December 2019 AD