

Cabinet Resolution No. (66) of 2022

Regarding the Procedures Related to the Implementation of the International Convention on Civil Liability for Oil Pollution Damage of 1969 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, as Amended, in the United Arab Emirates

The Cabinet,

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Regarding the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (26) of 1981 Regarding the Maritime Commercial Law, as amended;
- Federal Law No. (24) of 1999 Regarding the Protection and Development of the Environment, as amended;
- Federal Law No. (14) of 2017 Regarding the Trading of Petroleum Products, as amended;
- Federal Law No. (12) of 2018 Regarding Integrated Waste Management;
- Federal Decree by Law No. (45) of 1983 Approving the Accession of the United Arab Emirates to the International Convention on Civil Liability for Oil Pollution Damage of 1969 and the Protocol Thereto of 1976;
- Federal Decree by Law No. (46) of 1983 Approving the Accession of the United Arab Emirates to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage;
- Federal Decree by Law No. (82) of 1997 Regarding the 1992 Protocol Containing the Amendments to the International Convention on Civil Liability for Oil Pollution Damage of 1969 and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage of 1971; and
- Upon the proposal of the Minister of Energy and Infrastructure and the approval of the Cabinet;

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.
- Ministry** : The Ministry of Energy and Infrastructure.
- Minister** : The Minister of Energy and Infrastructure.
- Competent Authorities** : Federal and local entities responsible for regulating and monitoring the import or transportation of crude oil, bunker fuel, or heavy liquids entering the territory and borders of the State, whether for local consumption, re-export, or transport from one local port to another within the State.
- Fund** : The International Oil Pollution Compensation Fund (1992), established pursuant to the Fund Convention (The International Oil Pollution Compensation Funds – IOPC).
- Vessel** : A seaworthy maritime transport unit, other than those operating solely in inland waters or in areas or waters subject to port regulations, and designed for the actual carriage of oil in bulk as cargo.
- Pollution Damage** : Any loss or damage occurring outside the oil-carrying vessel due to the discharge or escape of oil therefrom, regardless of the location of such discharge or escape.
- Oil Tanker** : A vessel designed for the transportation of oil. There are two main types of oil tankers:
- Crude Oil Tanker.
 - Refined Petroleum Products Tanker, which transports crude oil to refineries.

- Petroleum Products Tanker Owner** : A vessel smaller than a crude oil tanker, designed to transport petrochemicals from refineries to consumer markets.
- Owner** : The person or persons registered as the owner(s) of the vessel in the vessel register of the Country of Registration. In the case of a State-owned vessel operated by a company registered in the State, the term “Owner” shall refer to that company.
- Country of Registration** : The Country in which the vessel is registered or the Country whose flag the vessel is entitled to fly.
- Oil (Petroleum)** : Any persistent oil such as crude oil, fuel oil, heavy diesel oil, and lubricating oil, whether carried on board a vessel as cargo or stored as bunker fuel.
- Entities Involved in the Import of Crude Oil and Heavy Fuel Oil** : All federal or local entities, companies, or institutions engaged in the import of crude oil and heavy fuel oil into the State, whether for local consumption, re-export, or transport from one local port to another within the State.

Article (2)

Scope of Application

The provisions of this Resolution shall apply to all operations related to the import of crude oil and heavy fuel oil, in order to ensure coverage of risks arising from oil pollution damage caused by the leakage of oil from an oil tanker or petroleum products tanker, in accordance with the requirements of the International Convention on Civil Liability for Oil Pollution Damage (1969) and the Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage as amended, to cover pollution damage within the territorial sea or the exclusive economic zone.

Article (3)

Lists of Entities Involved in Oil Importation

The Ministry shall, in coordination with the competent authorities, prepare annually updated lists containing the names of all entities, companies, and institutions engaged in the importation of crude oil and heavy fuel oil, along with the quantities imported, in order to determine the share of each entity in the amounts to be annually paid by the State as a contribution to the Fund.

Article (4)

Procedures and Reports for Determining Contribution to the Fund

1. The Ministry shall issue a circular and hold an annual meeting every January of each year with all entities engaged in the import of crude oil and heavy fuel oil to review their activities in relation to the quantities and destinations of oil movements.
2. All entities engaged in the import of crude oil and heavy fuel oil and its introduction into the territory and borders of the State, whether for local consumption, re-export, or transport from one local port to another, shall submit an annual report to the Ministry on the quantities imported or transported between ports.
3. The Ministry shall, in coordination with the competent authorities, submit an officially certified annual report to the Fund in cases where no import or internal transport exceeding 150,000 (one hundred and fifty thousand) tons annually of crude oil, bunker fuel, or heavy liquids, using the Contribution Oil NIL Declaration Form.
4. The Ministry shall, in coordination with the competent authorities, submit an officially certified annual report to the Fund in cases where the import or internal transport exceeds 150,000 (one hundred and fifty thousand) tons annually of crude oil, bunker fuel, or heavy liquids introduced into the territory and borders of the State, whether for local consumption, re-export, or transport from one local port to another, using the Report on Receipts of Contributing Oil form.

5. The Ministry shall receive a copy of the contribution claim form issued by the Fund, specifying the amounts due from each entity engaged in the import of crude oil and heavy fuel oil, for verification and follow-up purposes.
6. The Ministry shall monitor the payment mechanisms of each entity engaged in the import of crude oil and heavy fuel oil whose import volume exceeds 150,000 (one hundred and fifty thousand) tons, to ensure compliance with the Fund's requirements.
7. The competent authorities shall provide the necessary support to the Ministry in enforcing the payment of the required contributions by the entities engaged in the import of crude oil and heavy fuel oil, as determined by the Fund.

Article (5)

Mandatory Insurance for Oil Tankers

The owner of any oil tanker carrying more than 2,000 (two thousand) tons of oil on board shall obtain insurance to cover liability for oil pollution damage. The tanker shall carry the insurance certificate on board at all times when entering or leaving any port in the State.

Article (6)

Compliance with the Provisions of this Resolution

All port authorities within the State, owners of vessels flying the State flag, the entities engaged in the import of crude oil and heavy fuel oil, and agents of foreign vessels visiting the State's ports shall comply with the provisions of this Resolution. In case of violation by any entity engaged in the import of crude oil and heavy fuel oil, the business license thereof shall be revoked.

Article (7)

Publication and Entry into Force

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

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us:

Dated: 12 Muharram, 1444 A.H.

Corresponding to: 10 August 2022 A.D.