

Cabinet Resolution No. (21) of 2023

Concerning the Regulations of Violations and Administrative Penalties resulting from Violating the Legislations of Space Activities and other Activities related to the Space Sector

The Cabinet;

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Concerning the Competence of Ministries and Powers of Ministers, as amended;
- Federal Law No. (14) of 2016 Regarding Administrative Violations and Penalties in the Federal Government;
- Federal Law by Decree No. (26) of 2019 Concerning Public Finance, and any amendments thereto;
- Federal Law No. (12) of 2019 Regulating the Space Sector;
- Based on the proposals and recommendations of the Minister of Finance; and the approval of the Cabinet;

Has resolved:

Article (1)

Definitions

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

- State** : The United Arab Emirates.
- Agency** : UAE Space Agency.
- Board of Directors** : Board of Directors of the UAE Space Agency.
- Law** : Federal Law No. (12) of 2019 Regulating the Space Sector.

- Authorisation** : A document granted by the Agency to a Person and authorising him carry out the activities listed therein, including Licences, Authorisations and Approvals, in accordance with the provisions of this Law.
- Authorisation Regulations** : Regulations related to Authorisation Space Activities and other activities related to the Space Sector, applicable in the Agency.
- Person** : Natural or legal person.
- Operator** : A person engaged in Space Activities, Space-Supporting Flights, High Altitude Activities, Space Data management and distribution activities, or any other activities related to the Space Sector subject to this Law.
- Launch** : The process of launching or attempting to launch a Space Object into or through the Identified Area. This shall include all necessary preparations and activities at the launch site, up to the stage of the load separation and detachment from the head of the Space Object.
- Identified Area** : Any area eighty kilometres or more above the mean sea level.
- Space Object** : An Object that a person makes, launches, or aims to launch into the or from the Identified Area, whether manned or unmanned that shall include: the constituent parts of the Space Object, its launch vehicle and the parts thereof, including those that do not reach the Identified Area.

Article (2)

Scope of Application

The provisions of this resolution apply to any person who violates the legislation regulating Space Activities or other activities related to the Space Sector contained in this resolution.

Article (3)

Administrative Violations and Penalties

1. Without prejudice to any more severe penalty or procedure stipulated by law, the Agency may impose one or more of the following Administrative Penalties on anyone who commits any of the acts that occur in violation of the provisions of the law and the regulations and resolutions issued in implementation thereof contained in the table attached to this resolution, if he does not remove the violation committed as stated in the addressed violation notice in accordance with the provisions of Article (4) of this resolution, and in accordance with the following:
 - a. In case of a first-time violation, a written warning will be given to the Violator and he will be given a period not exceeding (30) thirty days, calculated from the date of sending the notice, to correct the violation.
 - b. In case of a second-time violation, Administrative Fine will be imposed according to the table attached to this resolution.
 - c. In case of a third-time violation, Administrative Fine will be imposed according to the table attached to this resolution.
 - d. In case of a fourth-time violation, the Administrative Fine shall be tripled according to the table attached to this resolution. The Agency may suspend the Authorisation or any part thereof for a period not exceeding (6) six months, renewable only once.
 - e. The Authorisation issued to the Violator or those responsible for it, or any part thereof shall be Cancelled, provided that the Violator bears the expenses and costs of removing and treating the damages resulting from the violation in the event that they are not removed or treated.
2. Pursuant to Clause (1) of this Article, the Agency may impose the most severe Administrative Penalty and not follow the progression referred to in Clause (1) of this Article, in the event of the seriousness of the violation, and it estimates the appropriate Administrative Penalty in accordance with the nature of the violation.

3. The Agency may double the Administrative Fines for the violating acts listed in the table attached to this resolution in the event of a recurrence or repetition of the violation.
4. For the purpose of collecting the Administrative Fine specified in the table attached hereto, a part of a day shall be considered a full day, and a part of a month shall be considered a full month.

Article (4)

Violation Notice

In the event that a person commits any of the violations indicated in the table attached to this Resolution, the Agency shall inform him of the violation according to the means approved hereby, provided that the notice includes the following:

1. The violation.
2. The time limit for removing the violation.
3. The penalties and procedures that shall be taken if the violation is not corrected within the specified time limit.
4. Any other data specified by the Agency.

Article (5)

Procedures for proving violations

The Agency shall prove all violations in accordance with the provisions of the law and this resolution and the regulations and resolutions issued in implementation thereof.

Article (6)

No Prejudice to criminal and civil liability

The Application of the Administrative Penalties stipulated in this resolution shall not prejudice the criminal or civil liability of persons who commit Administrative Violations or those responsible for them, and the service provider has the right to demand compensation from the Violator for damages to the distribution network as a penalty for the committed violation.

Article (7)

Appeal

1. Every person may file Appeal before the Chairman of the Board of Directors against any Administrative Penalties imposed on him in accordance with the provisions of this resolution, within (30) thirty days from the date of his notification of the resolution. The Appeal shall be in writing with supporting documents.
2. The Appeal shall be decided within (90) ninety days as of the date of its submission by a grounded resolution issued by the BOD. The lapse of the aforementioned period without any response to the Appeal shall be considered a rejection thereof.
3. The resolution issued on the Appeal shall be final.

Article (8)

Amendment of Administrative Fines

The Cabinet has the power to make any amendment on the Administrative Fines stipulated in this Resolution, whether through addition, deletion or reduction.

Article (9)

Exemption from Administrative Penalties and Instalments

1. The Chairman of the Board of Directors may exempt from the Administrative Fines referred to in this resolution in coordination with the Ministry of Finance and the approval of the Cabinet, and in accordance with the legislation in force in this regard.
2. The Chairman of the Board of Directors may pay the Administrative Fines referred to in this resolution in instalments, provided that the mechanism for paying them in instalments, including the conditions, controls and procedures, is determined in accordance with a resolution issued by the Board of Directors in coordination with the Minister of Finance for this purpose.

Article (10)

Collection Mechanism

Fees and fines stipulated in this Resolution shall be collected by the methods decided by the Ministry of Finance.

Article (11)

Executive Resolutions

The Board of Directors shall issue the necessary Resolutions for implementation of the provisions of this Resolution.

Article (12)

Publication and Entry into Force

This Resolution shall be published in the Official Gazette and shall be enforced after (30) thirty days as of the date of its publication.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us:

Dated: March 13, 2023

Corresponding to: 21/Shaban/1444 H