

Federal Decree by Law No. (25) of 2023
Concerning Donation and Transplantation of Human Organs and Tissues

We, Mohammed 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 Powers of Ministers, as amended;
- Federal Law by Decree No. (5) of 2016 Regulating Donation and Transplantation of Human Organs and Tissues;
- Based on the proposal submitted by the Minister of Health and Prevention, and the approval of the Cabinet;

Have promulgated the following Decree-Law:

Article (1)

Definitions

In application of the provisions of this Law by Decree, the following words and phrases shall have the meaning assigned to each of them, unless the context otherwise requires:

State	: United Arab Emirates.
Ministry	: Ministry of Health & Prevention.
Minister	: Minister of Health & Prevention.
Health Authority	: The local governmental body concerned with regulating health affairs in the State, each within the limits of its jurisdiction.
National Centre	: The National Centre for Donation and Transplantation of Human Organs and Tissues established in the Ministry.
Person	: Anyone who has completed eighteen (18) calendar years of age, who enjoys his mental faculties and is not affected by any of the Impediments to legal capacity.
Death	: The complete departure of life from the body, definitely and authoritatively, either by complete, final and irreversible cessation of the functions of the

circulatory and respiratory systems, or complete, final, and irreversible cessation of brain functions, making doctors decide that this cessation is irreversible, in accordance with the precise medical standards determined by a resolution issued by the Minister after coordination with health authorities.

- Organ** : A group of interconnected human tissues and cells taken from the body of a living person or the body of a deceased person, and involved in specific vital functions in the human body.
- Tissue** : A mixture of organic compounds, such as cells and fibres that do not form an organ, and constitute altogether an anatomical entity, compatible with the work of the tissue, such as skeletal, muscle or nerves tissue, and it includes human and non-human tissue.
- Organ Removal** : Removing an organ or part thereof, or tissue, with the aim of transplanting it into the body of a living person for therapeutic purposes.
- Transplantation** : Replacing an organ or tissue that has stopped or failed to perform its function with a donated organ, part thereof, or healthy tissue.
- Donation** : A legal act indicating that a person agrees, during his life or after his death, with the consent of his relatives specified in Article (12) of this Law by Decree, to remove one or more organs, part thereof, or human tissue, with the aim of transplanting it into the body of a living person without compensation.
- Will** : A legal act indicating that a person agrees to have one or more organs, part thereof, or human tissue removed from him after his death without compensation.
- Executive Regulation** : The Executive Regulation issued pursuant to the provisions of Article (33) of this Law by Decree.

Article (2)

Scope of Application

- 1- The provisions of this Law by Decree shall apply to operations and procedures for the removal,

transfer, transplantation and donation of organs, parts thereof, and human tissues, which take place within the State, including free zones, in addition to organs, parts thereof, and human tissues that are transported to and from the State.

2- The provisions of this Law by Decree shall not apply to the following:

- A. Transfer and transplantation of stem cells and blood cells.
- B. Removal of organs, parts thereof, or human tissues for the purposes of conducting scientific experiments and clinical studies.

Article (3)

Law by Decree Objectives

This Law by Decree aims to regulate the operations and procedures of removal, transfer, transplantation and donation of organs, parts thereof, and human tissues to ensure the effectiveness of the health system in the State, by achieving the following:

1. Supporting the culture of donating organs, parts thereof, and human tissues by promoting the exercise of the right to donate.
2. Ensuring the fair distribution of donated organs, parts thereof, and human tissues to patients according to their health conditions, without regard to gender, race, religion, social or financial status.
3. Protecting the rights of both the donor and the recipient, and providing appropriate health care for both of them.
4. Combating trafficking in human organs and tissues and preventing exploitation of the patient's or donor's needs.
5. Applying innovative solutions in the removal, transfer and transplantation of human organs and tissues.
6. Enhancing opportunities for cooperation and integration with other countries in the field of transfer and transplantation of human organs and tissues.

Article (4)

Licensing Health Establishments and Doctors

1- It is prohibited to remove and transplant organs, parts thereof, and human tissues except by

specialised doctors who are licensed to do so, and in health establishments licensed to do so by the Ministry or Health Authority.

2- The Executive Regulation shall specify the controls for licensing and renewing the licence of each health establishment and the specialised doctors referred to in Clause (1) of this Article.

Article (5)

National Centre Competences

The National Centre is responsible for regulating donation procedures and the operations of removing, preserving, distributing, transferring and transplanting organs, parts thereof, and human tissues. In particular, it may carry out the following competences:

1. Proposing and developing policies and standards for licensing health establishments and doctors specialising in the removal and transplantation of human organs and tissues, in coordination with health authorities.
2. Supervision and control of health establishments licensed to perform the removal, transfer, and transplantation of human organs and tissues.
3. Providing the appropriate conditions for the success of the operations of resection, preservation, transfer and transplantation of organs, parts thereof, and human tissues, including measures to preserve the quality and safety of human organs and tissues, in coordination with health authorities and concerned authorities in the State.
4. Supervising the training and continuous development of licensed doctors in accordance with the provisions of Article (4) of this Law by Decree and other doctors, health professionals, individuals and concerned parties in the field of organ and tissue donation, removal, preservation, transfer and transplantation, in coordination with health authorities.
5. Preparing and developing studies and research related to the latest technologies and practices in the field of donation, removal, preservation, transfer and transplantation of human organs and tissues, and prevention of organ deficiency diseases.
6. Preparing the necessary programmes to promote the culture of human organ and tissue donation, including the benefits and incentives to honour donors and their families.
7. Establishing and managing a national database that includes lists of patients whose health condition requires the transplantation of an organ, parts thereof, or human tissue, donors, those

wishing to donate while they are alive, those who bequest donation after death, and persons who express their unwillingness to donate after death, as well as databases and tracking of removed human organs and tissues.

8. Cooperating with regional and international organisations, bodies and centres concerned with donating, removing and transplanting human organs and tissues.
9. Any other competences assigned to the Centre by the Minister.

Article (6)

Donation of Human Organs and Tissues

- 1- Every person may donate during his life or bequest the donation after his death of any of his organs, parts thereof, or tissues.
- 2- In the event that a person expresses his desire to donate during his life or bequests donation after his death, the expression of desire or will must be written and documented, in accordance with what is specified in the Executive Regulation.

Article (7)

Donation of Human Organs and Tissues Among Living Person

- 1- It is prohibited to remove and transplant any organ, part thereof, or human tissue among living people except as a donation.
- 2- It is not permissible to donate any organ, part thereof, or human tissue, except in the following cases:
 - A. Donation to relatives up to the fourth degree.
 - B. Donation to the relatives of either spouse by the other spouse up to the fourth degree.
 - C. Mutual donation of human organs and tissues in accordance with the controls specified by the Executive Regulation.
- 3- As an exception to the provisions of Clause (2) of this Article, donations may be made for cases other than those referred to in Clause (2), provided that the following controls are observed:
 - A. The approval of a special committee of which formation and work system is determined by a resolution to be issued the Minister or the Head of the Health Authority, as the case may be, after coordination with the National Centre.

- B. The committee referred to in Paragraph (A) of this Clause must, for the purposes of issuing approval for the donation, ensure that the competent doctor completes the reports and examinations referred to in Article (8) of this Law by Decree in accordance with recognised medical principles, and verifies that there is no suspicion of trafficking in human organs and tissues regarding the donation.
- C. Any other controls to be determined by a resolution issued by the Minister in coordination with the Health Authority.

Article (8)

Medical Examinations for Donation Among Living Persons

- 1- Before performing an operation to remove or transplant an organ, part thereof, or tissue, the competent doctor must ensure that transplantation is the best way to treat the patient.
- 2- The competent doctor must conduct the following examinations before removing the organ, part thereof, or human tissue:
 - A. Verifying the donor's physical integrity according to recognised medical principles.
 - B. Verifying the psychological and mental state of the donor, and that there is nothing that would affect his satisfaction.
 - C. Verifying the integrity of the organ, part thereof, or human tissue to be transferred and that it is free of diseases that may threaten the patient's life, in accordance with recognised medical principles.
 - D. Verifying the compatibility of the organ, part thereof, or human tissue with the patient's body.
 - E. Verifying that the removal will not threaten the donor's life or cause him harm other than what is medically accepted.
- 3- All results of the examinations referred to in Clause (2) of this Article must be proven by virtue of a medical report approved by the health establishment licensed to perform the removal of the organ, part thereof, or human tissue.
- 4- The licensed doctor must inform the donor before removing the organ, part thereof, or human tissue of the confirmed and potential health consequences, and any other possible effects that may occur in his personal, family, or professional life, in accordance with the form approved by the National Centre.

5- It is prohibited for the licensed doctor to begin performing the removal or transplantation procedure when he learns of a violation of any of the provisions of the preceding Clauses.

Article (9)

Health Care

1- The licensed health establishment must provide complete health care and psychological support to both the living donor and the recipient before, during, and after the removal and transplantation of the organ, part thereof, or human tissue, including all necessary examinations and treatments after the removal and transplantation procedure in accordance with the controls specified by the Executive Regulation.

2- Diagnostic, therapeutic and surgical procedures before, during and after the removal and transplantation of an organ, part thereof, or human tissue are health services that are subject to insurance coverage in all health insurance systems in the State, in accordance with what is determined by the Executive Regulation.

Article (10)

Bone Marrow Transplant

1- As an exception to the provisions of Article (6) of this Law by Decree, a licensed health establishment may extract bone marrow from a person who fully or partially lacks legal capacity to transplant it into one of the parents, children or siblings of the transferor, provided that the following is achieved:

- A. Receiving the written approval from the guardian of the transferor.
- B. Not to cause any harm to the transferor.
- C. Lack of better treatment solutions for the transferee.
- D. The process of extracting and transplanting bone marrow is carried out according to recognised medical standards.

2- The Executive Regulation shall specify the controls and procedures for bone marrow extraction and transplantation.

Article (11)

Donation of Human Organs and Tissues After Death

- 1- Anyone who does not wish to donate any of his organs, parts thereof, or tissues after his death must record his unwillingness in accordance with the mechanism specified by the Executive Regulation.
- 2- If a person does not record during his lifetime his unwillingness to donate any of his organs, parts thereof, or tissues, it is permissible after his death to remove any of his organs, parts, or human tissues, provided that his guardian or any of his relatives approves in accordance with what is stipulated in Article (12) of this Law by Decree.
- 3- The Cabinet may, based on the Minister's proposal and after coordination with health authorities and other concerned authorities, determine the cases, conditions and procedures for implementing the provisions of this Article and develop any mechanism it deems appropriate to obtain the approval of the guardian or relatives.

Article (12)

Conditions for Donation of Human Organs and Tissues After Death

- 1- It is permissible to remove an organ, part thereof, and human tissue from the body of a deceased person who had not record his unwillingness to donate after his death, or from the body of a deceased person who fully or partially lacks legal capacity, provided that the consent of the guardian of the deceased or any of his relatives specified in this Article is received, and provided that the following order is observed when the consent is taken.
 - A. The father.
 - B. The mother.
 - C. The children.
 - D. The spouse.
 - E. The grandfather.
 - F. The siblings.
 - G. The paternal uncle and the full uncle is precedent to the half uncle.
- 2- In the event of a difference between relatives in the same rank, the opinion of the eldest shall prevail, and males and females are equal in this regard.

3- In all cases, the consent must be in writing and documented in accordance with what is specified in the Executive Regulation.

Article (13)

Controls for Donation of Human Organs and Tissues After Death

The following controls must be observed to remove an organ, part thereof, or human tissue from the body of a deceased:

1. Proving the death.
2. In the event of brain death, this must be proven by a medical report issued by a medical committee formed by virtue of a resolution issued by the Minister or the Head of the Health Authority, and consisting of (3) three doctors, including a neurologist or neurosurgeon, and a cardiovascular doctor or surgeon, provided that it does not include the doctor entrusted to carry out the process of removing or transplanting the organ, part thereof, or human tissue, or the owner of the health establishment in which the operation will be performed, or one of its partners; and it is required that death be proven by unanimous opinion of the doctors who are members of the committee.
3. The competent doctor must conduct the following examinations before removing the organ, part thereof, or human tissue:
 - A. Verifying the integrity of the organ, part thereof, or human tissue to be transferred and that it is free of diseases that may threaten the patient's life, in accordance with recognised medical principles.
 - B. Verifying the compatibility of the organ, part thereof, or human tissue with the patient's body.
4. The examinations referred to in Clause (3) of this Article must be proven by virtue of a medical report approved by the health establishment licensed to perform the removal of the organ, part thereof, or human tissue.
5. The organ, part thereof, or human tissue must be removed in a way that does not mutilate the body.
6. Not to disclose any information related to the body of the deceased except in cases determined by the legislation in force in this regard or required by procedures and operations related to

eradication or transplantation.

7. Any other controls specified by the Executive Regulation, including controls for removing an organ, part thereof, and human tissue from the body of a person who died in an accident or whose identity is unknown.

Article (14)

Reversing the Donation

1- The living donor or the guardian of the person who fully or partially lacks legal capacity may reverse the donation without any restriction before removing the organ, part thereof, or human tissue or extracting bone marrow. The ruling of reversal applies to the guardian or any of the relatives of the deceased who had not recorded his unwillingness to donate after his death in accordance with the provisions of Clause (1) of Article (11) of this Law by Decree.

2- It is not permissible to request the return of what was removed or extracted after donating it in accordance with the provisions of this Law by Decree.

Article (15)

Non-Disclosure of Identity

It is not permissible to notify the transferee or any of his family members or any of his relatives of the identity of the donor. It is also not permissible to notify any member of the deceased donor's family or any of his relatives of the identity of the transferee except in accordance with the controls specified by the National Centre in this regard or based on a judicial order.

Article (16)

Incentives and Benefits

1- On the list of those in need of transplanting an organ, part thereof, or tissue, priority shall be given to the following categories if their health condition requires the same:

- A. The living donor and any of his relatives up to the fourth degree.
- B. Whoever expresses his desire to donate or bequest donation, and any of his relatives up to the fourth degree.
- C. Relatives of the deceased transferee up to the fourth degree.

2- The National Centre must provide therapeutic, insurance or in-kind benefits to the categories referred to in Clause (1) of this Article, subject to a resolution issued by the Minister to determine them after coordination with the health and relevant authorities.

Article (17)

Transfer of Human Organs and Tissues

1- Human organs, parts thereof, and tissues may be transported between health establishments within the country, provided that the licensed health establishment is obligated to provide the following documents with the transported removed organ:

- A. A report that includes specifying the type of removed organ transported and its characteristics, proof of its safety and freedom from diseases that may threaten the patient's life, and the duration and means of its preservation.
- B. A medical report on the results of medical examinations related to the donor.
- C. Data of the vehicle transporting the removed organ.

2. Subject to the provisions of international agreements and treaties ratified or acceded thereto by the State in this regard, it is permissible to transport organs, parts thereof, and human tissues to and from the State in accordance with the following controls:

- A. In the event of transporting to the State, the authority responsible for exporting the removed organ must be accredited in the country of origin.
- B. In the event of transporting from the State, the authority responsible for receiving the removed organ must be accredited in the recipient country.
- C. A report certified by the country of origin that includes specifying the type of removed organ, part thereof or tissue transported and its characteristics, proof of its safety and freedom from diseases that may threaten the patient's life, and the duration and means of its preservation.
- D. A medical report certified by the country of origin that includes the results of the donor's medical examinations.
- E. There must not be any suspicion of trafficking in human organs and tissues.

3- The Minister may, after coordination with health authorities and other concerned authorities, determine other controls for the transport of organs, parts thereof, or human tissues between health establishments within the State, and for transport thereof to and from the State.

Article (18)

Non-Human Tissue

- 1- It is permissible to remove and transfer non-human tissues for the purposes of transplantation, provided that the following controls are observed:
- A. The competent doctor must ensure that transplanting non-human tissue is the best way to treat the patient.
 - B. Verifying the integrity of the non-human tissue to be transferred, its source, and that it is free of diseases that may threaten the patient's life, in accordance with the technical standards approved in this regard.
 - C. Verifying the compatibility of the non-human tissue with the patient's body.
 - D. The competent doctor must inform the patient before transplanting non-human tissue about all possible and confirmed health consequences that may result from the transplant.
- 2- The Executive Regulation shall determine the controls for implementing the provisions of this Article.

Article (19)

Prohibitions

Everyone, including health establishments, doctors, and other workers in health establishments, are prohibited from doing the following:

1. Buying or selling organs, parts thereof, or human tissues by any means, or receiving any compensation for them, or advertising, promoting, or mediating in therein.
2. Removing, transplanting or transferring organs or parts thereof or human tissues that carry genetic characteristics or part thereof.
3. Donating an organ, part thereof, or human tissue if the living donor fully or partially lacks legal capacity, and the approval of his guardian or the person in charge of his affairs shall be disregarded, without prejudice to the provisions of Article (10) of this Law by Decree.
4. Removing an organ, part thereof, or human tissue if it is proven that the person had recorded his unwillingness to donate any of his organs, parts thereof, or tissues after his death and did reverse that.
5. Advertising, promoting or mediating operations to remove organs, parts thereof or human

tissues or calling for that, unless the aim of this is to encourage donation in accordance with the controls stipulated by a resolution issued by the Minister after coordination with health authorities.

6. Disclosing health data or information of the donor, patient, or transferee, except in cases stipulated in the legislation in force in this regard.
7. Financing operations to remove and transplant organs, parts thereof, or human tissues once it is known that the donation was made in exchange for financial compensation.
8. Receiving sums of money by the health establishment that exceed the costs set by the Ministry or Health Authority in exchange for performing any of the removal or transplantation operations of human organs, parts thereof, or tissues.
9. Accepting or receiving sums of money by any of the doctors or health establishment workers for removal or transplant operations of organs, parts thereof, or human tissues from parties other than the health establishment.

Article (20)

Penalties

A penalty of imprisonment for a period not less than (10) ten years and a fine not less than five hundred thousand (500,000) AED and not exceeding two million (2,000,000) AED shall be imposed on anyone who removes any organ, part thereof, or human tissue from a living person surreptitiously, by fraud or coercion, or without the consent of the transferee, his guardian, or one of his relatives in accordance with the provisions of this Law by Decree. If any of these acts are committed by a person who fully or partially lacks legal capacity, this is considered an aggravated circumstance.

The penalty shall be death or life imprisonment and a fine not less than one million (1,000,000) AED and not exceeding two million (2,000,000) AED if the act results in the death or total disability of the transferee.

Article (21)

A penalty of imprisonment for a period not less than five (5) years and a fine not less than two hundred thousand (200,000) AED and not exceeding two million (2,000,000) AED shall be imposed on anyone who commits trafficking or mediates with the intention of trafficking in organs, parts

thereof, or human tissues by any means, including information technology means.

Article (22)

A penalty of imprisonment and a fine not less than one hundred thousand (100,000) AED and not exceeding one million (1,000,000) AED shall be imposed on anyone who sells, purchase, offers, advertises, or promotes the sale or purchase, or mediates the sale or purchase of an organ or part thereof, or human tissue, or finances the sale process.

Article (23)

A penalty of imprisonment and a fine not less than fifty thousand (50,000) AED and not exceeding one million (1,000,000) AED shall be imposed on any licensed doctor who removes or transplants an organ, part thereof, or human tissue outside licensed health establishments.

Article (24)

A fine not less than one hundred thousand (100,000) AED and not exceeding two million (2,000,000) AED shall be imposed on any person who:

1. Removes one or more organs, part thereof, or one or more human tissues from the body of a living person without observing the provisions of Article (8) of this Law by Decree. If the act results in the death or total disability of the transferor, the penalty shall be imprisonment for a period not less than five (5) years and a fine not less than five hundred thousand (500,000) AED and not exceeding two million (2,000,000) AED.
2. Removes, transplants, or transfers an organ, part thereof, or human tissue that carries genetic traits.
3. Removes an organ, part of it, or one or more human tissues from the body of a deceased person without observing the provisions of Article (12) or Article (13) of this Law by Decree.
4. Extracts bone marrow from a person who fully or partially legal capacity without observing the provisions of Article (10) of this Law by Decree.

Article (25)

A fine not less than one hundred thousand (100,000) AED and not exceeding two million (2,000,000) AED shall be imposed on:

1. Anyone who establishes or operates a private health establishment for the removal or transplantation of human organs and tissues without obtaining a licence to do so in accordance with the provisions of Article (4) of this Law by Decree.
2. Any doctor who performs an operation of removal or transplantation of human organs and tissues without obtaining a licence to do so in accordance with the provisions of Article (4) of this Law by Decree.
3. Anyone who removes an organ, part of it, or one or more human tissues from the body of a living person without observing the provisions of Article (7) of this Law by Decree.

Article (26)

1- A penalty of imprisonment for a period not less than one year and a fine not less than fifty thousand (50,000) AED and/or not exceeding five hundred thousand (500,000) AED shall be imposed on anyone who violates the provision of Clause (6) of Article (19) of this Law by Decree.

2- A fine not less than five hundred thousand (500,000) AED and not exceeding (3,000,000) three million AED shall be imposed on every licensed health establishment that violates the provisions of Clause (1) of Article (9) of this Law by Decree.

Article (27)

In addition to the penalties stipulated in this Law by Decree, the court may rule the following:

1. Deprivation from practising the profession for a period not exceeding three (3) years.
2. Confiscation of funds, tools and machines used in the crime or proceeds from it, or ruling the payment of their value if they are not seized.
3. Temporary closure of the establishment in which the crime was committed, in whole or in part, for a period not less than two (2) months and not more than one year, provided that the closure is final in the event of recidivism.

Article (28)

Committing any crime stipulated in this Law by Decree by an organised criminal gang shall be considered an aggravated circumstance.

Article (29)

Any perpetrator who takes the initiative to inform the Judicial or Administrative Authorities of what he knows about the crime before being committed in a way leading to discovering the crime before occurrence, arresting perpetrators, or preventing completion thereof, shall be exempted from the penalties stipulated in Articles (20), (21), (22), (23) and (24) of this Law by Decree.

If the perpetrator enables the competent authorities during the investigation to arrest other perpetrators of the crime, he may be exempted from the penalty or his penalty may be reduced.

Article (30)

The imposition of the penalties stipulated in this Law by Decree shall not prejudice any severer penalty stipulated in any other law.

Article (31)

1- Without prejudice to the penalties stipulated in this Law by Decree, the Health Authority may impose any of the administrative sanctions on those who violate the provisions of this Law by Decree in accordance with the legislation in force therein.

2- By virtue of a resolution issued by the Cabinet, a list of violations, disciplinary penalties, and administrative fines for violating the provisions of this Law by D and the resolutions issued in implementation thereof shall be issued.

Article (32)

Judicial Enforcement

Employees designated by a resolution issued by the Minister of Justice or the head of the local judicial authority, in agreement with the Minister or the Head of the Health Authority, as the case may be, shall have the capacity of judicial enforcement officers in recording all violations, within their jurisdiction, of the provisions of this Law and the resolutions issued in the implementation thereof.

Article (33)

Executive Regulation

The Cabinet shall issue the Executive Regulations for this Law by Decree within six (6) months as the date of its issuance upon a proposal of the Minister and after coordination with health authorities.

Article (34)

Executive Resolutions

The Minister shall, after coordination with the Head of the Health Authority, issue the necessary resolutions to implement the provisions of this Law by Decree.

Article (35)

Repeals

1- Federal Law by Decree No. (5) of 2016 Regulating the Transfer and Transplantation of Human Organs and Tissues shall be repealed, as well as every other provision that violates or conflicts with the provisions of this Law by Decree.

2- The resolutions issued prior to the entry into force of this Law by Decree shall remain in force, without prejudice to its provisions, until the issuance of what replaces them in accordance with the provisions of this Law by Decree.

Article (36)

Publication and Enforcement of the Law by Decree

This Law by Decree shall be published in the Official Gazette and shall come into force on month after the date of its publication.

Mohammed Bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by Us at the Presidential Palace in Abu Dhabi:

Issued on: 4 Rabi' I 1445 H

Corresponding to: 19 September 2023