

Cabinet Resolution No. (4) of 2023
Concerning the Settlement of Disputes Between Federal Entities

The Cabinet,

- Having reviewed the Constitution; and
- Federal Law No. (1) of 1972, Concerning the Competences of Ministries and the Capacities of Ministers, and its amendments thereof; and
- Federal Decree-Law No. (32) of 2022, Concerning the Federal Judicial Authority; and
- Federal Decree-Law No. (35) of 2022, Promulgating the Law of Evidence in Civil and Commercial Transactions; and
- Federal Decree-Law No. (42) of 2022, Promulgating the Civil Procedures Code; and
- Cabinet Resolution No. (47) of 2020, Concerning the Organizational Structure of the Ministry of Justice; and
- Based upon the proposal submitted by the Minister of Justice and the Cabinet's approval,

Hereby resolves as follows:

Article (1)

Definitions

For the purpose of applying the provisions of this Resolution, the following words and expressions shall have the meanings assigned thereto respectively unless the context requires otherwise:

The State (UAE) : The United Arab Emirates.

The Minister : The Minister of Justice.

Federal Entities : Ministries, agencies, institutions, and regulatory authorities affiliated to the Federal Government, companies wholly state-owned by the State or by any of the above entities.

- Head of the Federal Entity** : The Minister, the Chairman of the Board of Directors, the Head of the Entity, or the like.
- Requesting Entity** : The Federal Entity requesting the settlement of the dispute.
- Competent Department** : The Legislation Department at the Ministry of Justice.
- Report** : A report on the legal opinion on the dispute, subject of settlement.

Article (2)

Applicability

1. The settlement of disputes that arise between federal entities shall be made in accordance with the provisions set forth in this Resolution.
2. The disputes referred to in Clause (1) of this Article shall include the following:
 - a. The disputes with financial effect.
 - b. The disputes related to the contracts concluded between the federal entities; and
 - c. Any disagreement or dispute referred to the Cabinet.
3. The provisions of this Resolution shall not apply to the disputes and disagreements in respect of which the laws applicable in the State have regulated a special mechanism for their settlement.

Article (3)

Submission of the Request

1. The dispute settlement request shall be submitted by the Head of the Federal Entity to the Minister.
2. The request shall be accompanied by the following data and documents:
 - a. The data of the Requesting Entity and the Federal Entity involved in the dispute.
 - b. An explanatory note on the subject-matter of the dispute required to be considered; and

- c. All the documents supporting the request.

Article (4)

Notification

1. The Competent Department shall notify the Federal Entity involved in the dispute of the request within (3) three working days from the date of receiving the request, provided that all the documents submitted by the Requesting Entity are attached to the notification.
2. In all cases, the Competent Department shall carry out the procedures of notification of requests, hearings and all other work required for the consideration of the dispute as well as the preliminary decisions issued thereby. The notification of all procedures for examining the request shall be served by e-mail or any other means of service in accordance with the legislation in force in the State.

Article (5)

Response to the Subject of the Dispute

The Federal Entity involved in the dispute shall submit a rejoinder on the subject-matter of the dispute, supported by the documents supporting its opinion, within a maximum period of (10) ten working days from the date of receiving the notification.

Article (6)

Preparation of the Subject of the Dispute

The Competent Department shall examine the subject of the dispute. For the purpose of preparing the subject of the dispute, it may contact the Federal Entities involved in the dispute to obtain the data, papers and documents that it deems necessary to provide its opinion on the dispute. It may also request the attendance of representatives of the Entities in hearings to inquire about the facts related to the dispute or submit memoranda or supplementary documents.

Article (7)

Assessing the Evidence and Seeking Assistance of Experts

The Competent Department shall have the power to assess the evidence and documents submitted to it by the parties to the dispute in terms of their usefulness and importance, in accordance with the provisions of the aforementioned Law of Evidence and other relevant legislation. The Competent Department may seek assistance of experts from the Federal Entities to draw up a report on a certain technical matter if it deems necessary or at the request of any party to the dispute.

Article (8)

Legal Opinion Report

1. The Competent Department shall complete the examination of the dispute before it and prepare the report within a maximum period of (15) fifteen working days from the date on which the request is deemed valid for settlement. The Minister may extend such period to a similar period.
2. The report shall include an account of the facts and applicable legislative texts, the legal issues raised by the dispute and the legal opinion given by the Department in respect of the settlement of the dispute.
3. Upon drawing up the report, the Competent Department shall comply with the provisions of the applicable legislation, established jurisprudence and the principles and case law related to the subject-matter of the dispute, subject of settlement.

Article (9)

Amicable Settlement

The Competent Department may propose amicable settlement to both parties to the dispute in accordance with the provisions of the law and on the basis of the principles established under the

legal system in the State. In the event that a settlement is reached, this shall be entered in a record which shall be signed by the representatives of both parties to the dispute or their delegates.

Article (10)

Adoption of the Legal Opinion

1. The Minister shall present the report or the record of the amicable settlement, as the case may be, to the Cabinet to examine it for approval.
2. The Federal Entities, parties to the dispute, shall implement the legal opinion reached in the Report once it is approved by the Cabinet.

Article (11)

Confidentiality of Information

1. The information disclosed by the parties to the dispute during the hearing of the same before the Competent Department shall be confidential.
2. In application of the provisions of this Resolution, all data entered in the hearing transcripts or included in the reports or documents submitted to the Competent Department on the occasion of the consideration of the dispute shall be considered as information.

Article (12)

Solutions and Proposals

The Competent Department may include in the report presented to the Cabinet for approval a list of legislation or legal texts that it finds to be ambiguous, deficient, or inconsistent with the provisions of the Constitution, other laws, or relevant international agreements, which may lead to a dispute between the Federal Entities in their application and propose appropriate legislative solutions for same.

Article (13)

Implementing Resolutions

The Minister may issue the necessary resolutions to implement the provisions of this resolution.

Article (14)

Repeals

Any other provision that contradicts or conflicts with the provisions of this Resolution is hereby repealed.

Article (15)

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,

On: 08 Rajab 1444 A.H.

Corresponding to: 30 January 2023 AD