

# Cabinet Resolution No. (82) of 2023

## Concerning the Commercial Agencies Committee

### The Cabinet,

- Having reviewed the Constitution; and
- Based upon the proposal submitted by the Minister of Economy, and the Cabinet's approval,

### Decided:

## Article (1)

### Definitions

In the application of this Resolution's provisions, the following terms and phrases shall have the meanings corresponding to each, unless the context requires otherwise:

- Ministry** : The Ministry of Economy.
- Minister** : The Minister of Economy.
- Application** : The request submitted to the Committee to examine the disputes arising between parties of the commercial agency registered in the commercial agencies register.
- Register of Applications** : A register in which all applications submitted to the Committee, and its decisions, are recorded and kept at the Ministry.
- Business Day** : The official working day determined at the Ministries.
- Law** : Federal Law No. (3) of 2022, Regulating Commercial Agencies

## Article (2)

### Committee Formation

1. The committee shall be formed and chaired by a judge and with the membership of four experienced and competent members.
2. The committee's chairman shall be appointed pursuant to a resolution issued by the Minister of Justice, while the Minister shall nominate the remaining members of the committee.
3. The committee shall have a rapporteur, selected from the Ministry's employees, appointed by the Minister.

## Article (3)

### The Committee's Operating System

#### 1. Membership period:

The committee's membership period shall be (3) years renewable for similar periods.

#### 2. Membership Termination:

a. The committee's membership shall be terminated for any of the following reasons:

1. The member's death or infection with a disease that prevents him from performing the activities entrusted to him.
2. The termination of the member's service in the position he occupies whenever the member's nomination within the committee was for his capacity and not person.
3. Absence, without an excuse accepted by the Committee's chairman, from attending (3) three consecutive meetings or (5) five separate meetings within the membership period.
4. The member's conviction with a crime against honor or trust unless he was restituted.
5. Dismissal pursuant to a Cabinet resolution.
6. Resignation from the Committee's membership.

b. In the event the chairman's or any of its members positions become vacant, the alternative member shall be nominated in accordance with the determined mechanism stipulated in clause (2) of Article (2) of this Resolution.

#### 3. The Committee's Meetings and Working Mechanism:

a. Committee's Meetings:

1. The Committee shall meet once at least, every four months, and it may also hold exceptional, or emergency meetings as required by the work's interest.
2. The call for the Committee's meeting shall be sent upon an invitation sent by its Chairman, with sufficient time, before its meeting's date.
3. The legal quorum of the Committee's meeting is achieved with the presence of the majority of its members, provided that the Chairman is one of them.
4. The Committee meetings are held in person at the Ministry's headquarters unless the Committee deems otherwise.

5. The Committee's Chairman may hold the meeting through modern technological means.
  6. In the event any of the conflict-of-interest situations occurs, the concerned member shall declare such situation immediately and refrain from participating in the relevant meetings, deliberations, and consultations with other members.
  7. The dispute parties shall be notified of the meeting's determined date; and the Committee may, upon its own discretion or based upon on a request by the parties, allow the dispute parties to appear before it. In the event the applicant or his opponent does not attend the above referenced Committee's meeting, whether in person or through a representative, the Committee may proceed with the meeting without his presence.
  8. The Committee may invite whomever it deems appropriate, whenever the need arises, as well as seek assistance from consultation entities from outside the Ministry in accordance with the applicable rules.
  9. The Committee may allow any of the dispute parties to submit documents or reports, whenever they are submitting their application and deciding upon to it. The Committee may also allow any of the dispute parties to submit new documents that were not annexed to the application, based on an excuse acceptable to the Committee or if it deems these documents necessary before deciding the dispute.
  10. The Committee shall issue its decision by a majority vote, and in the event of equal votes, the side on which the Chairman is, prevails.
- b. Agenda of the Committee's Meetings:
1. The agenda for the Committee's meetings shall be prepared and included in the invitation sent before the meeting.
  2. The agenda shall be sent to the members at least (5) five business days before the meeting's date, annexed with all the relevant reports, documents, and studies.
  3. The meeting begins with a presentation of the topics in their order of listing on the agenda and shall proceed in such manner. During the meeting, Committee members may discuss urgent matters, not listed on the agenda, with the approval of those present; and such matters are listed under the title "new business".
- c. Minutes of Meeting:

1. The proceedings of the Committee's meeting and decisions shall be documented, in written, in a minutes of meeting prepared by the Committee's rapporteur.
2. The minutes of meeting shall include the following formal data, at least:
  - a. The meeting's number, year, and date.
  - b. The dispute's number, topic, and summary.
  - c. Names of the present persons and legal quorum.
  - d. Agenda.
  - e. The meeting's facts, proceedings, and deliberations that occurred and the decisions taken.
  - f. A notes section in case any of the Committee's members has notes.
3. Every minutes of meeting of the Committee's meetings shall be signed by the Chairman, members, and Committee's rapporteur.

d. The Committee's Rapporteur:

The Committee's rapporteur shall handle the following:

1. Preparation of the Committee's agenda and approval by the Committee's Chairman.
2. Sending out the meeting's invitation and mechanism to convene on the date determined by the Committee's Chairman.
3. Documentation of the Committee's minutes of meetings, deliberations, and decisions and the preparation, retention, and recording of the minutes of meetings as per the applicable rules.
4. Circulation of the minutes of meeting to all members within (5) five business days from the meeting's date.
5. Coordination with the concerned departments at the Ministry to obtain the required information and documents based upon the Committee's recommendations or decisions.

**4. Submission of Applications:**

The application shall be submitted to the Committee's rapporteur, as per the template approved by the Committee in this regard, annexed with the following documents and data:

- a. The applicant's name, information, and address.
- b. The names of the dispute parties, their information, and addresses.
- c. Summary of the dispute topic and submitted claims.

- d. The application's supporting documentations.
- e. Any other data or documents requested by the Committee.

**5. Register of Applications:**

- a. The Committee's rapporteur shall register, in serial numbers, the applications submitted to the Committee upon their receipt, in a special register, established for this purpose, in which the application's date and information are recorded. The applicant shall be given a receipt confirming the application's receipt and registration, in accordance with the applicable procedures at the Ministry, and after paying the fee stipulated in the following clause.
- b. The applicant commits to pay the fee prescribed by the Ministry before the application's registration in the register and shall provide the Committee's rapporteur with a receipt copy of the determined fee; and such receipt shall be considered one of the required documents to decide on the dispute.
- c. The Committee's decision concerning the application shall be recorded in the Register of Applications, as well as the notification's number and date to the applicant.

**6. Timeframes of conflict resolution and the appeal against it:**

- a. The Committee shall begin to examine the dispute within (22) twenty-two business days starting from the date of submitting the dispute resolution request to it provided that the request is complete or from the date of completing the required documents.
- b. The Committee must decide on the dispute within a period of (120) one hundred and twenty days starting from the application's submission date, otherwise either party shall be allowed to revert to the judiciary within a period of (60) sixty days starting from the timeframe's expiry date.

**7. Conflict Resolution:**

- a. The Committee issues a decision to resolve the dispute; and such decision shall include a summary of the dispute's topic and the reasons on which the Committee based its decision.
- b. In all events, the Committee's decision shall determine the party who shall bear the fees, expenses, and experts fees.
- c. The Committee's decision shall be signed by the Chairman, present members, and rapporteur.

- d. The dispute parties shall be notified with a copy of the Committee's decision within (15) fifteen days as of its date of issuance.
- e. Whenever a dispute was settled by issuing a decision to cancel the commercial agency, the following should be applied:
  1. The commercial agency shall be cancelled even if the relevant decisions was appealed before the courts.
  2. The principal may appoint a new agent, who is registered as per the applicable rules, after the commercial agency's cancellation.
  3. The execution of what is stipulated in items (1) and (2) of this clause shall be suspended in the event a final court ruling or decision has been issued to repeal the decision cancelling the commercial agency or suspending its execution.

#### **8. Committee Reports:**

The Committee shall submit to the Minister a bi-yearly report that includes data on the number of conflicts it examined, its reasons, and the decisions taken in this regard.

### **Article (4)**

#### **Committee Members' Compensation**

Each member of the Committee's members shall be paid a financial compensation of (3,000) three thousand dirhams for each session he attends, and such reward shall not exceed the amount of (48,000) forty-eight thousand dirhams within one year.

### **Article (5)**

#### **Repeals**

1. Cabinet Resolution No. (52) of 2021 Concerning the Commercial Agencies Committee shall be repealed.
2. Any provision contradicting or conflicting with the provisions of this Resolution shall be repealed.

## **Article (6)**

### **Resolution Publication and Enforcement**

This Resolution shall be published in the Official Gazette and shall come into effect as of the day following its date of publication.

**Mohammed bin Rashid Al-Maktoum**

**Prime Minister**

Issued by us,

On: 30 / Dhul Hijjah / 1444 A.H.

Corresponding: 18 / July / 2023 AD