

Cabinet Resolution No. (97) of 2024
Concerning the Executive Regulation for Federal Decree-Law No. (43) of
2021 on the Commodities Subject to the Non-Proliferation

The Cabinet:

- Upon reviewing the Constitution;
- Federal Decree-Law No. (43) of 2021 On Commodities subject to Non-Proliferation;
- Cabinet Resolution No. (15) of 2021 on the Establishment of the Executive Office for Control and Non-Proliferation;
- Based on the proposal of the Minister of Foreign Affairs, Approval of the Cabinet of Ministers,

Has resolved the following:

Article (1)

Definitions

The definitions stated in the aforementioned Federal Decree-Law No (43) of 2021 shall apply to this Resolution; otherwise, the following words and phrases shall have the meanings assigned to each of them, unless the context otherwise requires:

Decree-Law : The Federal Law by Decree No. (43) of 2021 On the Commodities subject to Non-Proliferation.

Competent Entity : Executive Office for Control and Non-Proliferation (EOCN).

Entity

Permit : An authorization issued by the competent entity indicating no objection to the circulation of any commodities listed in the schedule and covered by the provisions of the Decree-Law and this Resolution. This shall include forms of circulation such as import, export, re-export, transshipment, in-transit shipping, or transportation between ports, as well as brokerage for the commodities.

End-User Certificate : A document issued by relevant authorities in the State or abroad, or by companies or individuals involved, to verify the final owner or ultimate recipient of the commodities.

- Prohibition** : The ban on the circulation of commodities and materials subject to the provisions of the Decree-Law, whether to or from the State or a group of countries, in specific cases and in accordance with the regulations stipulated in the treaties and agreements ratified by the State.
- Restriction** : Imposing a group of conditions and controls governing the circulation of commodities or materials subject to the provisions of the Decree-Law, whether to or from the State or a group of countries, in specific cases and periods, and in accordance with the regulations stipulated in the treaties and agreements ratified by the State.
- Strategic Commodities** : Commodities with dual use in civil and military fields, or any other commodities that contribute to the proliferation of weapons of mass destruction. These include associated technologies and software, as well as commodities that may harm public safety, public health, the environment, natural resources, or national security.
- Chemical Substances** : Substances with dual use in civil and military fields, or any other commodities or materials that contribute to the proliferation of weapons of mass destruction. These include substances that may harm public safety, public health, the environment, natural resources, or national security.
- Armoured Vehicles** : Civilian vehicle in which regular glass has been replaced with bullet-resistant glass or layers of armoured shielding have been integrated into the vehicle's structure, or both. This vehicle is designed to provide protection against attacks, bullets, and explosives.
- Beneficiary** : The natural or legal person who submits a request to obtain a permit for the purposes of circulation.

Article (2)

Prohibition of Commodities

The competent entity may prohibit the commodities listed in the commodities schedule in the following cases:

1. If the commodity poses a risk to public safety, public health, the environment, or natural resources of the State.
2. If the circulation of the commodity threatens the security and safety of the State.
3. If the circulation of the commodity in the State violates treaties and international agreements ratified by the State.
4. If the commodity is prohibited under decisions issued by the Security Council.
5. If the commodity contributes to the production or development of weapons of mass destruction and the related technology and delivery means.

Article (3)

Restriction of Commodities

The competent entity may restrict the commodities listed in the commodities schedule in the following cases:

1. If the State imposes restrictions on the circulation of certain commodities for purposes related to its local security or safety.
2. If the State imposes restrictions on the export of certain commodities to specific countries based on decisions from the Security Council.
3. If restrictions may be imposed on the circulation or export of certain commodities in accordance with treaties or international agreements ratified by the State.

Article (4)

Conditions for Issuing the Permit

Without prejudice to the obligations imposed by applicable legislations in the State and the relevant international agreements ratified by the State, the competent entity shall issue a permit to the beneficiary in accordance with the following conditions:

1. The permit shall be consistent with the licensed activity of the beneficiary.
2. The end user shall obtain an authorization or a permit from the relevant authorities in the recipient country in accordance with its legislations if required.
3. The beneficiary shall provide any adequate information or data with respect to the route of the commodity if it passes through more than one country.

4. The beneficiary shall be registered on the website of the competent entity in accordance with the forms prepared thereto.
5. The purpose of requesting the permit shall be for the peaceful circulation of the commodity and shall contribute any way to the proliferation or development of weapons of mass destruction, related technologies, or means of delivery.
6. The beneficiary's license to practise the activity shall be valid and issued by the relevant authorities in the State.
7. The end-user certificate shall be provided in cases deemed necessary by the competent entity.
8. The beneficiary shall not have previously been convicted of a penalty related to the application of the provisions of this Decree-Law unless their status has been reclaimed.
9. The prescribed fees to issue the permit shall be paid.
10. The beneficiary and the end user shall not be listed on the State's prohibition lists.

In all cases, the request for a permit for the circulation of strategic commodities and the circulation of chemical materials shall not be combined in a single application, even if the beneficiary or the end user is the same.

Article (5)

Categories of Permits

Categories of permits for commodities subject to the provisions of the Decree-Law and this Resolution shall be as follows:

1. Category of strategic commodities.
2. Category of chemical substances.
3. Category of armoured vehicles.

Article (6)

Procedures for Obtaining the Permit

1. The beneficiary wishing to obtain a permit from the competent entity for the circulation of any commodities covered by the provisions of the Decree-Law and this Resolution shall follow the following:
 - a. Register on the official website of the competent entity.

- b. Submit all documents and papers specified by the competent entity.
 - c. Submit the application to obtain the circulation permit for strategic commodities, chemical substances, or armoured vehicles using the forms issued by the competent entity.
2. The competent entity shall review the permit application to verify the accuracy of the provided documents and the applicant's compliance with the conditions stipulated in the Decree-Law and this Resolution.
 3. The competent entity shall issue the permit within (20) twenty working days from the date the complete application is submitted. The lapse of this period without a response shall be considered a rejection of the application.
 4. The beneficiary shall notify the competent entity of any changes or amendments to the information submitted for the permit promptly upon occurrence, along with all supporting documents with respect to the change.

Article (7)

Forms of Permits

The competent entity shall issue the forms specific to each category of permits and shall publish them on its official website.

Article (8)

Permit Term

The term of the permit shall be a maximum of (60) sixty days from the date of issuance.

Article (9)

Permit Renewal

A renewal application for the permit shall be submitted using the form prepared thereto within (5) five days prior to the expiration of the permit. The following conditions shall be met for the renewal:

1. The conditions and requirements stipulated in the Decree-Law and this Resolution shall be available.

2. The prescribed fees to renew the permit shall be paid.

Article (10)

Controls for Using the Permit

1. Without prejudice to the requirements of the relevant authorities, the permit shall be issued in the name of the beneficiary and may only be used within the authorized scope. The permit shall not be assigned or transferred to others without a new authorization in accordance with the provisions of the Decree-Law and this Resolution.
2. The permit holder may not dispose, deliver or transfer any commodity subject to the provisions of the Decree-Law and this Resolution to any other party except under a new authorization from the competent entity, in accordance with the conditions and procedures for issuing permits as stipulated in Articles (4) and (6) of this Resolution.
3. The permit holder may not engage in any circulation involving any commodity covered by the provisions of the Decree-Law if the permit is expired.

Article (11)

Permit Cancellation

1. The competent entity may cancel the permit in any of the following cases:
 - a. If it is found that the circulation of the commodity for which the permit was granted endangers public safety, health, the environment, natural resources, or national security.
 - b. If the circulation of the commodities for which the permit was granted is prohibited or restricted.
 - c. If the permit is used for purposes other than the specified ones.
 - d. If the permit is issued based on fraud, deceit, or documents or information that contradict the truth.
 - e. If a permit that was issued in the name of another authorized person is used by someone other than its holder.
 - f. If the permit holder is listed on international sanctions and restriction lists.
2. The permit shall be deemed cancelled if any alterations or modifications are made to it.

Article (12)

Records Keeping

The permit holder shall keep records that relate to the permit as follows:

1. Document all circulation operations of commodities that are subject to control and non-proliferation in either paper records or by using an electronic system.
2. Keep the paper records or electronic system records for a period of five (5) years from the date of expiry of the permit for the circulation of commodities that are subject to control and non-proliferation.
3. Provide the records and any documents or materials retained whenever requested by the competent entity or judicial control officer, provided that this shall be documented in the records or documents reviewed.

Article (13)

Controls for the Circulation of Restricted and Hazardous Materials

Without prejudice to the applicable laws in the State, the competent entity shall issue a permit for the circulation of restricted and hazardous materials from the Weapons and Hazardous Substance Office listed in the commodities schedule based on the request submitted by the licensing entity. Additionally, all conditions and procedures for issuing permits stipulated in Articles (4) and (6) of this Resolution shall be fulfilled, along with any other controls determined by the competent entity in coordination with the Weapons and Hazardous Substance Office.

Article (14)

Commodities Not Listed in the Commodities Schedule

The competent entity may seize any commodity not listed in the commodities schedule in the following cases:

1. If there is sufficient evidence to suspect that the unlisted commodity is being used in any of the prohibited activities.
2. If the end user is listed in the national sanctions lists.
3. If any component of that commodity is prohibited or restricted from circulation under the provisions of the Decree-Law or this Resolution.

4. If such commodity serves as a raw material for any of the commodities listed in the commodities schedule.

In all cases, the seizure of such commodities shall be in coordination with the relevant entities, and the inspection and seizure procedures applicable to the commodities listed in the schedule , as stipulated in Articles (15) and (16) of this Resolution, shall apply.

Article (15)

Inspection Procedures

1. The competent entity shall be entitled to conduct inspections of commodities to verify their compliance with the requirements of this Decree-Law and this Resolution. Inspection shall include auditing documents, testing, visual inspection, sampling, and analysis, as well as any other approved measures.
2. Judicial officers responsible for conducting inspections shall summon the owner of the facility or the person in charge of its management promptly upon their entry and request the documents related to the commodity. If the relevant documents are provided, a copy of such documents shall be obtained after matching it with the original.
3. Judicial officers shall, during inspections, adhere to the following:
 - a. Take photo for the lock number affixed to the container and compare it with the number listed on the bill of lading to ensure that the shipment has not been opened during transport.
 - b. Open the package or container in the presence of an employee from the relevant authorities and the beneficiary or their representative.
 - c. Examine the commodities using technical equipment to verify its nature and identify its location.
 - d. Take a sample of the commodities if necessary and send it to the relevant laboratories for testing, provided that the beneficiary holding the permit or their representative shall bear the costs of laboratory tests.
4. Judicial control officers may request any additional documents necessary to carry out their inspection and control tasks.

In all cases, inspection of commodities shall be conducted in coordination with the relevant entities in the State.

Article (16)

Violations Seizure

If any violation is discovered, the judicial control officer shall prepare a report of the seizure in coordination with the relevant authorities and in accordance with the legislations applicable in the State. This report shall document the actions taken in violation of the provisions of this Decree-Law, this Resolution, and the decisions issued in implementation thereof. The report shall specifically include the following details:

1. Date, hour and place of filing the report.
2. The name and capacity of the reporter, and the details of the order issued assigning him to the task.
3. The name and title of the person against whom the procedures have been taken, whether the owner of the establishment or one official in charge of management.
4. The result of examining the place where the commodity was deposited.
5. Documents proving the source and data of the commodities.
6. Description of the commodity, including types, quantities, technical specifications, price, and Harmonized Customs Code.
7. The procedures taken by the report editor to prepare the samples, including the method and manner of taking and transporting the sample, and the number of samples.
8. Documentation of all information noted on the seized commodity.
9. Signature of the facility owner or the person in charge of its management on the report, or a note of their refusal to sign.

Article (17)

Detainment of Commodities

1. Commodities suspected of non-compliance shall be detained according to the procedures followed by each relevant authority in the State, as the case may be. If it is proved that the commodities are compliant based on reports from the relevant laboratories, the detainment shall be lifted, and the relevant authority shall notify the concerned party or the beneficiary of the inspection results upon coordination with the competent entity.

2. If it is found that the commodities are unsuitable or if their owners were not reviewed, escaped, or cannot be traced, the competent entity, in coordination with the relevant authorities, may dispose of such commodities according to applicable procedures, which shall include the following:
 - a. Determining the place and time of the auction.
 - b. Announcing the auction by the relevant authority through various media.
 - c. Registering bidders and requiring them to provide prior financial guarantees.
 - d. Allowing bidders to inspect the subject of the sale before the auction date.
 - e. Receiving the payment and handing over the subject of the sale to the winning bidder or their representative.

Article (18)

Appeal Against Decisions of the Competent Entity

1. Appealing against decisions issued by the competent entity in implementation of the provisions of the Decree-Law and this Resolution shall be according to the following procedures:
 - a. The appeal shall be submitted to the competent entity within a period not exceeding (7) seven working days from the date of knowledge of the decision, and it shall include the following details and documents:
 1. The name of the appellant, his address, and email.
 2. The date of issuance of the decision being appealed and the date the concerned party was notified or became aware of such decision.
 3. Subject of the appeal and the reasons on which it is based. Supporting documents shall be attached with the appeal.
2. The competent entity shall receive and register the appeals in a register that is designated for this purpose, and provide the appellant with a receipt confirming that the appeal is received and registered.
3. The head of the competent entity shall issue a decision on the appeal within a period not exceeding (30) thirty working days from the date the appeal is submitted, provided it is accompanied by the necessary supporting documents or any documents, data, or clarifications that may be requested by the competent entity, as the case may be.

4. The decision issued regarding the appeal shall be final, and the appellant shall be notified of it. In all cases, a claim to repeal the decision shall not be admitted to be heard before the court if the decision is not appealed.

Article (19)

Executive Resolutions

The Minister shall issue the Resolutions necessary to implement the provisions of this Resolution.

Article (20)

Resolution Publication and Entry into Force

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

Mohammed bin Rashid Al Maktoum
Prime Minister

Issued by Us:

Date: 29 Safar 1446 A.H.

Corresponding to: 02 September 2024 AD