

Cabinet Resolution No. (29) of 2007 Regarding the Identification of Vessels

The Cabinet:

- Having reviewed the Constitution,
- Federal Law No. (1) of 1972 Regarding the Competences of Ministries and Powers of Ministers, as amended,
- Federal Law No. (7) of 1973 Regarding Wireless Devices and Communications, as amended,
- Federal Law No. (26) of 1981 Regarding the Maritime Commercial Law, as amended,
- The Penal Code promulgated by Federal Law No. (3) of 1987, as amended,
- Federal Law No. (19) of 1993 Regarding the Definition of the Maritime Areas of the United Arab Emirates,
- Federal Law No. (23) of 1999 Regarding the Exploitation, Protection, and Development of the Living Aquatic Resources in the Waters of the State of United Arab Emirates,
- Federal Decree by Law No. (1) of 2001 Regarding the Guard of the State's Land and Sea Borders,
- Federal Decree by Law No. (3) of 2003 Regarding Telecommunications, as amended,
- Federal Decree No. (38) of 1983 Regarding the Accession to the International Convention for the Safety of Life at Sea, as amended,
- The Resolution of the Chairman of the Supreme Defense Council No. (2) of 1976 Regarding the Determination of the Competences and Powers of the Chief of Staff of the Armed Forces,
- Cabinet Resolution No. (2) of 1999 Regarding the Installation of Wireless Distress and Rescue Devices on Fishing Vessels and Pleasure Boats,
- Cabinet Resolution No. (52) of 2006 Regarding the Regulation of the National Transport Authority,
- Resolution of the Ministerial Council for Services No. (80/13) of 2007 Regarding the Approval of the Draft Cabinet Resolution on the Identification and Tracking of Vessels, and

- Upon the proposal of the Minister of Defense, and the approval of the Cabinet,

Hereby resolves as follows:

Article (1)

For the purposes of implementing the provisions of this Resolution, the following terms and expressions shall have the meanings assigned to each of them, unless the context requires otherwise:

General	: The General Command of the Armed Forces.
Command	
Coast Guard	: The Coast Guard Command in the United Arab Emirates.
Vessel	: All national fishing vessels, pleasure boats, commercial vessels, and licensed foreign vessels whose gross tonnage is less than three hundred (300) tons.
Device	: The device designated for the identification and tracking of vessels, as approved by the General Command of the Armed Forces.
Beneficiary	: The owner or operator of the vessel, or whoever acts on their behalf or legally represents them.

Article (2)

1. The Coast Guard, in coordination with the competent authorities, shall not permit any vessel to sail unless the Device has been installed and is operational thereon.
2. Notwithstanding Clause (1) of this Article, the Coast Guard may, in special cases, authorize a vessel on which the Device has not been installed or operated to sail.

Article (3)

The Telecommunications and Digital Government Regulatory Authority shall have exclusive competence to allocate and assign the frequency spectrum necessary for the use of the Device.

Article (4)

1. The General Command shall be the exclusive owner of the Device, and no person shall have the right to dispose thereof by any disposition transferring ownership or to create any rights of usufruct thereon.
2. The General Command shall undertake the installation of the Device on the vessel. Such Device shall not be installed unless the prescribed financial guarantee has been paid, which shall not be returned except upon delivery of the Device to the Coast Guard or upon the revocation of the vessel's license.

By way of exception, the General Command shall undertake the installation of the Device on national fishing and pleasure boats without a financial guarantee for the first time.

Article (5)

1. The Coast Guard shall undertake the maintenance of the Device, and the Beneficiary shall periodically submit a request to the Coast Guard to carry out the necessary maintenance of the Device in accordance with the approved procedures in this regard.
2. The Coast Guard shall replace or repair the Device free of charge where it is damaged or lost due to force majeure or emergency circumstances beyond the Beneficiary's control. However, where the Device is damaged or lost for other reasons, the Beneficiary shall bear all resulting costs.
3. Without prejudice to Clause (2) of this Article, the Beneficiary shall notify the Coast Guard of any loss, damage, or malfunction of the Device within (24) hours, unless the delay in notification is beyond their control.

Article (6)

The General Command shall determine and collect the value of the guarantee for the Device and the other expenses referred to in this Resolution.

Article (7)

The Coast Guard shall take the necessary measures for the implementation of the provisions of this Resolution, in coordination with the concerned authorities and without prejudice to the laws and regulations in force in the State.

Article (8)

Without prejudice to any more severe penalty prescribed under any other law, the penalties stipulated in the Federal Penal Code shall apply in the event that the Beneficiary deliberately damages the Device or its connections.

Article (9)

Beneficiaries shall regularize their status in accordance with the provisions of this Resolution from the date of its issuance.

Article (10)

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

Article (11)

This Resolution shall be published in the Official Gazette and shall enter into force from the date of its issuance.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by Us:

On: 25 Ramadan 1428 A.H.

Corresponding to: 8 October 2007 A.D.