

**Federal Decree-Law No. (43) of 2021
on the Goods Subject to Non-Proliferation**

We Khalifah Bin Zayed Al Nahyan,

President of the UAE,

Having reviewed:

- The Constitution;
- Federal Law No. (1) of 1972 Regarding the Competences of the Ministries and the Powers of Ministers, as Amended;
- Federal Law No. (40) of 2006 on the Prohibition of Innovating, Producing, Storing, and Using Chemical Weapons, as Amended;
- Federal Law No. (13) of 2007 Concerning Goods Subject to Import and Export Control, as amended;
- Federal Law No. (14) of 2016 on Violations and Administrative Penalties in the Federal Government;
- Federal Decree-Law No (17) of 2019 on Arms, Ammunition, Explosives, Military Equipment and Hazardous Material;
- Federal Decree-Law No. (31) of 2021 Promulgating the Penal Code;
- Federal Decree No. (35) of 2008 On the Convention of 1971 on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction; and
- Based on the proposal of the Minister of Foreign Affairs and International Cooperation, as approved by the Cabinet

Hereby decree as follows:

Article (1)

Definitions

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

State	: The UAE.
Competent Entity	: The entity designated and regulated under a cabinet resolution based on the proposal of the Minister of Foreign Affairs and International Cooperation.
Entities Concerned	: The federal or local entity having the authority over the circulation of the goods that are subject to this Decree-Law.
Non-Proliferation	: The prohibition of illegal and unauthorized circulation of goods that are involved in the production or development of weapons of mass destruction, the technology associated thereto and their means of delivery.
Goods/ Item of goods	: The materials, systems, equipment, components, software or technology listed in the Goods Schedule.
Goods Schedule	: The goods schedule to be issued under a resolution of the Cabinet.
Circulation of Goods	: The import, export, re-export, trans-shipment, in-transit shipping or transportation between ports or brokerage activities, whether carried out by a natural or legal person.
Import	: Bringing the item of goods into the State through customs ports or free zones.
Export	: Taking the item of goods out of the State, including goods produced in the free zones through customs ports.
Re-export	: Exporting the pre-imported goods through the customs ports of the State or free zones, including the return of the item of goods to the country of origin.
In-transit shipping	: The entry and subsequent exit of the goods loaded on a means of transport at a customs port in the State, without unloading the item of goods from the means of transport, while remaining under customs control.
Transshipment	: The transit of the goods loaded on a means of transport at a

customs port in the State by unloading them from the means of transport and loading them into another means of transport for the purpose of shipping them outside the State, while remaining under customs control.

- Transportation between ports** : The transportation of goods loaded on a means of transport from a customs port to another inside the State without opening the shipment, while remaining under customs control.
- Permit** : The prior authorization for circulating the goods set out in Article (2) hereof.
- Beneficiary** : The natural or legal person who applies for the permit.
- Means of Transport** : Any land, sea or air transportation means.
- Technology** : Specific information necessary for the development, production or use of goods, in the form of technical data that is embedded or integrated into schemes, designs, plans, graphs, models, equations, tables or engineering designs, or embedded or integrated into details, manuals, or instructions written or recorded on a device.
- Document** : Any document, record, or part of either of them, whether in paper or electronic form preserved on a magnetic, optical or chemical means, or a photograph, map, scheme, chart, picture or drawing.
- Device** : Any tangible medium that records, stores or embodies a technology, through which the information or data contained therein could be retrieved or produced, with or without other equipment.
- Relevant Activity** : Any practices aimed at creating, developing, producing, handling, operating, maintaining, storing, deploying or using any weapon, including nuclear, chemical, biological or radiological weapons, missiles equipped with such weapons, or any other activity

	related to the weapons of mass destruction.
Weapons of Mass Destruction	: Weapons capable of inflicting substantial harm upon a large group of people and threatening life and natural environment through their catastrophic effects, such as nuclear, biological, chemical and radiological weapons.
Comprehensive Seizure	: The seizure of a item of goods that is not listed in the Goods Schedule due to suspicions about its use or the end user, or because it is included in the national or international lists of bans or penalties.
Brokerage	: Mediation between the seller and the buyer with the aim of facilitating a business deal in return for an agreed benefit or fee.

Article (2)

Applicability

The provisions of this Decree-Law shall apply to the entire territory of the State, including the free zones, as well as the following goods:

1. Goods included in a cabinet resolution.
2. Goods listed in accordance with the Security Council resolutions.

The Cabinet Resolution referred to in this Article shall enter into force of the day following the date of its publication in the Official Gazette.

Article (3)

Prohibiting or Restricting the Circulation of Goods

Without prejudice to the competencies of the Entities Concerned and subject to the legislation in force in the State and the international agreements ratified by the State, the Competent Entity may prohibit or restrict the circulation of any of the goods stipulated in Article (2) hereof, as determined by the Executive Regulations of this Decree-Law.

Article (4)

Permit Issuance Conditions

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

1. The permit shall be compatible with the licensed activity of the beneficiary.
2. The end user shall obtain permission or permit from the competent authorities in the country receiving the item of goods in accordance with the latter's legislation, if necessary.
3. The beneficiary shall submit any information or data related to the course of the item of goods if it passes through more than one country.
4. Any other conditions specified by the Executive Regulations of this Decree-Law.

Article (5)

Permit Application Submission Controls

The permit application shall be submitted to the competent entity in accordance with the categories, procedures, terms, and forms described in the Executive Regulations of this Decree-Law.

Article (6)

Permit Usage Controls

1. Without prejudice to the requirements of the Entities Concerned, the permit shall be issued in the name of the beneficiary, and may only be used within the extent permitted. It may neither be assigned nor transferred to Third Parties without a new permit in accordance with the provisions of this Decree-Law and its Executive Regulations.
2. The permit holder may not act or hand over to a third party any item of goods set out in Article (2) hereof except by virtue of a new permit from the competent entity, as described in the Executive Regulations of this Decree-Law.

Article (7)

Permit Revocation Cases

1. The competent entity may revoke the permit in any of the following cases:
 - a. If it is established that the circulation of the item of goods for which the permit has been granted is detrimental to safety, public health, environment, natural resources or national security.
 - b. If the circulation of the goods for which the permit has been issued is prohibited or restricted.
 - c. If the permit is used for any purpose other than the intended purpose thereof.
 - d. If the permit is issued based on fraud, misinterpretation or documents or information contrary to the facts.
 - e. If the permit issued in the name of a particular holder is used by a different person.
 - f. If the permit holder is listed on the international ban or sanctions lists.
2. The permit shall be considered revoked if any deletion or alteration occurs to it.

Article (8)

Grievance against the Competent Entity's Resolutions

Grievances may be filed against the competent entity's resolutions issued in implementation of the provisions of this Decree-Law and its Executive Regulations, not later than (7) seven working days of the date of becoming aware of the resolution in question, in accordance with the procedures described in the Executive Regulations of this Decree-Law. The resolution issued on the grievance shall be final, and the Grievant shall be notified of it. In all cases, the action filed with the court to revoke the resolution may only be admitted after a grievance has been filed.

Article (9)

Prohibited Acts

1. No person may carry out any of the following acts unless and until a permit is obtained beforehand:

- a. Circulate any of the goods stipulated in Article (2) hereof.
 - b. Deliver, transfer, publish, leak or share any document or device related to any of the goods stipulated in Article (2) hereof.
2. Notwithstanding the provisions of Clause (1) of this Article, it shall be prohibited for any person to circulate any item of goods listed in the Goods Schedule, or to transport, deliver, transfer, publish, leak or share any document or device related to any of such goods, in the following cases:
- a. If such a person has been notified by the competent entity that the underlying item of goods, document or device will be involved or likely to be involved, in whole or in part, in an activity related to any of the goods mentioned in Article (2) hereof.
 - b. If the person is aware that the underlying item of goods, document or device will be involved or likely to be involved, in whole or in part, in an activity related to any of the goods mentioned in Article (2) hereof.
 - c. Any other cases described in the Executive Regulations of this Decree-Law.

Article (10)

Exceptions to Article (9)

The following two cases shall be excluded from the scope of the provisions of Article (9) hereof:

1. If the information or documents are shared at the request of the judicial authorities in the State.
2. If the information or documents are shared so as to enable a foreign government to investigate or prosecute a foreign person in its country for a crime committed on its territory, and such crime is related to any of the goods mentioned in Article (2) hereof or any of its documents, subject to the legislation in force in the State and according to the following conditions:
 - a. A decision shall be issued by the competent entity allowing the sharing of such information or documents.
 - b. Such information or documents may only be used for the purpose of investigation or trial for which they have been requested.

- c. The foreign government undertakes not to violate the sovereignty, security or any vital interests of the State, and to abide by any condition set by the State for the use of such information or documents.

Article (11)

Prohibited Agreements and Contracts

It shall be prohibited for any person to carry out brokerage, negotiation or any other act to facilitate the conclusion of the following contracts:

1. Contracts of ownership or disposition related to any of the following goods, if the person knows or has good grounds to suspect that the contract will lead or is likely to lead to the transfer of goods from one country to another:
 - a. The goods mentioned in Article (2) hereof.
 - b. The goods notified in writing to the person by the competent entity that they will be used or are likely to be used, in whole or in part, in an activity related to the weapons of mass destruction.
 - c. Goods the person knows that they will be involved, in whole or in part, in an activity related to the weapons of mass destruction.
 - d. Goods for which the person has reasonable grounds to suspect that they will be involved or are likely to be involved, in whole or in part, in an activity related to the weapons of mass destruction.
2. Contracts of ownership, disposition or publication of any document, device or technology related to the following goods, if the person knows or has good grounds to suspect that the contract will lead or is likely to lead to the transfer of the technology, document or device from one country to another:
 - a. Goods mentioned in Article (2) hereof.
 - b. Goods that are covered by a notice served in writing to the person by the competent entity indicating that they will be involved or are likely to be involved, in whole or in part, in an activity related to the weapons of mass destruction.
 - c. Goods which the person knows that they will be involved, in whole or in part, in an activity related to the weapons of mass destruction.

Article (12)

Exceptions to Article (11)

The following shall be excluded from the scope of Article (11) hereof:

1. Any act that occurs by a person holding a permit from the competent entity, and is related to any of the goods mentioned in Article (2) hereof.
2. Any act that has been approved by the competent entity in relation to any of the goods stipulated in Paragraphs (B, C, D) of Clause (1) of Article (11) hereof, or is related to any technology, document or device in accordance with Clause (2) of Article (11) hereof.

Article (13)

Obligations of the Permit Holder

The permit holder shall:

1. Maintain the records related to the permit, as specified by the Executive Regulations of this Decree-Law.
2. Provide the competent entity with any documents or information it requests in respect of the permit and the method or manner for using it,
3. Present the records and any documents or papers kept whenever requested to do so by the competent entity or the judicial officer, provided that the same is documented in the records, documents or papers that have been reviewed.

Article (14)

Seizure of Goods

The competent entity may seize any item of goods not listed in the Goods Schedule whenever it has sufficient evidence to suspect that it is being used for a related activity or that the end user is included in the lists of national or international sanctions. The Executive Regulations of this Decree shall determine the rules and controls for implementing the provisions of this Article, including the provisions related to the comprehensive seizure and inspection, in coordination with the Entities Concerned.

Article (15)

Controls for Circulating Restricted and Hazardous Items

Without prejudice to the legislation in force in the State, the competent Entity shall issue a permit for the circulation of the restricted items, which are listed in the Goods Schedule, from the Weapons and Hazardous Substances Office, based upon the application submitted by the licensing entity of the business, in accordance with the controls and procedures specified by the executive regulations of this Decree-Law.

Article (16)

Reporting Illegal Trade in Goods

The competent entity may decide that a financial reward be disbursed to anyone who reports or provides information about the illegal trade in the goods subject to this Decree-Law, whenever his report leads to its disclosure, in accordance with the rules and controls laid down by a resolution of the Cabinet, based on a proposal from the competent entity.

Article (17)

Penalties

The imposition of the penalties stipulated herein shall not prejudice any more severe penalty stipulated in any other law.

Article (18)

1. A penalty of imprisonment for a period of not less than one year and / or a fine of not less than (AED 100,000) one hundred thousand dirhams and not more than (AED 1,000,000) one million dirhams, shall be imposed on any person who commits any of the following acts:
 - a. Violates any of the provisions of Articles (9) and (11) hereof.
 - b. Provides false or misleading information or documents containing false or incorrect data in order to obtain a permit.

- c. Forges or modifies the permit.
2. The acts stipulated in item (1) of this Article are considered crimes against the security of the State.
3. The penalty shall be doubled in case of recidivism.
4. In the event of conviction, the court shall decide to confiscate the goods involved in the crime.
5. The court shall order the deportation of the foreigner after the execution of the sentence imposed on him.

Article (19)

Whoever violates the provisions of Article (13) hereof shall be punished with a fine of not less than (AED 50,000) fifty thousand dirhams and not more than (AED 200,000) two hundred thousand dirhams.

Article (20)

1. Every legal person whose representative, manager or agent commits for its benefit or in its name any of the crimes stipulated herein shall be punished with a fine of not less than (AED 200,000) two hundred thousand dirhams and not more than (AED 2,000,000) two million dirhams.
2. If the legal person is convicted, the court may decide to dissolve or close it down either permanently or temporarily, or to close down any of its branches.

Article (21)

The attempt to commit any of the crimes stipulated in Item (1) of Article (18) hereof shall be punished with the full punishment for the crime.

Article (22)

Relief from Penalties

Any person who informs the judicial or administrative authorities of his knowledge of the

crime before the execution of any of the offences set forth herein, and which leads to detecting the crime before its occurrence or prevents it from being completed, shall be relieved from the penalties stipulated herein.

If the report occurs after the detection of the offence, he may be relieved from the penalty in whole or in part, if the offender enables the competent authorities, during the investigation, to arrest the other crime perpetrators.

Article (23)

Judiciary Police

The employees of the competent entity who are designated by a resolution of the Minister of Justice, in agreement with the competent entity, shall have the capacity of judicial officers for detecting the violations of the provisions of this Decree-Law, its executive regulations and the decisions issued in implementation thereof, within the scope of their respective competences.

Article (24)

Administrative Penalties and Violations

1. The competent entity may impose any of the following administrative penalties on the permit holder in case that he violates any of the provisions of this Decree-Law, its Executive Regulations or the decisions issued in implementation thereof:
 - a. Warning.
 - b. Revocation of the permit.
 - c. An administrative fine of not less than (AED 50,000) fifty thousand dirhams and not more than (AED 200,000) two hundred thousand dirhams.
 - d. Doubling the administrative fine when repeating the violation, provided that it does not exceed (AED 400,000) four hundred thousand dirhams.
 - e. Permanent or temporary closure for a period not exceeding six months, after coordination with the Entities Concerned.
2. None of the penalties provided for in Clause (1) of this Article shall be imposed unless and until the offender or his legal representative has been heard and his defence has

been investigated in writing. If he has not been present, or if he is present but has not shown any defence, the sanction may be imposed based on the papers established in the file.

3. The imposition of the penalties stipulated herein shall not prejudice the imposition of any of the administrative penalties stipulated in Paragraph (1) of this Article.
4. Based on the proposal of the competent entity, the cabinet may:
 - a. Amend the value of the administrative penalties set out in this Article.
 - b. Issue a table of the administrative violations and sanctions imposed according to this Article.

Article (25)

Confiscation of Goods

The competent entity may confiscate the violating goods that are seized, in coordination with the entities concerned, in the event that their owners fail to apply for their recovery, flee or are unknown, and may dispose of them in accordance with the procedures and controls described in the executive regulations of this Decree-Law.

Article (26)

Collecting a Percentage of the Proceeds of Confiscated Goods

The Cabinet may, based upon the proposal of the competent entity and after coordination with the Ministry of Finance, issue a resolution to collect a percentage of the proceeds of the sale of the violating goods that are seized by such entity, and for which a federal judicial order or decision on confiscating the same has been issued. The resolution shall specify the percentage that shall devolve to such entity and the manner and requirements for the disposition of the same.

The competent entity may agree with the entity concerned in any of the emirates of the State to transfer a percentage of the proceeds of the sale of goods for which a judgment is issued for confiscating the same from the courts of the emirate concerned, in accordance with the provisions hereof, whenever the seizure process was carried out through the competent entity or based on its contributions.

Article (27)

Amendment of the Goods Schedule

The Cabinet or its designee may amend the goods schedule referred to herein, whether by addition, deletion or replacement.

Article (28)

Fees

The Cabinet shall issue a resolution determining the fees necessary to implement the provisions hereof.

Article (29)

Executive Regulations

The Cabinet shall issue the executive regulations of this Decree-Law.

Article (30)

Repeals

1. Federal Law No. (13) of 2007 Concerning Goods Subject to Import and Export Control shall be repealed.
2. Any provision that contradicts or goes against the provisions hereof shall be repealed.
3. The Committee for Goods Subject to Import and Export Control established in accordance with Federal Law No. (13) of 2007 referred to, and the Executive Office thereof shall continue to exercise their powers until a Cabinet resolution is issued specifying the competent entity, so that the Committee and the Executive Office shall both be abolished upon the issuance of the aforementioned Cabinet resolution.
4. The competent entity shall, after the issuance of the Cabinet resolution, shall replace the Committee for Goods Subject to Import and Export Control and the Executive Office thereof in respect of all competences, legislation, rights, and financial and legal obligations. All of their assets and property shall be transferred to such entity.
5. The regulations and decisions issued prior to the implementation of the provisions of the

present Decree shall continue to be in full force and effect, without conflicting with its provisions, until the regulations and decisions that replace them are issued in accordance with the provisions hereof.

Article (31)

Publication and Entry into Force

This Decree-Law shall be published in the Official Gazette, and shall enter into force as of the 2nd of January of 2022.

Khalifah Bin Zayed Al Nahyn
President of the UAE,

Issued by Us at the Presidential Palace in Abu Dhabi:

On: 13 Safar 1443 AH.

Corresponding to: 20 September 2021 AD.