

**Federal Law No. (13) of 2007 Concerning
Commodities Subject to Control of
Import and Export**

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We, Khalifa Bin Zayed Al Nahyan, President of The United Arab Emirates,

Having reviewed:

The Constitution,

Federal Law No. (1) of 1972 on the Competencies of Ministries and Powers of Ministers as amended,

Federal Law No. (7) of 1973 on Wireless Equipment and Communications as amended,

Federal Law No. (5) of 1975 on Commercial Registry,

Federal Law No. (11) of 1976 on Fire Arms, Ammunitions, and Explosives as amended,

Federal Law No. (3) of 1979 on Civil Defense as amended,

Federal Law No. (4) of 1979 on Suppression of Deceit and Fraud in Commercial Translations,

Federal Law No. (5) of 1979 on Agricultural Quarantine as amended,

Federal Law No. (18) of 1981 on Trade Agencies as amended,

Federal Law No. (4) of 1983 of Chemist's Profession and Pharmacies

Federal Law No. (8) of 1984 on Commercial Agencies as amended,

Commercial Translations law promulgated by Federal Law No. (5) of 1985 as amended,

Penal Code Promulgated by Federal Law No. (3) of 1985 as amended,

Civil Procedures Code Promulgated by Federal Law No. (11) of 1992 as amended,

Penal Procedures Law Promulgated by Federal Law No. (35) of 1992 as amended,

Federal Law No. (37) of 1992 on Commercial Translations as amended,

Federal Law No. (39) of 1992 on Production, Importation and Circulation of Fertilizers and Agricultural Enhancers,

Federal Law No. (41) of 1992 on Regulation of Insecticides as amended,

Federal Law No. (7) of 1993 on the Establishment of the Federal Environment Authority as amended,

Commercial Translations Law Promulgated by Federal Law No. (18) of 1993,

Federal Law No. (19) of 1993 on the Location of Marine Boundaries of the United Arab Emirates,

Federal Law No. (14) of 1995 on Anti-Narcotics, and Material Affecting Brain as amended,

Federal Law No. (20) of 1995 on Medicines and Preparations derived from Natural Sources,

Federal Law No. (23) of 1999 on Utilization, Protection and Development of Living Water Fortunes in the State of United Arab Emirates,

Federal Law No. (24) of 1999 on Protection and Development of Environment as amended,

Federal Law No. (28) of 2001 of the Establishment of UAE Standards and Measurements Authority

Federal Law No. (1) of 2002 on the Regulations and Control of Utilization, Control of and Protection from The Threats of Radioactive Materials as amended,

Federal Law No. (7) of 2002 on the Author's Copy Rights and Parallel Rights as amended,

Federal Law No. (11) of 2002 on the Regulation and Control of International Trafficking in Endangered Animals and Plants,

Federal Law No. (17) of 2002 on the Regulation and Protection of Industrial Property of Patents and Industrial Drawings and Forms,

Federal Law No. (1) of 2003 on the Establishment of the Federal Customs Authority,

Decree Law No. (3) of 2003 on Regulation of Communication as amended,
Federal Law No. (8) of 2004 on Financial Free Zones,
Federal Law No. (1) of 2006 on Electronic Transactions and Commerce,
Federal Law No. (2) of 2006 on Anti-Information Technology Crimes,
Federal Law No. (24) of 2006 on The Protection of Customer,
Federal Law No. (40) of 2006 on Prohibition of Development, Production,
Stockpiling and Use of Chemical Weapons,
Supreme Federal Council's Decision No. (1) of 2006 on The Secretariat-General
of Municipalities,

And based on:

The proposal by the Minister of Foreign Affairs and Minister of Economy, and
upon the approval by Cabinet and National Federal Council and Ratification by
the Supreme Federal Council,

Hereby enact the following law:

Definitions

Article (1)

The following words shall, in the application of the provisions of the present
decision, have the meanings thereto assigned unless the context otherwise requires:

The State	: The State of the United Arab Emirates
Ministry	: Ministry of Foreign Affairs
Minister	: Minister of Foreign Affairs
Customs	: Federal Customs Authority and local Customs Departments in the State
Commodity industrial	: Any natural material or animal, agricultural, or intellectual product

Control Committee and	: National Committee for Control of Exportation and Re-Exportation of Strategic Commodities
Competent Authority	: Competent Federal Authority
Concerned Body	: Competent local body in the respective Emirate
Importation	: Entry of a Commodity into the State through land, marine or air Customs posts
Exportation	: Taking Commodities with national origin including Commodities produced in free zones out of the State through land, marine or air Customs posts
Re-Exportation	: Taking out of the State of Commodities already imported into the State and released therein, or of Commodities deposited in free zones or in bonded warehouses the Customs duties of which are not paid.
Transit	: Transit of a Commodity unseized to a person in the State uploaded to a means of transport, from a Customs post in the State, and coming out of same, without downloading same from the means of transport being under Customs or security control as the case maybe.
Transient Freight	: Transfer of Commodities unseized to a person in the State from one means of transport on which Commodities are transported into the State to the same means of transport on any other means of transport with view to taking same out of the State, provided that same shall be done by virtue of an air or ocean bill of lading or manifest being under Customs or security control as the case maybe.
Strategic Commodity	: Commodity used in military activities or war or has dual or mass destruction uses or those used to produce or develop such weapons and technologies thereto relating, as per the Schedule of Strategic Commodities hereto annexed.

Dual-Use Commodity	: Commodities with multiple use: civil, commercial, military; or those used in production or development of mass destruction weapons, as per the Schedule of Dual-Use Commodities hereto annexed.
Territory of the State	: Territories, territorial sea, of the State of United Arab Emirates and its space under the sovereignty of the government of the State including free zones and any other zones with special economic position.
Means of Transport	: Any vessel, train, vehicle, aircraft or any other means.
Technology	: Specified and necessary information for the development, production or use of strategic or dual use Commodity that take the form of technological data or incorporated in: <ul style="list-style-type: none"> 1- design schemes, plans, charts, forms, equations, tables or engineering designs. 2- Details, manuals, instructions written or recorded on a device.
Strategic Commodity Technology	: Any Technology specified in the tables annexed hereto.
Document	: Any Document, record or any part thereof either in paper or electronic form or stored on any magnetic optical, or chemical means or any map, scheme or data table or image or drawing or device where information, visual images, voice, or any other data are recorded, stored or personified thereon, in any form whatsoever, provided that such data can, with or without the help of other data, be retrieved or produced therefrom.
Relative Activity	: Development, production, handling, operation, maintenance, storage,

discovery, identification, or spread of any nuclear, chemical, or biological weapon; or development, production, maintenance, or storage of missiles that can carry warheads of such weapon.

Device : Any device where information, visual images, voice, or any other data are recorded stored or personified, in any form whatsoever, provided that such data can, with or without the help of other data, be retrieved or produced therefrom.

Part (1)
General Provisions
Article (2)

Without prejudice to the competencies of relative bodies and subject to the provisions of international agreements to which the State acceded or ratified, the Competent Authority shall have the right to prohibit or restrict the Importation, Exportation or Re-Exportation any Commodity or Transit or Transient Freight of Commodities or limiting same to a State official body if such Commodity represents a threat to public safety, public health, environment, natural resources, or national security, or when the foreign policy of the State so requires, considering quantity limits applied to Commodities in accordance with the legislations in force in the State.

Article (3)

A) A committee shall, by virtue of a decision of the Cabinet and upon proposal by Minister of Economy, be formed under the name of “National Committee for Commodities Subject to Control of Importation and Exportation” chaired by a representative of the Ministry of Economy and with two members of each of:

≈ Ministry of Defense,

≈ Ministry of Finance and Industry,

≈ Ministry of Interior,

- ≈ Ministry of Foreign Affairs,
- ≈ Ministry of Justice,
- ≈ Ministry of Energy,
- ≈ Ministry of Health,
- ≈ Ministry of Environment and Water,
- ≈ State Security Agency,
- ≈ Federal Customs Authority,
- ≈ Federal Environment Authority,
- ≈ Municipality Secretariat-General
- ≈ Three representatives of the private sector selected by the Minister of Economy in consultation with Commerce and Industry Chamber Union and Chambers members in the Union.

The Committee may seek help from those experienced and specialized people from governmental and non-governmental bodies as it deems appropriate.

- 2- The competencies of the Control Committee shall be as follows:
 - a- Cooperation and coordination with Competent Authorities and Concerned Bodies regarding the rules governing the affairs of Importation and Exportation in accordance with the provisions hereof, and give the necessary technical advice with view to protecting the interests of the State or international agreements to which the State acceded or ratified.
 - b- Examination of recommendations and suggestions provided by the Concerned Bodies on prohibition or limitation or restriction of any Commodity in accordance with the provisions hereof.
 - c- Reporting suggestions and recommendations pertinent to the scope of work thereof to the Minister of Economy.
 - e- Preparation of recommendations on the procedures and conditions and requirements of obtaining Importation and Exportation permits for

Commodities governed by the provisions of this article (2) hereof, and determination of the charges to be paid for such permits and reference thereof to the Minister of Economy for approval as a preliminary step

- f- Reporting, on a bi-annual basis, on its work and recommendations and other matters pertinent to the competencies of the Committee to the Minister of Economy as a preliminary step before reporting same to the Cabinet.
- 3- A decision on the regulation of work of the Committee shall be issued by the Minister of Economy.

Article (4)

The Competent Authority shall make a determination on the application for Importation and Exportation submitted thereto on the Commodities governed by the provisions of article (2) hereof, within (15) fifteen business days as of the date of application. Denial of license shall state reasons and complainant may file a complaint with the Concerned Authority within (7) business days as from date of receipt thereof.

Complainant may initiate judicial process within (30) days as from date of serving a notice thereupon on the denial of the complaint.

Article (5)

Competent Authority shall give notice to the Control Committee on the Commodities subject to prohibition, limitation or restriction as amended as per the provisions hereof.

Article (6)

License to import or export shall be a personal license and may not be transferred or assigned without the consent of the issuing body. The Competent Authority shall determine the period of validity of the license and number of times of use thereof.

Article (7)

Competent Authority that issued the license according to the present law may revoke same if:

- 1- Commodities for which the license is given are prohibited or limited in Importation or Exportation, or
- 2- Bearer of license falls incompetent regarding any of license requirements

Part (II)

Exportation and Re-Exportation of Strategic Commodities and Technology pertinent thereto and brokerage in same

Article (8)

- 1- No person shall be allowed to:
 - a- Export or re-export any strategic Commodities enumerated in the Schedule of Strategic Commodities hereto annexed,
 - b- Take from the State any Document on which Technology pertinent to Strategic Commodities are recorded or stored or personified,
 - c- Publish or leak any Technology pertinent to Strategic Commodities by electronic means or making same available on computers in the State for access by any person outside the State whether such person is specified or not and whether same has been based on request or subject to condition or otherwise,
 - d- Make any transient freight of any Strategic Commodity enumerated in the Schedule hereto annexed,
- 2- No person may export, re-export, freight transiently or on basis of Transit any Commodity unlisted in the Schedule hereto annexed or take out of the State any Document on which Technology pertinent to Strategic Commodities are recorded stored or personified; or publish or leak any Technology if:
 - a- Given notice by the chairman of the Executive Body of the Strategic Commodity that the Commodities or Technology will be used or is likely to use in whole or in part in a Relevant Activity.

- b- The person is aware that the Commodity or Technology will be used or is likely to use in whole or in part in a Relevant Activity.

Article (5)

The following shall be excepted from the application of the provisions of the present law:

- 1- any act approved by the Strategic Commodity Committee, and
- 2- Exportation of any Document on which Technology pertinent to Strategic Commodities are recorded or stored or personified or publishing or leaking any Technology if such is necessary for the installation, operation, or maintenance of any Commodity exported or transiently freighted or entered in Transit basis after obtaining the approval or when the fact that no need is there for approving same for being unlisted in the Schedule hereto annexed.

Article (10)

- (I) No person shall act as intermediary or make any negotiations or do any act as to facilitating the conclusion of the following contracts:
 - 1. contracts entitling ownership or disposal of any of the Commodities hereinbefore referred to in (II) of this article, if such person is aware that or has reasonable reasons that make him doubt that such contract will or is likely to lead to transfer of this Commodity from one State to another.
 - 2. contracts entitling ownership, disposal or publishing of
 - a. any Technology referred to in (III) of this article, or
 - b. any Document containing Technology recorded or stored or personified thereon if such person is aware that or has reasonable reasons that make him doubt that such contract will or is likely to lead to transfer of this Commodity from one State to another.
- (II) Provisions of item (II) of this article shall apply to the following Commodities:
 - 1- Commodities specified in the Schedule annexed hereto.
 - 2- Any Commodity of the following:

- a. Any Commodity on which a notice is given by the Chairman of the Executive Body of the Strategic Commodities Committee to the person concerned providing that such Commodity will be used or is likely to be used in whole or in part in a relevant activity.
 - b. Any Commodity a person is aware that same shall be used in whole or in part in a relevant activity.
 - c. Any Commodity a person has reasonable reasons that make such person doubt that same will be used or is likely to be used in whole or in part in a relevant activity.
- (III) The provisions of item (I) of this article shall apply to any Technology:
- 1. If the person concerned is given written notice by the chairman of the Executive Body of the Strategic Commodities that same are used or are likely to be used in whole or in part in a Relevant Activity.
 - 2. If the person concerned is aware that it is used in whole or in part in a Relevant Activity.
- (IV) The following shall be excepted from this article:
- 1- Any act pertinent to any Commodity referred to in clause (1) of item (II) of this article by any licensed person.
 - 2- Any act pertinent to any Commodity referred to in clause (II) of this Article or any Technology referred to in item (III) of this article or any Document recorded or stored thereon or personified therein if such act is approved by the Strategic Commodities Committee in accordance with the provisions of article (11) hereof.
 - 3- Any contract entitling ownership, disposal or publishing of any Technology or Document on which there is recorded, stored or personified such Technology, if such is necessary for installation, operation, or maintenance of any Commodity in any foreign country is such Commodity is not enlisted in the Schedule hereto annexed.

Article (11)

- A) A committee shall, by virtue of a decision of the Cabinet and upon proposal by Minister, be formed under the name of "National Committee

for Control of Strategic Commodities” chaired by a representative of the Ministry and with two members of each of:

- ≈ Ministry of Defense,
 - ≈ Ministry of Finance and Industry,
 - ≈ Ministry of Interior,
 - ≈ Ministry of Energy,
 - ≈ Ministry of Health,
 - ≈ State Security Agency,
 - ≈ Civil Aviation Authority,
 - ≈ Federal Customs Authority,
 - ≈ Federal Environment Authority,
 - ≈ Commerce and Industry Chamber Union
 - ≈ a representative of all free zones in each emirate chosen by the government of the concerned Emirate.
- A decision by the Minister shall provide for the regulation of work of the Committee.

The Strategic Commodities Committee may seek help from those experienced and specialized people from governmental and non-governmental bodies as it deems appropriate.

- 2- The competencies of the Strategic Commodities Committee shall be as follows:
 - a- Preparation of executive and other regulations for the application of the provisions of this Part hereof, which regulations shall be promulgated by a decision of the Cabinet upon a proposal by the Minister.
 - b- Making amendment to the Schedules annexed hereto which amendments shall be promulgated by a decision of the Cabinet upon a proposal by the Minister.

- c- Determination of the applications for approval and license submitted according to the provisions of articles (9) and (10) hereof.
 - e- Monitoring inspections and control to ensure observance of the provisions of this Part.
 - f- Reviewing complaints submitted by approval or license applicants on denial of approval of license
 - g- Coordinating with the Control Committee with respect to the competences of each.
 - h- Reporting on a bi-annual basis on its work, recommendations, work impediments whether technical or administrative or other matters pertaining to the competencies of such committee to the Minister as a preliminary step before reporting same to the Cabinet, with view to enhancing its work.
 - i- Any other tasks assigned thereto by the Cabinet which tasks are consistent with the nature of work of same
- 3- Strategic Commodities Committee may assign to some of its members or committees formed by its members some of its competencies, provided that such persons shall provide such Committee with reports on the tasks assigned.

Article (12)

- 1- Strategic Commodities Committee shall have an Executive Body which shall be formed in the Ministry and chaired by a representative thereof and consist of a number of technical and administrative employees from the Ministry. The chairman of the Strategic Commodities Committee shall be the supervisor of such Executive Body.

The Executive Body shall have the following competencies:

- a- Receiving applications for the approvals referred to in article (9) and in item (IV) of article (10) hereof and referring same to the Strategic Commodities Committee and notifying the applicants of the decision of the Committee.

- b- Receiving applications for licenses for acts referred to in item (IV) of article (10) hereof and referring same to the Strategic Commodities Committee and notifying the applicants of the decision of the Committee.
- c- Monitoring inspections and control to ensure observance of the provisions hereof.
- d- Notifying the concerned parties of the items referred to in articles (8) or (10) hereof
- e- Publishing and circulation of the decisions of the Strategic Commodities Committee to the concerned authorities and Concerned Bodies as specified by the Committee.
- f- Working as a contact with governmental and non-governmental bodies in the State with regard to the application of the provisions of this law.
- g- Provision of secretarial services for Strategic Commodities Committee.
- 3- In case of denial, rejection of renewal or cancellation of approval or license hereinbefore referred to in articles (9) and (10) applicant may file a complaint to the Chairman of the Strategic Commodities Committee within (7) seven working days as from the date of issue of decision on the application. Determination on the application shall be made within (7) seven working days as from the date of submission.

Any aggrieved party may resort to judicial process within (30) days as from date of notification of denial of application.

Article (13)

The Cabinet shall, upon proposal by the Minister, issue regulations specifying:

- a- Categories of licenses to Relevant Activities and categories of approvals that may be granted by the Strategic Commodities Committee and grace period, form and procedures of application for each category of license, and categories and forms of approvals and requirements for granting, denial, rejection, cancellation, renewal and replacement thereof and fees due for same.
- b- Information and records to be kept by any person for any act for which such person is granted a license or any act such person has been authorized to do.

- c- Rules and regulations of inspection for verification of application of the provisions of this Part.

Article (14)

Any person doing an act upon an approval or license shall:

- 1- Notify the Strategic Commodities Committee of the details relating to such act in the form specified by the Regulations hereinbefore referred to in article (13) of this law.
- 2- Keep the records relating to such act such act in the form specified by the Regulations hereinbefore referred to in article (13) of this law.
- 3- Provide Strategic Commodities Committee with any Documents or information the Committee requires relating to such act.

Article (15)

No person shall publish, transfer, or disclose any information or Documents relating to strategic Commodities submitted to the Strategic Commodities Committee under the provisions of this Part except with the prior written consent of the chairman of the Strategic Commodities Committee, except the following:

- 1- if disclosure of information is upon demand by the judicial authorities in the State
- 2- under a decision by the Cabinet to authorize a foreign government to investigate a foreign person in its country or try same for a crime committed on the territory of the State under the following conditions:
 - a. When the crime is relating to Strategic Commodity or the Technology thereof or anything that can be used to develop, produce, operate, own, any nuclear, chemical, or biological weapon or missile that can carry such weapons.
 - b. When publishing, transfer or disclosure do not prejudice the sovereignty, integrity or essential interests of the State.
 - c. Required information shall be used only for purposes of investigation or trial for which it was required and foreign authority shall undertake to abide by any conditions stipulated by the State on the use of such information.

- d. Any other conditions stipulated by the cabinet.

Part (III)
Penalties
Article (16)

- 1- Any person violating the provision of articles (8) and (10) hereof shall be penalized by imprisonment for not less than one year and/or fine not less than fifty thousand dirhams and not exceeding five hundred thousand dirhams. Such penalty shall be doubled in case of recurrence. Court may, in case of conviction, order the confiscation of the Commodities subject to crime.
- 2- Any person violating the provision of articles (14) hereof shall be penalized by imprisonment for not more than one year and/or fine not less than ten thousand dirhams and not exceeding fifty thousand dirhams. Such penalty shall be doubled in case of recurrence.
- 3- The following shall be penalized by imprisonment for not less than one year and /or fine not less than fifty thousand dirhams and not exceeding five hundred thousand dirhams:
 - a. Any person who violates any of the provisions of article (15) hereof,
 - b. Any person who submits false or misleading information or Documents containing forged or fake or incorrect information for obtaining an approval of license in accordance with the provisions hereof.
 - c. The inflection of penalties specified herein shall be without prejudice to any severer penalty provided in any other law.

Part (IV)
Article (17)
Final Provisions

Employers of the Competent Authority and Concerned Bodies specified by the Minister of Justice in cooperation with the Competent Authority and Concerned Bodies and Strategic Commodities Committee shall be judicial officer in proving the violations of this law and regulations and decisions issued in implementation thereof, each in its respective scope of competence.

Article (18)

- 1- Component authority and Concerned Bodies shall provide the Ministry of Foreign Affairs with regulations and decisions in force issued before the application hereof with regard to prohibition, limitation or restriction of any Commodity.
- 2- Competent Authority shall provide the Ministry of Foreign Affairs and Ministry of Economy with the decisions issued in implementation of the provisions hereof.

Article (19)

The Cabinet shall, upon proposal by the Minister of Foreign Affairs and Minister of Economy, issue the regulations necessary for the application of the provisions hereof.

Article (20)

The Competent Authorities and Concerned Bodies shall implement the provisions hereof.

Article (21)

Any provision in contrary to the provisions hereof shall hereby be repealed.

Article (22)

This law shall be published in the official gazette and shall come into force as from the date of publication.

Khalifa Bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us in the Presidency Palace in Abu Dhabi

On 6 Shaban 1423 A.H.

Corresponding to 19 August 2007 A.D.