

**UNITED ARAB EMIRATES
THE CABINET**

CABINET RESOLUTION NO. (71) OF 2021

ON

MARINE WRECKS & VIOLATING SHIPS

The Cabinet

- ✎ Having cognizance to Constitutions;
- ✎ Federal Law No. (1) of 1972 On the Competencies of the Ministries and Powers of the Ministers, as amended;
- ✎ Federal Law No. (26) of 1981 On Maritime Commercial Law, as amended;
- ✎ Federal Law No. (24) of 1999 On the Environment Protection and Development, as amended;
- ✎ Federal Law No. (14) of 2016 On Violations and Administrative Sanctions in the Federal Government;
- ✎ Pursuant to the proposal of the Minister of Energy and Infrastructure and endorsement of the Cabinet;

RESOLVED

ARTICLE (1)

Definitions

In application of the provisions of this Resolution, the following words and expressions shall have the meanings assigned thereto, unless the context requires otherwise:

State	:	UAE.
Ministry	:	Ministry of Energy & Infrastructure.
Minister	:	Minister of Energy & Infrastructure.
Competent Authority	:	The port Authority or competent local maritime authority.
Committee	:	Committee for Wrecks & Violating Ships, referred to in Article (7) of this Resolution.
State Water	:	Internal, Territorial waters of the state and its Exclusive Economic Zone
Ports	:	The Seaports in the State.
Ship	:	Any structure normally operating or made for the purpose of operating in navigation by sea regardless to its power, cargo or purpose of navigation, and all appurtenances of the ship necessary for its operation, in addition the barges and hovercrafts used for commercial or non-commercial purposes are ships.
Wrecks	:	Marine Wrecks includes the following: <ul style="list-style-type: none"> (1) Any sunken, stranded Ship, or any part thereof, including any object that is/was on board; or (2) Any stranded, sunken or adrifted object that is lost from the Ship at sea; or

(3) Any Ship that is about, or reasonably expected, to sink or to strand, where the effective measures to assist the Ship or any property in danger are not already being taken.

Violating Ship : a Ship that violates the laws in force in the State in accordance with the Article No. (3) herein.

Arrested Ship : a Ship arrested under an order of a Court, Arbitration Panel, the Ministry or a local authority.

Derelict Ship : Includes the following:

- 1- A Ship abandoned by the Shipowner or Operator.
- 2- Any Ship where the person or entity responsible for managing or ensuring safe navigation is unknown.
- 3- a Ship which is not properly maintained by the Shipowner or Operator.
- 4- A Ship left without minimum or adequate crew on board in the State waters or ports.

Owner : The natural or legal person who owns the ship according to its registration certificate.

- Operator** : The natural or legal person exploiting the ship for himself either as a shipowner or the Demise charterer, and the shipowner shall be the Operator unless proven otherwise.
- Written Warning** : Warning issued based on recommendation from the Committee for the Violating Ship to depart from the State waters, correct its status or oblige the owner of the Wrecks to be recovered and removed.

ARTICLE (2)

Scope of Application

The provisions of this resolution apply to all the national and foreign ships in the state waters and ports, in the following cases:

- 1) If it meets the description of the Wreck.
- 2) Violating Ship.
- 3) Ships arrested in the State's waters or ports, unseaworthy, or became unseaworthy due to long period of arrest, deterioration in its technical condition, abandoned by its Seafarers, their Owners or Operator did not pay the salary of the Seafarers for a period of two consecutive months or more, lack of providing provisions , supplies and fuel to run the ships' engines, failure to

meet the minimum safe manning, existence of hazardous Cargoes onboard that the Owner or Operator failed to secure.

- 4) This resolution does not apply to warships or public service ships owned by the federal and local governmental entities.

ARTICLE (3)

Violating Ships

The Ship shall be considered in violation in the following cases:

- 1) Failure of the Shipowner or Operator to secure the seaworthiness of the ship as a floating marine facility or failed to pay the salaries of seafarers for two months or more or failed to provide supplies or fuel to operate engines.
- 2) Failure of its Owner or Operator to pay the fees and expenses of its towing, insurance and berth.
- 3) If it is Derelict Ship.
- 4) Anchored in an undesignated area in the state waters or without a permit from the competent authorities.
- 5) If it constitutes a danger, an obstacle or a threat to maritime navigation.
- 6) Expiry of its insurance policies against damage and marine liabilities.

- 7) Not registered under the flag of a particular country, or it has been proven that the ship's registration documents are forged or expired.
- 8) The ship Anchor/Berth permit is canceled in the port or the state waters, and the Ministry or the competent authority ordered the ship to leave but the ship does not respond.
- 9) The ship harms the interests of the state in terms of security or maritime safety, or threatens the marine environment and the protection of lives.

ARTICLE (4)

Insurance

- (1) The owner of a national or foreign ship holding a navigation license or a foreign ship intend to call a port in the state or anchored in the state waters having a gross tonnage of 300 tons or more, shall have insurance or provide financial security issued by a bank or financial institution to cover responsibility for the removal of Wreck in accordance with the rules and conditions determined by the Ministry.
- (2) The shipping agent shall verify the existence of the insurance or financial security before accepting the agency or will be responsible for removing the wrecks.
- (3) Port authorities and local authorities shall verify the existence of the insurance or financial security before permitting the ship to enter the port or anchor in the state waters.

ARTICLE (5)

Wreck recovery

Wrecks shall not be recovered without prior approval from the Ministry, and if the Wrecks is within the port limits, the approval of the concerned authority in coordination with the ministry must be obtained.

ARTICLE (6)

Towing

- 1) The ministry or the competent local authority may take the necessary measures to tow the ship and direct it to a safe area without consulting the shipowner or the operator in emergency circumstances requiring urgent intervention in order to preserve the state's security interests, maritime safety, or for the protection of the marine environment and lives.
- 2) The provisions of Clause No. (1) of this Article shall not prejudice the fulfillment of the environmental requirements stipulated in the legislation in force in the state by the Ministry or the competent authority, when responding to emergency situations.
- 3) The fees and expenses related to the towage of the ship shall be recovered from the shipowner, Operator or the right holder to it.

ARTICLE (7)

Wrecks & Violating Ships Committee

- 1) A committee called "Wrecks and Violating Ships Committee" shall be formed under the Ministry and the Minister issues a decision regarding the committee's work system and decision-making mechanism.
- 2) The Committee – referred to in this Article – shall be chaired by a representative from the Ministry and membership of representatives from the following authorities:
 - a) Ministry of Defense
 - b) Ministry of Climate Change & Environment
 - c) Competent Authority
 - d) Local Authority concerned with Environment
- 3) The duties of the the Committee – referred to in this Article – are as follows:
 - a) Study the technical case of the wrecks and violating ships.
 - b) Study the measures taken against the shipowner, operator, master, agent of the ship or the wrecks, to ensure the compliance with the legislation in force in the state.
 - c) Make a recommendation to the Ministry that a written warning to be given.
 - d) Recommending the assistance of experts and specialists, if required.

- 4) The Committee may, if necessary, invite a representative of the port authority which have the wreck located in its port limit to attend the meeting.

ARTICLE (8)

Written Warning

- 1) If the Committee recommends a written warning to be given, the Ministry shall issue the same and deliver it to the shipowner or operator, master, ship agent, the right holder, or a crew member of the ship's or the wreck, if not so, a written warning shall be posted to the ship or wreck, and in case of foreign ship, the flag state shall be notified.
- 2) The written warning specifies the action to be taken for the violating ship to leave the state waters, correct its situation, or remove and recover the wreck or any other action within a period not exceeding 60 days from the date the written warning is delivered or posted to the ship or wreck.
- 3) If the period stated in paragraph (2) of this Article expired and the shipowner or the operator of the ship or wreck have not taken the necessary measures, the Ministry, or the authorized authority by the ministry, or the competent authority may, in accordance with the circumstances, remove and sell the ship or the wreck at public auction or by any other means, at the expense of the shipowner or the rights holder of the ship, taking into consideration the ministry to notify the flag State if the ship is foreign.

- 4) If the ship is arrested by the court or another authority, the Ministry shall request the court or the authority granting the arrest to serve a warning to the shipowner or the operator of the ship, and the Ministry may request from such court or authority arrested the ship to direct the applicant of arrest to carry out all necessary procedures to cover the requirements of the ship's crew, supplies and fuel to maintain the ship's seaworthiness and take all measures to correct its conditions and these expenses will be considered as a debt to the ship.
- 5) If the shipowner or operator of the arrested ship have not carried out the procedures specified in the written warning, the Ministry may request the court or the authority that arrested the ship to approve selling the ship at the public auction and charging the shipowner or operator for all expenses and fees, and depositing the selling price in the treasury of the relevant court.
- 6) The terms contained in this Article apply to the ship and its appurtenances as well as the cargoes that may be found on board.

ARTICLE (9)

Recovery and removal expenses

The Ministry, the competent authority, or the authority authorized by either of them shall collect all expenses spent to recover the wrecks, remove the ship, to handle the environmental damages

or spent to fulfill preventive measures to reduce marine pollution during removing the wrecks, by selling wrecks or ship administratively at public auction after the end of the written warning period expired, and 15 days after the sale auction advertisement in two local newspapers one of which is published in English.

ARTICLE (10)

Entitlements

- (1) The fees and charges due to the Ministry, the competent authority and the entity delegated by either of them, the administrative fines imposed in accordance with this Resolution and other expenses shall be deducted from the proceeds of the sale. The balance shall be deposited at the treasury of the court, in whose jurisdiction the competent port authority is located. The right holders shall collect their rights from such balance.
- (2) If the proceeds of the sale are insufficient to meet the dues mentioned in term (1) of this Article, the ship owner or Operator may be claimed to pay the difference between the sale price and the costs, fees and expenses incurred if it is higher than the sale price.
- (3) The sale of the Ship shall not release the Owner or Operator from civil liability towards the Ministry, Competent Authority or third parties concerning compensation for any damage resulted from removal of the wrecks or the Ship.

ARTICLE (11)

Irregularities & Administrative Penalties

- 1) The administrative penalties contained in the table attached to this resolution are imposed on violators of its provisions, and fines are collected by means determined by the Ministry of Finance.

- 2) Any one who have capacity and interest may appeal to the Ministry for any administrative penalty taken against him, within five (5) working days of being notified of the aggravated decision, where the appeal should be reasoned and attached with all supporting documents. The Ministry shall consider the appeal within ten (10) working days of submission, in accordance with the procedures applicable in the Ministry.

ARTICLE (12)

Executive Decisions

The Minister shall issue the decisions required to enforce the provisions of this Resolution.

ARTICLE (13)

Repeals

Any provision that violates or contradicts the provisions of this resolution shall be repealed.

ARTICLE (14)

Publication and Application of the Resolution

This Resolution shall be published in the Official Gazette and shall come into force two months of its publication date.

The original signed off by:

His Highness:

**Sheikh Mohammed Bin Rashid Al Maktoum
Prime Minister**

Issued by us:

Date: 21 Zu Al Qaeda 1442 H

Corresponding to: 01 July 2021

Irregularities & Administrative Penalties Schedule

Attached to the Cabinet Resolution No. (71) of 2021

On

MARINE WRECKS & VIOLATING SHIPS

Sr.	Description of violation	Administrative Penalty
1.	<p>The shipowner or the Operator with any of the following:</p> <p>a) Abandon the ship.</p> <p>b) Refrain from paying the salaries of the seafarers working on the ship for two months or more.</p> <p>c) Failure to provide supplies and health care to the seafarers working on the ship.</p>	<p>1- (20,000) twenty thousand dirhams administrative fine, and (10,000) ten thousand dirhams for each seafarer.</p> <p>2- Prevent the ship if it is foreign to enter the ports of the state or anchor in its state waters after departure for (3) three months.</p> <p>3- If repeated:</p> <p>A. The administrative fine will be doubled.</p> <p>B. The license of the company will be canceled if it is issued in the state.</p> <p>c. A foreign ship is denied entry to the state ports or to anchor in its waters after leaving the state waters for one year.</p>

2.	Anchoring in non-designated anchorage area or not obtaining permit from the competent authority	(10,000) ten thousand dirhams fine on the shipowner or Operator, and 10,000 dirhams on the maritime agent if offers services to the ship.
3.	Hide marine wrecks inside the state's ports or waters or remove or erase its markings	(100,000) one hundred thousand dirhams administrative fine.
4.	Removing the wrecks without obtaining approval of the competent authority	(100,000) one hundred thousand dirhams administrative fine.
5.	Failure to obtain the insurance or provide the financial security.	(20,000) twenty thousand dirhams administrative fine.

Note: The English version is a translation of the original in Arabic for information purposes only. In case of a discrepancy, the Arabic original will prevail.