

United Arab of Emirates

The Cabinet

Cabinet Decree No. (119) of 2023 Concerning the Violations and Administrative Penalties levied on Violators of Cabinet Decree No (118) of 2023 on Controls of Industrial Waste Management Policy

The Cabinet;

- Having reviewed the Constitution;
- Federal Law No. (1) of 1972 Concerning the Competence of Ministries and Powers of Ministers, as amended;
- Cabinet Decree No (118) of 2023 on Controls of Industrial Waste Management Policy; and
- Based on the Proposal of the Minister of Economy, as approved by the Cabinet,

Do hereby decrees:

Definitions

For the purpose of applying the provisions of this Decree, the following words and expressions shall have the meanings assigned thereto, unless the context otherwise requires:

- **State:** The United Arab Emirates

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- **Ministry:** The Ministry of Economy
- **Minister:** The Minister of Economy
- **Exporting Entity :** The legal entity licensed to export industrial waste.
- **Committee:** Industrial Waste Management Committee.
- **Concerned Entity:** The local entity concerned with environmental affairs in each Emirate of the State.

Article (2)

Scope of Application

The provisions of this Decree shall apply to all Industrial Waste Exporting Entities listed in the table attached to Cabinet Decree No. (118) of 2023, including those based and licensed in free zones.

Article (3)

Administrative Penalties

1. The Ministry or the Concerned Entity, within their respective jurisdictions, may impose one or more of the following administrative penalties on an Exporting Entity for violations of any provisions of Cabinet Decree No. (118) of 2023, as listed in the attached table, following a graduated approach:
 - a. Notice.
 - b. Administrative fine as specified in the table attached to this Decree, with the penalty doubled in case of recurrence.
 - c. Temporary administrative closure for a period not less than 24 hours and not exceeding ninety (90) days.

- d. Suspension of business activities, wholly or partially, for a period not less than 24 hours and not exceeding (ninety) 90 days.
 - e. Cancellation of the license and removal from the commercial register.
2. The Decree imposing the administrative penalty shall specify the timeframe for the violator to rectify the violation and the corresponding administrative penalty if the violation is not corrected, ensuring the graduated approach to penalties mentioned in item (1) of this article.

Article (4)

Amendment of Administrative Fines

The Cabinet has the authority to amend the fines stipulated in this Decree, whether by addition, deletion, or modification, based on a proposal from the Minister of Finance, following a suggestion from the Minister after coordination with the Concerned Entity and recommendations from the Committee.

Article (5)

Collection of Administrative Fines

1. The Ministry shall collect the administrative fines levied under this Decree through means determined by the Ministry of Finance, which shall be deposited into the unified public treasury account of the federal government.
2. The Concerned Entity shall collect the administrative fines levied under this Decree into the local government treasury in accordance with the procedures in place in each Emirate.

Article (6)

Appeals

The Exporting Entity may submit a written appeal to the Minister or the head of the Concerned Entity against the administrative penalty levied by the Ministry or the Concerned Entity, as applicable, within fifteen (15) working days from the date of notification of the penalty. The appeal shall be accompanied by all supporting documents and evidence. The decision on the appeal shall be made within thirty (30) working days from the date of submission. The decision shall be final. Failure to respond within the specified period shall be considered a rejection of the appeal.

Article (7)

Publication and Enforcement

This Decree shall be published in the Official Gazette and shall come into effect thirty (30) days from the date of its publication.

Signed by:

His Highness Sheikh Mohammed bin Rashid Al Maktoum

Prime Minister

Issued on:

13 Jumada I, 1445 – November 27, 2023

Table Attached to Cabinet Decree No. (119) of 2023 Concerning the Violations and Administrative Penalties levied on Violators of Cabinet Decree No (118) of 2023 on Controls of Industrial Waste Management Policy

No.	Violation	Administrative Penalty
1	Failure to pay the export fee for industrial waste	AED 100,000
2	Mixing more than one type of industrial waste in a single container or shipment	AED 100,000
3	Failure to maintain a record of industrial waste	AED 30,000
4	Failure by the Exporting Entity to pay the due amount for the difference between the paid export fee and the levied fee based on the final weight of the exported shipment	The unpaid portion of the fee as a percentage of the total fee specified for complete non-payment as mentioned in item (1) of this Table.
5	Providing incorrect information by the Exporting Entity about the type of goods being exported	AED 25,000