

Cabinet Decision No. 82/2023 Concerning the Trade Agencies Committee

<i>Type</i>	Law
<i>Issued on</i>	18 Jul 2023 (corresponding to 30 Dhi Al-Hijjah 1444 H)
<i>Nature</i>	Cabinet Decision
<i>Jurisdiction</i>	United Arab Emirates

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Abrogating:

Cabinet Decision No. 52/2021 dated 03/05/2021

The Cabinet,

Pursuant to the perusal of the Constitution;

Based on the proposal of the Minister of Economy, and its approval by the Council of Ministers,

Has decided:

Article 1 - Definitions

In application of the provisions of the present Decision, the following terms and expressions shall have the meanings assigned thereto, unless the context requires otherwise:

- Ministry: Ministry of Economy
- Minister: Minister of Economy
- Application: Application submitted to the Committee to consider the disputes arising between the commercial agency parties registered in the Commercial Agencies Register.
- Application Register: Record in which applications submitted to the Committee and its decisions are recorded and kept at the Ministry.
- Working Day: Official working day scheduled as prescribed at the ministries.
- Law: Federal Law No. 3/2022 on the Regulation of Commercial Agencies.

Article 2 - Formation of the Committee

1- The Committee shall be formed under the chairmanship of a judge and with the membership of four experts and specialists.

2- The Minister of Justice shall issue a decision to nominate the Chairman of the Committee, while the Minister shall nominate the remaining members of the Committee.

3- The Committee shall have a rapporteur from among the employees of the Ministry, to be designated by the Minister.

Article 3 - Rules of Procedure of the Committee

1- Term of membership:

The term of membership of the Committee shall be (3) three years, renewable for similar periods.

2- Termination of Membership:

- a- The Membership of the Committee shall end for any of the following reasons:
 - 1) Member's death or illness that prevents him from performing the duties entrusted thereto.
 - 2) Termination of the member's service in the position he occupies when the member is named in the Committee in his capacity and not in person.
 - 3) Absence from attending (3) three consecutive meetings or (5) five non-consecutive meetings during the term of membership without an excuse accepted by the Chairman of the Committee.
 - 4) Convicting the member of a crime involving moral turpitude or dishonesty, unless he is exonerated.
 - 5) Dismissal by a Cabinet decision.
 - 6) Resignation from the membership of the Committee.
- b- If the position of the Chairman of the Committee or any of its members becomes vacant, the substitute member shall be nominated according to the mechanism specified in Clause "2" of Article (2) of this Decision.

3- Committee's meetings and working mechanism:

- a- Committee's meetings:
 - 1) The Committee shall meet at least once every (4) four months, and it may also hold extraordinary or emergency meetings as required by the work interest.
 - 2) A meeting of the Committee shall be convened upon a convocation by its Chairman within sufficient time before the date of its meeting.
 - 3) The quorum for the Committee's meeting shall be deemed to be present by the attendance of the majority of its members, provided that the Chairman is among them.
 - 4) Committee's meetings shall be held in the physical presence of the members at the Ministry's headquarters, unless the Committee decides otherwise.
 - 5) The Committee Chairman may hold the meeting through modern technology means.

- 6) In the event of any conflict-of-interest cases, the concerned member shall immediately declare such case and shall refrain from participating in the relevant meetings, deliberations and consultations with other members.
- 7) The parties to the dispute shall be notified of the date set for the meeting, and the Committee may, on its own initiative or at the request of the parties, allow the parties to the dispute to appear before it. If the applicant or his opponent does not attend the aforementioned Committee meeting, whether by himself or through an agent on his behalf, the Committee may proceed with the meeting without his presence.
- 8) The Committee may invite whoever it deems appropriate when necessary, and it shall be also entitled to seek the assistance of advisory bodies from outside the Ministry through due process.
- 9) The Authority may allow any of the parties to the dispute to submit documents or reports upon submitting the application and responding to it. The Committee may also allow any of the parties to submit new documents that were not attached to the application, based on an excuse that is acceptable to the Committee or if it deems, before adjudicating the dispute, that these documents are necessary.
- 10) The Committee shall issue its decisions by majority; and in the event of equality of votes, the Chairman shall have the casting vote.
- b- Agenda for Committee's meetings:
 - 1) An agenda for the Committee's meetings shall be prepared, and it shall be included in the invitation sent before the meeting.
 - 2) The agenda shall be sent to the Committee's members at least (5) five working days prior to the date of the meeting, accompanied by all relevant reports, documents and studies.
 - 3) The meeting shall be opened by presenting the topics listed in the agenda in their order, and proceeding with them in this manner. During the meeting, the members of the Committee may discuss any urgent matters not included in the agenda with the approval of those present, and they shall be included under the item "emerging works".
- c- Minutes of meetings:
 - 1) The facts of the Committee's meetings and its decisions shall be documented in writing, according to minutes drawn up by the Committee Rapporteur.
 - 2) The minutes shall include the following formal data, at least:
 - a- Number, year and date of the meeting.
 - b- Number, subject matter and summary of the dispute.
 - c- Names of the attendees and the legal quorum.
 - d- Agenda.
 - e- Facts and proceedings of the meeting, the deliberations that took place therein, and the decisions that were taken.
 - f- Comments box in case there are comments for any of the Committee members.
 - 3) Each of the Committee meeting minutes shall be signed by the Chairman, the members, and the Committee Rapporteur:
- d- Committee Rapporteur:

The Committee Rapporteur shall undertake the following:

 - 1) Preparing the Committee's agenda and having it approved by the Committee Chairman.
 - 2) Convoking the meeting and setting its convening mechanism at the time specified by the Committee Chairman.
 - 3) Writing down the minutes of the Committee's meetings, deliberations and decisions, preparing and keeping minutes of the meetings and documenting them through due process.
 - 4) Circulating the minutes of the meeting to all Committee's members, within a period of (5) five working days from the date of the meeting.
 - 5) Coordinating with the concerned departments at the Ministry to obtain the necessary information and documents based on the recommendations or decisions of the Committee.

4- Application filing:

The application shall be filed to the Committee Rapporteur according to the form approved by the Committee in this regard, accompanied by the following documents and data:

- a- Name, data and address of the applicant.
- b- Names, data and addresses of the parties to the dispute.
- c- Abstract of the subject matter of the dispute and the claims submitted therein.
- d- Documents and papers supporting the applications.

- e- Any data or other documents required by the Committee.

5- Application Register:

- a- The Committee Rapporteur shall enter the requests filed to the Committee, when received, with serial numbers in a special register prepared for this purpose, in which the date of filing of the application and its data shall be recorded, and the applicant shall be given a receipt stating that the application has been received and registered in accordance with the procedures followed by the Ministry after payment of the fee indicated in the next clause.
- b- The applicant shall undertake to pay the fee prescribed at the Ministry before the application is entered in the Application Register, and he shall provide the Committee Rapporteur with a copy of the prescribed fee receipt. Said receipt shall be deemed as one of the documents required for deciding upon the dispute.
- c- The Committee's decision issued upon the application, as well as the number and date of notifying the applicant thereof, shall be recorded in the Application Register.

6- The time limits for deciding upon the dispute and challenging the decision issued in its regard shall be as follows:

- a- The Committee shall start considering the dispute within (22) twenty-two working days from the date of filing to it the application to consider the dispute if the application is complete, or from the date of completion of the required documents.
- b- The Committee shall decide upon the dispute within a period of (120) one hundred and twenty days from the date of filing the application; otherwise, any party may resort to the courts within (60) sixty days from the date of expiry of this time limit.

7- Deciding upon the dispute:

- a- The Committee shall issue a decision to adjudicate the dispute, and the Committee's decision to adjudicate the dispute shall include an abstract of the subject matter of the dispute and the reasons on which the Committee based its decision.
- b- In all cases, the decision issued by the Committee shall specify the party that shall bear the fees, costs and consultancy fees.
- c- The Committee's decision shall be signed by the Chairman, the members present, and the Rapporteur.
- d- The parties to the dispute shall be notified with a copy of the Committee's decision within (15) fifteen days from the date of its issuance.
- e- Once the dispute is adjudicated by issuing a decision terminating the commercial agency, the following shall follow:
 - 1) The commercial agency shall be written off even if its decision has been challenged in court.
 - 2) The principal shall have the right to appoint a new agent to be duly registered, after the commercial agency is written off.
 - 3) The execution of what is stated in Clauses (1) and (2) of this clause shall be suspended if a final judgement or decision is issued by the court annulling the decision to write off the agency or staying the execution of the write-off decision.

8- Committee reports:

The Committee shall submit to the Minister a semi-annual report, which shall include data on the number of disputes brought before it, their causes, and the decisions taken in their regard.

Article 4 - Remuneration of the Committee Members

Each member of the Committee shall be paid a financial remuneration of AED (3,000) three thousand for each session he attends, without exceeding AED (48,000) forty-eight thousand in the same year.

Article 5 - Abrogation

1- Cabinet Decision No. 52/2021 on the Commercial Agencies Committee shall be abrogated.

2- Any provision that is contrary to or inconsistent with the provisions of this Decision shall be abrogated.

Article 6 - Publication and Entry into Force of the Decision

The present Decision shall be published in the Official Gazette, and shall come into force from the day following the date of its publication.

Issued by us:

On 30/12/1444 H.

Corresponding to: 18/07/2023

Mohammed Bin Rashid Al Maktoum

This Decision was published in the Official Gazette in Issue No. 756.