

Ministerial Decision No. 214/2023 On Registration Data in the Commercial Agencies Register

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Abrogating:

Ministerial Decision No. 47/1989 dated 15/06/1989

The Minister of Economy,

Pursuant to the perusal of Federal Law No. 1/1972 on competencies of the Ministries and powers of the Ministers, and its amendments;

Federal Decree-Law No. 37/2021 on the Commercial Register;

Federal Law No. 3/2022 on the Regulation of Commercial Agencies;

Federal Decree-Law No. 50/2022 on the Commercial Transactions Law;

Cabinet Decision No. 107/2022 promulgating the Implementing Regulation of Federal Decree-Law No. 37/2021 on the Commercial Register;

Cabinet Decision No. 89/2023 on the list of administrative penalties for acts committed in violation of the provisions of Federal Law No. 3/2022 on the Regulation of Commercial Agencies; and

Based on what was presented by the Under-secretary,

Has decided:

Article 1 - Definitions

In application of the provisions of this Decision, the following terms and expressions shall have the meanings assigned thereto, unless the context requires otherwise, provided that the expressions contained in this Decision and defined in the Commercial Agencies Regulation Law have the meanings assigned to them:

Agency Area: The geographical area in which the client appoints one agent in the State as one region, in each emirate or in a number of emirates, provided that the distribution of goods and services subject-matter of the Commercial Agency is limited to the agent within the geographical area.

Electronic Service Platform: Electronic platform dedicated to registering Commercial Agencies in the Commercial Agencies Register.

Working Day: Official working days in ministries, government authorities and local departments.

Law: Federal Law No. 3/2022 on the regulation of Commercial Agencies.

Article 2 - Commercial Agencies Register

1- Commercial agencies shall be registered in the Commercial Agencies Register in accordance with the procedures prescribed in this Decision.

2- The Commercial Agencies Register shall include all the details and data related to the Commercial Agency, its parties, its subject including goods or services, the Agency Area and the duration of the Agencies.

3- All data and documents stipulated in this Decision shall be entered and saved electronically in this Register, and any update to them, including any renewal, change, modification, erasure, deletion, or other, shall be annotated therein.

Article 3 - Registration of the Commercial Agency

1- The agent shall file a request to register his Commercial Agency via the Ministry's Electronic Service Platform.

2- When applying for registration in the Commercial Agencies Register, the agent shall provide the following special data and documents:

- a- Basic data related to the Commercial Agency contract:
 - 1) The name of each of the agent and the principal, their nationalities and their addresses.
 - 2) Goods or services - as the case may be - and the trade names those products or services bear.
 - 3) The Agency Area.
- b- A valid Commercial Agency contract with a specified effective and expiration date.
- c- The Commercial Agency contract certified and notarised by the official authorities in the State, translated into Arabic by a certified translator accredited in the State if it is in any language other than Arabic.
- d- The agent's valid commercial licence issued by the competent authority.
- e- Registration extract for partners or shareholders - as the case may be - and their IDs.
- f- Data and identity of the authorised director and the authorisation or power of attorney.
- g- The articles of incorporation or statutes in accordance with the latest amendments made thereto, if the agent is a legal person. The articles of incorporation or statutes shall be authenticated and certified by the official authorities in the State.

- h- Evidence proving that the percentage of the State's citizens' contribution to the public joint-stock company that practices Commercial Agency business is no less than (51) of its capital.
- i- Any other documents or data requested by the Ministry.

3- The Ministry shall consider the request to register the Agencies in the Commercial Agencies Register and issue its decision regarding the registration within (10) ten working days from the date of completing the registration requirements.

4- Upon the Ministry's approval of the request to register the Commercial Agency in the Commercial Agencies Register, the Ministry shall immediately notify the agent of the approval of the request and give him a period of ninety (90) days to pay the prescribed fee for the purposes of issuing the Commercial Agency registration certificate. If the fee is not paid within that period, the registration request shall be considered cancelled.

5- After paying the prescribed fee, the Ministry shall issue a Commercial Agency registration certificate with a serial registration number, which shall be valid for one year from the date of registration.

6- The Ministry shall notify the competent authority and the federal and local authorities concerned with customs affairs of its decision regarding the registration of the Commercial Agency in the Commercial Agencies Register within a period of (5) five working days.

Article 4 - Rejection of the Registration Application

1- Whenever the Ministry decides to reject the application for Commercial Agency registration submitted to it, it shall issue a reasoned decision.

2- The lapse of a period of (10) ten working days from the date of submitting the application that fulfils the requirements shall be considered a rejection decision.

3- The Ministry shall notify the concerned party of the rejection decision, whether for lapse of period or for other reasons, by direct serving, by e-mail, through the electronic services platform, or by text message on the mobile phone registered with the registration application, within a period of (3) three working days from the date of issuance of its rejection decision.

Article 5 - Determining the Registration of the Commercial Agency

1- The Ministry shall notify the agent of the expiration of the Commercial Agency registration no less than (15) fifteen days before the expiration of the registration period.

2- The agent shall, before the validity of the Commercial Agency registration certificate expires, submit an application to renew the registration of his Agencies that is registered in the Commercial Agencies Register through the Ministry's Electronic Service Platform.

3- The following documents shall be attached to the renewal application:

- a- The documents and data specified in Clause (2) of Article (3) should any update be made to them.
- b- Evidence proving the renewal of the Commercial Agency contract, which has expired, and the principal's approval that shall be duly documented.
- c- Any other documents or data requested by the Ministry.

4- The Ministry shall consider the application for renewal of registration in the Commercial Agencies Register and issue its decision regarding it within (3) three working days from the date of completion of the registration renewal requirements. The expiration of the aforementioned period shall be considered a decision of rejection.

5- The agent shall be notified of the Ministry's decision with respect to the aforementioned registration renewal application, and shall also be notified of the request to pay the prescribed fee within (30) thirty days whenever it is decided to accept the application for the purposes of issuing the Commercial Agency registration renewal certificate.

6- After paying the prescribed fee, the Ministry shall issue a certificate of renewal of the Commercial Agency registration with the same registration number. The registration renewal certificate shall be valid for a period of one year from the date of expiration of the registration certificate or the old registration renewal certificate - as the case may be.

Article 6 - Rejection of the Registration Application

1- Whenever the Ministry decides to reject the application to renew the Commercial Agency registration filed to it, it shall issue its decision along with the reasons on which it was based, provided that the lapse of a period of (3) three working days from the date of filing the application after it fulfils the requirements shall be considered a rejection decision.

2- The Ministry shall notify the concerned party of the rejection decision for any reason, including the lapse of time limit, by direct delivery, by e-mail, via the Electronic Service Platform, or by text message on the mobile phone registered with the renewal application within a period of (3) three working days from the date of issuance of its rejection decision.

Article 7 - Modification of the Commercial Agency's Registration

1- The agent, his legal representative, or his heirs in the event of his death shall notify the Ministry of every change or amendment that occurs to the data of the registration application or the documents attached to it. The notification shall be

based on an annotation application submitted via the Electronic Service Platform, accompanied by supporting documents, within (60) sixty days after learning of the change or amendment and after paying the prescribed fee. The applicant shall be granted a certificate of amendment to the registration data.

2- The Ministry may assign the amendment applicant to complete any documents it may deem necessary to make this amendment.

3- The application for amendment of the registration shall be filed along with the following documents and information attached thereto:

- a- A valid commercial licence issued for the agent by the competent authority.
- b- A written application signed by the agent, containing the request for annotation of the required amendment to the registration data in the Commercial Agencies Register.
- c- Any other documents or data requested by the Ministry.

4- The Ministry shall consider the application for amendment of registration in the Commercial Agencies Register and issue its decision regarding it within (7) three working days from the date of completion of the registration renewal requirements. The expiration of the aforementioned period shall be considered a decision of rejection.

5- In the event of deciding to accept the application, the agent shall be informed of the Ministry's decision and be notified to pay the prescribed fee within a period of (30) thirty days.

6- After paying the prescribed fee, the Ministry shall issue a certificate amending the Commercial Agency's registration with the same registration number.

Article 8 - Rejection of the Registration Amendment Application

1- Whenever the Ministry decides to reject the application to amend the Commercial Agency registration filed to it, it shall issue its decision along with the reasons on which it was based, provided that the lapse of a period of (5) five working days from the date of filing the application after it fulfils the requirements shall be considered a rejection decision.

2- The Ministry shall notify the concerned party of the rejection decision for any reason, including the lapse of time limit, by direct delivery, by e-mail, via the Electronic Service Platform, or by text message on the mobile phone registered with the amendment application within a period of (3) three working days from the date of issuance of its rejection decision.

Article 9 - Writing off a Registration from the Commercial Agencies Register upon the Agent's Request

1- If the agent wishes to write off the Commercial Agency's registration from the Commercial Agencies Register, he shall file an application to write off the registration of his Agencies via the Ministry's Electronic Service Platform, stating the reason for the write off.

2- The application to write off the registration shall be filed along with the documents supporting the accuracy of the data contained therein, as follows:

- a- In the case of sole proprietorships, a written application, signed by the holder of the commercial licence, shall be submitted.
- b- In the case of a legal person, a written application, signed by the director or chairman of the Board of Directors - as the case may be - or their representative, for writing off the Commercial Agency registration, shall be filed.

3- The Ministry shall consider the application for write off of the registration in the Commercial Agencies Register and issue its decision regarding said application within (3) three working days from the date of completion of the requirements for writing off the registration. Upon acceptance of the application, the Ministry shall issue a certificate of write off of the Commercial Agency's registration.

4- The Ministry shall notify the competent authority and the federal and local authorities concerned with customs affairs of the decision to write off the registration within (5) five working days.

Article 10 - Writing off a Registration from the Commercial Agencies Register upon the Ministry's Decision

The Ministry shall write off the Commercial Agency's registration in the cases specified in Cabinet Decision No. 89/2023 concerning the list of administrative penalties for acts committed in violation of the provisions of Federal Law No. 3/2022 concerning the Regulation of Commercial Agencies.

Article 11 - Obtaining Documents and Data from the Commercial Agencies Register

1- The agent may obtain a circular letter to the concerned entities in the State or a To Whom It May Concern Certificate regarding the Commercial Agency registered in the Commercial Agencies Register via the Electronic Service Platform after paying the prescribed fee.

2- The agent or the principal may obtain electronic copies of the Commercial Agency documents registered in the Commercial Agencies Register via the Electronic Service Platform after paying the prescribed fee.

3- Any interested party may obtain from the Ministry an inquiry application or an extract of the registration sheet in the Commercial Agencies Register. He may also obtain a certificate of non-registration via the Electronic Service Platform after paying the prescribed fee.

Article 12 - Grievance

Whoever whose application for registration, renewal of registration, amendment of registration, or write off is rejected may appeal the Ministry's decision of rejection before the competent court within (60) sixty days from the date of Notifying him of the rejection decision or becoming aware of it.

Article 13 - Abrogation

Ministerial Decision No. 47/1989 concerning the Implementing Regulation of Federal Law No. 18/1981 concerning the Regulation of Commercial Agencies shall be abrogated. Every provision that violates or contradicts the provisions of this Decision shall be abrogated as well.

Article 14 - Publication and Enforcement 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 on 11/12/2023
Abdulla bin Touq Al Marri
Minister of Economy

This Decision was published in the Official Gazette, Issue No. 676, p. 135.