

Administrative Resolution No. (1) of 2013
Issuing the
Implementing Bylaw of Executive Council Resolution No. (21) of 2011
Concerning
Higher Education Institutions in the Free Zones in the Emirate of Dubai¹

The Director General of the Knowledge and Human Development Authority in Dubai,

After perusal of:

Law No. (30) of 2006 Establishing the Knowledge and Human Development Authority in Dubai;

Decree No. (8) of 2012 Concerning Higher Education Institutions Affiliated to the Government of Dubai; and

Executive Council Resolution No. (21) of 2011 Concerning Higher Education Institutions in the Free Zones in the Emirate of Dubai,

Does hereby issue this Resolution.

Definitions
Article (1)

The following words and expressions, wherever mentioned in this Resolution, will have the meaning indicated opposite each of them unless the context implies otherwise:

State:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
Free Zone:	A free zone established in the Emirate.
Authority:	The Free Zone authority.
KHDA:	The Knowledge and Human Development Authority in Dubai.

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¹Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.

Administrative Resolution No. (1) of 2013 Issuing the Implementing Bylaw of Executive Council Resolution No. (21) of 2011 Concerning Higher Education Institutions in the Free Zones in the Emirate of Dubai

Director General:	The director general of KHDA.
Resolution:	Executive Council Resolution No. (21) of 2011 Concerning Higher Education Institutions in the Free Zones in the Emirate of Dubai.
Educational Institution:	Any independent educational institution or branch of an educational institution located within or outside the State to which an academic Authorisation is granted by the KHDA to provide higher education and academic research programmes in the Free Zone for the purpose of granting academic certificates in any programme whose period of study is no less than one (1) year after first obtaining the general secondary school certificate or its equivalent. This includes universities, colleges, and similar institutions.
Higher Education Programmes:	A series of courses or credit units offered by an Educational Institution for the purpose of meeting the requirements of obtaining an academic certificate.
Trade Licence:	A licence issued by the Authority, under which the Educational Institution is licensed to operate in the Free Zone.
Academic Authorisation:	A document issued by the KHDA stating its approval of the Educational Institution operating in the Free Zone.
Academic Certificate:	Diploma, bachelor, postgraduate diploma, master's, or doctorate degrees or their equivalent awarded by the Educational Institution in any field of knowledge.
Attestation:	Recognition by the KHDA of the Academic Certificate awarded by the Educational Institution to students who successfully pass the relevant tests.
Initial Approval:	The initial approval issued by the KHDA to the Academic Authorisation applicant for purposes of completing the procedures of obtaining the Trade Licence, the Academic Authorisation, and the relevant authorisations.
Academic Accreditation:	The accreditation of the Higher Education Programmes offered by the Educational Institution by the entities recognized by the KHDA for the purpose of verifying the compliance by the Educational Institution with the academic and administrative standards.

Requirements for Granting Initial Approval Article (2)

To be granted the Initial Approval, the Educational Institution must:

1. where the applicant for the Initial Approval is a natural person, be of full capacity, of good conduct and reputation, and not have been convicted of any felony or offence affecting honour and trustworthiness, unless he has been pardoned or rehabilitated;
2. prove its financial capability to establish and ensure the continuity of the Educational Institution by stating its share capital and sources of finance;
3. submit the educational and economic feasibility study of the Educational Institution proposed to be established, including:
 - a. the proposed name of the Educational Institution;
 - b. copies of the passports of the applicants for Initial Approval or copies of the passports of the owners of the parent educational institution and the persons to represent them before KHDA;
 - c. the vision, mission, values, and strategic goals of the Educational Institution;
 - d. the proposed legal status of the Educational Institution;
 - e. the recognition issued by the parent educational institution if the proposed Educational Institution is a branch;
 - f. the job specifications of the academic and administrative personnel to be appointed and their selection criteria;
 - g. the job specifications of the academic president proposed to be appointed in terms of qualification and experience;
 - h. the number of the academically accredited Higher Education Programmes, their accurate description, a statement on the method of offering them, their duration, and their start and end dates;
 - i. the language of the curricula and the educational materials;
 - j. a detailed study showing the targeted student groups and the extent of relevance of the Higher Education Programmes proposed to be offered by the Educational Institution to job market needs;
 - k. the criteria for registration and admission of students;

- l. a list of the proposed tuition fees and any other relevant fees;
 - m. the number of students expected to be enrolled with the Educational Institution within the first five operational years from the date of issuing the Academic Authorisation;
 - n. the financial revenues expected to be realised by the Educational Institution during the first five operational years from the date of issuing the Academic Authorisation;
 - o. the proposed policies and internal regulations of the Educational Institution, in particular the student grievances and complaints policies, which must be consistent with the approved policy of the parent educational institution where the applicant Educational Institution is a branch;
 - p. the proposed quality and assessment system to be adopted by the Educational Institution;
 - q. the alternative means and solutions for students in the event of suspension of the activity of the Educational Institution or the cancellation of the Higher Education Programmes for any reason;
 - r. a plan for the proposed site of the Educational Institution illustrating the area and dimensions of the buildings and appurtenances of the Educational Institution; and
 - s. any other documents as determined by the KHDA.
4. meet any other requirements prescribed by a resolution of the Director General.

Procedures for Issuing the Initial Approval Article (3)

The following procedures must be followed to issue the Initial Approval:

1. an application for the Initial Approval will be submitted in the form prescribed by the KHDA for this purpose supported by the required documents;
2. the application for Initial Approval will be registered with the competent organisational unit at the KHDA in a roll prepared for such purpose, and the applicant will be given a receipt for it;
3. the KHDA will consider the application from a technical point of view and verify that it meets all stipulated conditions, requirements, and documents;

4. the KHDA will issue its decision on the application for Initial Approval within sixty (60) days from the date of meeting all the required conditions, and the application will be deemed rejected if the KHDA does not issue its decision within the said period;
5. where an application for Initial Approval is rejected, the KHDA will notify the applicant of the reasons for rejection. The applicant may apply to the KHDA again after the lapse of at least one (1) year from the date of rejection; and
6. the KHDA will grant those issued with the Initial Approval a grace period of not more than one (1) year to complete the procedures for obtaining the Academic Authorisation and the Trade Licence. If this grace period expires without obtaining the Academic Authorisation, the Initial Approval will be void.

Requirements for Issuing the Academic Authorisation Article (4)

To issue an Academic Authorisation for an Educational Institution, the following requirements must be met:

1. the Initial Approval issued by the Authority;
2. the Trade Licence of the Educational Institution;
3. where the applicant for the Academic Authorisation is an educational institution established outside the Free Zone, a resolution to establish a branch issued by the duly authorised entity of the board of directors of the parent educational institution;
4. all documents required to obtain the Academic Authorisation, authenticated by the competent official entities within and outside the State;
5. buildings for the Educational Institution that are compliant with the construction, health, and professional safety requirements prescribed by the applicable laws in the Free Zone and the Emirate, including classrooms, study halls, and the relevant facilities;
6. where the applicant for the Academic Authorisation is an Educational Institution established outside the Free Zone, establishing that the specifications and standards of the buildings of the Educational Institution are compliant with the specifications that are applicable at the parent educational institution;
7. availability of academic and administrative resources in accordance with the educational and economic feasibility study submitted to obtain the Initial Approval;

8. availability of all educational means, including educational materials, laboratories, and information technology, in accordance with the educational and economic feasibility study submitted to obtain the Initial Approval; and
9. meeting any other requirements prescribed by a resolution of the Director General.

Procedures for Issuing the Academic Authorisation Article (5)

The following procedures must be followed in order to issue the Academic Authorisation:

1. an application for the Academic Authorisation will be submitted in the form prescribed by the KHDA for this purpose supported by the required documents;
2. the KHDA will record the application for the Academic Authorisation in a register prepared for this purpose, and the applicant will be given a receipt for it;
3. the KHDA will consider the application from a technical point of view and verify that it meets all stipulated conditions, requirements, and documents, and for this purpose, it may conduct field visits and require any other documents it deems necessary;
4. the KHDA will issue its decision on the application for the Academic Authorisation within ninety (90) days from the date of the application. The application will be deemed rejected if the KHDA does not issue its decision within this period. The KHDA may grant the applicant an extension to complete any shortcomings as determined by it prior to issuing its decision in this respect.
5. where an application for the Academic Authorisation is rejected, the KHDA will notify the applicant of the reasons for rejection. The applicant may apply again to the KHDA after the lapse of at least one (1) year from the date of rejection;
6. where an application for the Academic Authorisation is approved, the applicant will pay the relevant prescribed fees and the KHDA will issue the Academic Authorisation and publicise it in the manner it deems appropriate.

Particulars of the Academic Authorisation Article (6)

The Academic Authorisation must include the basic information of the Educational Institution, particularly:

1. the name of the Educational Institution;

2. the names of investors;
3. the name of the academic president;
4. the accredited Higher Education Programmes of the Educational Institution;
5. the Academic Certificates that the Educational Institution awards; and
6. the details of the buildings of the Educational Institution.

Amending the Particulars of the Academic Authorisation Article (7)

The Educational Institution may apply to amend the particulars of the Academic Authorisation in accordance with the following procedures:

1. an application to amend the Academic Authorisation must be submitted in the form prescribed by the KHDA for this purpose supported by the required documents;
2. the application for amending the Academic Authorisation will be registered with the competent organisational unit at the KHDA in the roll prepared for this purpose, and the applicant will be given a receipt for it;
3. the KHDA will consider the application and verify that it meets all the conditions and requirements prescribed by the Resolution and this Implementing Bylaw. For this purpose, it may conduct field visits and require any other documents it deems necessary; and
4. the KHDA will issue its decision on the application for amending the Academic Authorisation within thirty (30) days from the date of application. The application will be deemed rejected if the KHDA does not issue its decision within this period.

Renewal of the Academic Authorisation Article (8)

To renew the Academic Authorisation, the following procedures must be followed:

1. An application for renewal of the Academic Authorisation will be submitted to the KHDA in the form prescribed by it for this purpose within thirty (30) days from the expiry date of the Academic Authorisation

2. The KHDA will consider the application for renewal to verify that it meets all the requirements and is supported by all required documents, including:
 - a. the annual report of the Educational Institution, including information on its administrative and financial position;
 - b. the information of the students and the employees of the Educational Institution ;
 - c. the Trade Licence of the Educational Institution, that must be valid at the time of application for renewal of the Academic Authorisation;
 - d. proof that the Educational Institution has paid all the outstanding amounts and fines owed by it, if any; and
 - e. where the Educational Institution applying for renewal of the Academic Authorisation is a branch of a parent educational institution, the validity of the Academic Accreditation issued to the parent Educational Institution located outside the State or the validity of the Academic Accreditation issued by the competent entity in the State.
3. The KHDA may conduct field visits to the Educational Institution and its facilities, inspect its records and books, assess the educational activities and programmes provided by the Educational Institution, and require any other documents it deems necessary. The KHDA may grant the Educational Institution a grace period of no more than thirty (30) days from the expiry date of the Academic Authorisation to redress and remedy any deficiencies as determined by the KHDA.
4. If the application for renewal of the Academic Authorisation is accepted, the applicant is required to pay the relevant prescribed fees.
5. If the application for renewal of the Academic Authorisation is rejected, the KHDA will notify the competent authority issuing trade licences to cancel the Trade Licence of the Educational Institution.

Assignment of the Academic Authorisation Article (9)

With the exception of the branches of Educational Institutions, the Academic Authorisation of an Educational Institution established in the Free Zone may be assigned to another entity that meets all the conditions and requirements for obtaining the Academic Authorisation, provided that the following procedures are followed:

1. An application for assignment of the Academic Authorisation will be submitted to the KHDA in the form prescribed by the KHDA for such purpose, stating the reasons for assignment and supported by the relevant required documents.
2. The KHDA will consider the application to verify that it meets all conditions and requirements prescribed by the Resolution and this Implementing Bylaw. For this purpose, KHDA may conduct field visits and require any other documents it deems necessary.
3. If the application for assignment is accepted, the KHDA will issue a new Academic Authorisation for the assignee.

**Name of the Educational Institution
Article (10)**

- a. The proposed name of the Educational Institution must:
 1. not be used by other Educational Institutions inside the State or be similar to the name of any Educational Institution unless such Educational Institution expresses its non-objection in the manner required by the KHDA;
 2. not contain any words that directly or indirectly indicate the patronage of any personalities who do not have any actual connection with the Educational Institution;
 3. not include any words that are misleading for the public or are intended for commercial promotion;
 4. be consistent with the nature of the Higher Education Programmes of the Educational Institution if the name contains a reference to such programmes;
 5. not violate the laws in force in the Emirate; and
 6. reflect the capabilities, activities, and quality of the Higher Education Programmes offered by the Educational Institution to ensure that the Educational Institution maintains the highest standards of integrity.
- b. To approve the name of the Educational Institution that includes the name of a foreign state, city, or district, the Educational Institution must be a branch of an Educational Institution located therein, or the Higher Education Programmes of such Educational Institution are recognised by the competent entities therein.
- c. The Educational Institution must use its own name as approved by the KHDA on all its print materials, correspondence, documents, and other formal notices of the Educational Institution. The Educational Institution may not change its name without the prior written approval of the KHDA.

- d. The Educational Institution must, if its name contradicts any of the above conditions and rules set out in this Article, amend its name in accordance with the relevant rules and conditions prescribed by the KHDA.

Buildings of the Educational Institution Article (11)

The buildings of the Educational Institution must:

1. be located within the boundaries of the Free Zone;
2. be suitable for conducting the activities and the Higher Education Programmes to be offered by the Educational Institution;
3. be compliant with the construction, health, and professional safety requirements prescribed by the legislation in force in the Free Zone; and
4. meet the following technical specifications:
 - a. the capacity of the buildings must be proportionate to the number of students to be enrolled therein;
 - b. the classrooms, study halls, and facilities are suitable for conducting Higher Education Programmes;
 - c. all educational means including educational materials, laboratories, and information technology must be available and suitable for conducting Higher Education Programmes; and
 - d. all other specifications set by KHDA or the Free Zone Authority.

Approving Higher Education Programmes Article (12)

To approve the Higher Education Programmes, the following requirements must be met:

1. The programme must include a description of its objectives, the number of its hours, its duration, the method of study, the adopted quality system, the requirements for graduation, the name of the Academic Certificate awarded upon successful completion of the program, and the name of the entity issuing this Academic Certificate.
2. The content of the programme must not be in conflict with the Islamic Shari'a, the customs and traditions prevailing in the State, or the legislation in force in the Emirate.

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3. The programme must be academically recognised.
4. The name of the programme must not include any terms or expressions that are misleading or contrary to public morals, and must not contain any words that directly or indirectly indicate the patronage of any public or government personalities that do not have any genuine connection with the Higher Education Programme.

**Academic President
Article (13)**

- a. To approve the appointment of an academic president by the KHDA, he must:
 1. be of full capacity, of good conduct and reputation, and not have been convicted of any felony or offence affecting honour or trustworthiness even if he was rehabilitated or pardoned;
 2. hold an academic degree that is relevant to the Academic Certificates awarded by the Educational Institution;
 3. hold a doctorate degree;
 4. work on a full time basis in the Educational Institution; and
 5. meet any other conditions or requirements prescribed by a resolution of the Director General.
- b. The academic president will be responsible for the management and supervision of the Educational Institution, and in particular, he will:
 1. appoint and supervise the technical and administrative employees, unless the Educational Institution is a branch of another Educational Institution located within or outside the State, in which case the administrative and technical employees will be appointed in accordance with the standards adopted by the parent educational institution;
 2. manage the affairs of the students, particularly in connection with the admission and registration procedures, study, and exams, and follow up on student complaints and make the required decisions and measures in respect thereof;
 3. take the measures required for the development of a procedure that ensures quality at the Educational Institution, unless the Educational Institution is a branch of an Educational Institution located within or outside the State, in which case the procedure will be in accordance with the standards adopted by the parent educational institution; and
 4. ensure compliance by the Educational Institution with the provisions of the Resolution and this Implementing Bylaw.
- c. Where the office of the academic president becomes vacant for any reason, the Educational Institution must notify the vacancy in writing to the KHDA within 24 hours from the date of its occurrence. The Educational Institution must, within thirty (30) working days from the date of vacancy, appoint a new academic president, who must meet the requirements prescribed by paragraph (a) of this Article.

Annual Academic Calendar Article (14)

- a. The KHDA will approve the annual academic calendar of the Educational Institution in accordance with which the commencement and end dates of the Higher Education Programme offered by the Educational Institution are determined.
- b. The annual academic calendar of an Educational Institution will be approved according to the following procedures:
 - 1. The KHDA will announce annually the dates of submission of application for approval of the annual academic calendar of the Educational Institutions.
 - 2. The Educational Institution will apply for approval of its annual academic calendar on the dates set by the KHDA using the form prescribed by the KHDA for this purpose, supported by the relevant required documents, including, where the applicant is a branch of a parent educational institution, the approval by the parent educational institution of the annual calendar requested to be approved.
 - 3. The KHDA will consider the application for approval of the annual academic calendar to verify its adequacy for the approved Higher Education Programmes and its satisfaction of all the standards and rules set by the KHDA. The KHDA may amend the annual academic calendar proposed by the Educational Institution in accordance with the relevant policy adopted by the KHDA.
 - 4. The KHDA must issue its decision concerning the application for approving the annual academic calendar within fifteen (15) days from the date of the application.

Advertisements of the Educational Institution Article (15)

- a. An Educational Institution may not publish any advertisement in any medium whatsoever without the prior written approval of the KHDA.
- b. The advertisement proposed to be published by the Educational Institution must:
 - 1. not refer to the KHDA without first obtaining its approval in the form approved by it;
 - 2. not contain any words directly or indirectly indicating the patronage of any public or government personalities who have no actual connection with the Educational Institution;
 - 3. not make misrepresentations of existing facts about the Educational Institution in connection with its educational programmes or activities;
 - 4. not sponsor any commercial activity;

5. be compliant with the laws related to commercial advertisements that are in force in the Emirate; and
 6. be compliant with any other conditions prescribed by a resolution of the Director General.
- c. The KHDA may require the Educational Institution to withdraw any advertisement published by the Educational Institution or to republish it in another form.
 - d. The Educational Institution will be responsible for the validity of all the information mentioned in the advertisements published by it.

Discontinuing the Higher Education Programme Article (16)

- a. No Educational Institution may wholly or partially discontinue, suspend, or close any of its approved Higher Education Programmes for any reason without first obtaining the written approval of the KHDA, and providing reasonable alternatives for the students enrolled in these programmes.
- b. KHDA may discontinue, suspend, or close any of the Higher Education Programmes offered by an Educational Institution if any of the conditions for the approval of such programmes are not met, or if the Educational Institution fails to comply with the criteria, conditions, and standards adopted by the KHDA in respect of the Higher Education Programmes.

Cancellation of the Academic Authorisation Article (17)

If the KHDA cancels an Academic Authorisation for any reason, the Educational Institution must:

1. provide reasonable alternatives approved by the KHDA for the students enrolled in its Higher Education Programmes;
2. secure the rights of the administrative and technical employees of the Educational Institution;
3. pay the fines and fees owed by the Educational Institution, if any; and
4. fulfil any other obligations prescribed by a resolution of the Director General.

Records of the Educational Institution Article (18)

The Educational Institution must maintain the following documents and records:

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1. a record of the students, stating their names, genders, nationalities, dates of birth, places of residence, the Higher Education Programmes they are enrolled in, the Academic Certificates awarded to them, and proof that they are registered with the parent educational institution if the Educational Institution is a branch of an educational institution based within or outside the State;
2. student performance records, including the curricula for each student, a transcript of the subjects she/he has passed, and other information relating to the student;
3. employees records, including their names, genders, nationalities, dates of birth, places of residence, academic qualifications, work experience, training courses completed, academic publications, salaries, designations, and job descriptions;
4. official documents issued to the Educational Institution by the KHDA;
5. records of the audited final annual accounts of the Educational Institution, including the balance sheet and the profit and loss account; and
6. any other documents or records prescribed by a resolution of the Director General.

Control and Assessment Article (19)

- a. The Educational Institution will be under the control and supervision of the KHDA. The KHDA may inspect the Educational Institution to verify its compliance with the provisions of the Resolution and this Implementing Bylaw, and with the quality standards adopted by the KHDA, and may inspect the books, records, and files of the Educational Institution.
- b. The Educational Institution must provide all the data, information, and reports to the KHDA and its employees.
- c. The Educational Institution must provide an annual report to the KHDA on its academic, financial, and administrative position.
- d. The KHDA will issue a periodic report on the assessment results of the Educational Institution. The KHDA may publish this report as it deems fit.
- e. The KHDA may take the measures prescribed by the Resolution against Educational Institutions that violate any of the provisions of the Resolution or this Implementing Bylaw. The KHDA may, for this purpose, coordinate with the concerned entities in the Emirate.

Attestation Article (20)

Academic Certificates will be attested in accordance with the following procedures:

1. The Educational Institution must, at the end of each Higher Education Programme and before awarding students the Academic Certificates, provide the KHDA with information concerning all of the students who have met the prescribed requirements and to whom these Academic Certificates will be awarded.

2. The KHDA will verify the information of the students who meet all the requirements for being awarded the Academic Certificate.
3. The KHDA will attest the Academic Certificates upon verifying that the students have met all the requirements for being awarded the Academic Certificate and have paid the relevant Attestation fees.
4. The Educational Institution, which is a branch of another educational institution located within or outside the State, must establish to the KHDA that the parent educational institution will issue the Academic Certificates.

Complaints Committee Article (21)

- a. A committee named the "Complaints Committee" will be formed at the KHDA by virtue of a resolution of the Director General. This committee will consider the complaints filed against the Educational Institutions, in connection with their non-compliance with the Resolution, this Implementing Bylaw, and any other resolutions or instructions issued by the KHDA.
- b. For the complaint to be heard, the following must be observed:
 1. The complaint must be against one of the Educational Institutions to which an Academic Authorisations has been issued by the KHDA;
 2. the complaint must be in writing and signed by the complainant and include clear description of all the details and proofs related to the subject matter of the complaint.
 3. the complainant must establish that she/he has genuinely tried to amicably settle the complaint with the Educational Institution by following the grievance policy adopted by the Educational Institution;
 4. the accurate and correct contact details of the complainant;
 5. the subject matter of the complaint must not have existed for more than one (1) year;
 6. no claim in connection with the subject matter of the complaint must have been filed with the competent courts;
 7. the subject matter of the complaint must not be related to a crime; and
 8. the same complaint must not have been previously filed against the same Educational Institution.
- c. Complaints submitted to the KHDA will be processed as follows:

1. the complaints committee will consider the subject matter of the complaint submitted to KHDA, determine whether the complaint falls within its jurisdiction, and verify that the complaint meets the requirements for admission;
2. the KHDA will notify the Educational Institution of the complaint to submit its response within a period no later than thirty (30) working days from the date of such notice;
3. the Complaints Committee will consider the subject matter of the complaint and verify its validity; and
4. where the complaint has been proved to be well founded, the Complaints Committee may recommend that the Director General take the appropriate action against the Educational Institution in accordance with the provisions of the Resolution and this Implementing Bylaw. Where the complaint has been proved invalid, the KHDA will file the complaint and notify the complainant of its decision. The decision issued by KHDA in respect of the complaint will be final.

Seeking the Assistance of Specialised Entities Article (22)

- a. The KHDA may seek the assistance of any specialised entity to undertake any of the following:
 1. review applications for Initial Approval from the technical aspects, and verify that such applications meet the conditions and requirements prescribed in this respect, including the principles of quality and criteria adopted by the KHDA; and
 2. review applications for Academic Authorisation and for Academic Authorisation renewal, and verify that such applications meet the conditions and requirements prescribed in this respect, including the principles of quality and criteria adopted by the KHDA.
- b. The applicants referred to in paragraph (A) of this Article must coordinate with the specialised entity as determined by the KHDA in all matters related to such applications.
- c. The applicants referred to in paragraph (A) of this Article must pay all the costs arising from reviewing their applications by the specialised entities determined by the KHDA.

Repeals Article (23)

Any provision in any other resolution will be repealed to the extent that it contradicts the provisions of this Resolution.

**Commencement and Publication
Article (24)**

This Resolution comes into force from the date on which it is issued, and will be published in the Official Gazette.

Dr. Abdullah Mohammed Karam
Chairman of the Board of Directors
Director General

Issued in Dubai on 9 December 2013
Corresponding to 6 Safar 1435 A.H.