Executive Council Resolution No. (63) of 2016

Concerning

Marine Navigational Aids in the Emirate of Dubai[1]

We, Hamdan bin Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai, Chairman of the Executive Council,

After perusal of:

Law No. (11) of 2007 Establishing the Dubai Maritime City;

Law No. (11) of 2010 Concerning the Licensing of Vessels in the Emirate of Dubai and its Implementing Bylaw;

Law No. (32) of 2015 Concerning the Official Gazette of the Government of Dubai;

Law No. (1) of 2016 Concerning the Financial Regulations of the Government of Dubai;

Decree No. (22) of 2009 Concerning Special Development Zones in the Emirate of Dubai; and

The Legislation establishing and regulating free zones in the Emirate of Dubai,

Do 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:

Emirate:	The Emirate of Dubai.
DMCA:	The Dubai Maritime City Authority.
Executive Director:	The executive director of the DMCA.
Marine Navigational Aids:	Buoys or fixed objects installed along coastline, which are used to determine speed limits and navigation routes, to

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[1] *Every 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.*

	provide warnings to Vessels, and to guide them towards safe navigation areas, through their colour and shape codes in daylight and through their flashing light at night. These include lighthouses.
System:	The Marine Navigational Aids system adopted by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) to enhance maritime navigation safety (known as "IALA-A").
Activity:	The installation, maintenance, and removal of Marine Navigational Aids.
Establishment:	A company or corporation which is authorised by the DMCA pursuant to this Resolution to conduct the Activity, and which is licensed by the concerned licensing authority to conduct a commercial activity.
Permit:	A document issued by the DMCA authorising an Establishment to conduct the Activity in the Emirate.
Approval:	A document issued by the DMCA in accordance with this Resolution authorising the installation, maintenance, or removal of any of the Marine Navigational Aids specified in the System.
Validity Certificate:	A document issued by the DMCA in accordance with this Resolution confirming the validity of the Marine Navigational Aids specified in the System.
Person:	A natural or legal person.
Waters of the Emirate:	The waters lying between the Dubai-Sharjah border and the Dubai-Abu Dhabi border and extending to the exclusive economic zone, including the internal waters of the Emirate comprising all seaports, marinas, canals, and waterways.
Government Entity:	Any of the Government departments; public agencies and corporations; councils and authorities, including free zone authorities and Special Development Zone authorities; and similar entities.

Scope of Application
Article (2)

This Resolution applies to:

1. the entities that conduct the Activity in the Emirate, including in free zones and Special Development Zones; and

2. the entities that own or operate maritime projects in the Waters of the Emirate, including navigational passages and bridges.

Functions of the DMCA
Article (3)

For the purposes of this Resolution, the DMCA will have the duties and powers to:

1. establish the requirements and standards for Marine Navigational Aids, in line with international treaties and Conventions;

2. issue the required Permits, certificates, and Approvals, in accordance with the relevant rules, standards, and procedures adopted by the DMCA;

3. take stock of the Marine Navigational Aids installed in the Waters of the Emirate and on the coastline of the Emirate, assess their technical condition and serviceability, and take the necessary action in this respect;

4. issue maritime navigational warning notices upon occurrence of any malfunction in Marine Navigational Aids;

5. designate the locations of Marine Navigational Aids in the Waters of the Emirate;

6. install and maintain Marine Navigational Aids in the Waters of the Emirate, or remove them, where required;

7. collaborate with the local and international concerned entities to mark the locations of Marine Navigational Aids on the international navigational charts;

8. inspect and oversee Establishments and the Marine Navigational Aids located in the Waters of the Emirate using traditional or electronic means;

9. consider maritime projects for the purposes of determining their needs for Marine Navigational Aids; and

10. exercise any other duties or powers required for the implementation of this Resolution.

Conducting the Activity
Article (4)

a. No Person may:

   1. conduct the Activity in the Emirate unless he is so authorised by the DMCA and is licensed by the concerned licensing authority to conduct a commercial activity; or

   2. undertake the installation, maintenance, or removal of any Marine Navigational Aids in the Waters of the Emirate without first obtaining the relevant Approval of the DMCA.

b. When installing, maintaining, or removing any Marine Navigational Aids related to its activities in the Emirate, a Government Entity must first obtain the relevant Approval of the DMCA.

Requirements and Procedures for Issuing Permits
Article (5)

a. A Permit will be issued subject to meeting the relevant requirements and standards adopted by the DMCA, particularly the following:

   1. A Permit applicant must have adequate technical expertise that enables him to conduct the Activity.

   2. The Activity must be conducted in accordance with the relevant requirements and standards adopted by the DMCA.

b. A Permit application will be submitted to the DMCA on the form prescribed by it for this purpose, supported by the relevant documents required by the DMCA.

c. A Permit will be valid for a period of one (1) year, renewable for the same period. An application for renewal of a Permit must be submitted no later than thirty (30) days after the expiry of the Permit. The Permit will be renewed subject to the relevant requirements prescribed by the DMCA.

Requirements and Procedures for Issuing Approvals
Article (6)

The Executive Director will prescribe the requirements and procedures for issuing Approvals, including the documents that must be submitted to the DMCA for this purpose.

Requirements and Procedures for Issuing Validity Certificates
Article (7)

a. A Validity Certificate will be issued subject to meeting the relevant requirements and standards adopted by the DMCA, particularly the following:

    1. The Marine Navigational Aids must be installed by an Establishment.

    2. The Marine Navigational Aids must be installed as specified in the System and as per the types, shapes, sizes, and locations detailed in the plan approved by the DMCA at the time of issuing the Approval.

b. The Validity Certificate will be issued after conducting the inspection of the Marine Navigational Aids and verifying compliance with the requirements stipulated in paragraph (a) of this Article.

c. A Validity Certificate will be valid for a period of one (1) year, renewable for the same period. The Validity Certificate will be renewed subject to the relevant requirements prescribed by the DMCA.

Obligations of Establishments
Article (8)

An Establishment must:

1. conduct periodic maintenance of its Marine Navigational Aids as per the maintenance plan approved by the DMCA;

2. comply with the plan approved by the DMCA for the installation of Marine Navigational Aids;

3. not install or remove any Marine Navigational Aids without first obtaining the relevant Approval of the DMCA;

4. remove the Marine Navigational Aids within the time frame prescribed by the DMCA, and notify the DMCA once the removal is completed;

5. provide the DMCA with a periodic technical report on the condition of the Marine Navigational Aids specified in the System. This report must contain all the relevant data and information requested by the DMCA;

6. immediately notify the DMCA in the event of any damage, drift, or loss of any of the Marine Navigational Aids installed or maintained by the Establishment; and

7. perform any other obligations prescribed by the DMCA based on variables or the status of the relevant maritime project.

Obligations of Owners or Operators of Maritime Projects
Article (9)

An entity owning or operating a maritime project must:

1. immediately notify the DMCA of any damage, drift, or loss of any of the Marine Navigational Aids installed or maintained by that owner or operator;

2. obtain the relevant Approval of the DMCA for the implementation of any maritime project for the purpose of determining the Marine Navigational Aids required;

3. obtain the relevant Approval of the DMCA for the installation or removal of Marine Navigational Aids;

4. obtain the Validity Certificates for its Marine Navigational Aids;

5. engage the Establishments authorised by the DMCA for installing, maintaining, or removing Marine Navigational Aids;

6. maintain the Marine Navigational Aids of its maritime projects as per the annual maintenance plans approved by the DMCA; and

7. perform any other obligations prescribed by the DMCA based on variables or the status of its maritime projects.

Fees
Article (10)

a. In return for issuing the Permits, certificates, and Approvals stipulated in this Resolution, the DMCA will collect the fees set out in Schedule (1) attached hereto.

b. The fees prescribed under this Resolution will not apply to the non-profit maritime projects owned by Government Entities.

c. For the purpose of collecting the fees set out in Schedule (1) attached hereto, a part of a month will be rounded up to a full month.

Administrative Penalties
Article (11)

a. Without prejudice to any stricter penalty stipulated in any other resolution, a Person who commits any of the violations set out in Schedule (2) attached to this Resolution will be punished by the fine indicated opposite that violation.

b. The amount of the fine set out in the Schedule referred to in paragraph (a) of this Article will be doubled upon repetition of the same violation within one (1) year from the date of the previous violation. A doubled fine must not exceed two hundred thousand dirhams (AED 200,000.00).

c. In addition to the penalty of a fine referred to in paragraph (a) of this Article, the DMCA may take any of the following measures against a violator:

    1. revoking the Approval;

    2. suspending the Permit for a period not exceeding three (3) months; or

    3. revoking the Permit and notifying the concerned commercial licensing authority to strike off the Activity from the commercial licence of the violating Establishment.

Remedy of Violations
Article (12)

In addition to the fines prescribed by this Resolution, a violator must remedy the violation within the relevant time frame determined by the DMCA, failing which the DMCA may remedy the violation using its own resources or through engaging any other entity, and hold the violator liable for all costs incurred, in addition to administrative charges of twenty percent (20%) of these costs.

Law Enforcement
Article (13)

The DMCA employees and inspectors, nominated pursuant to a resolution of the Executive Director, will have the capacity of law enforcement officers to record the acts committed in breach of the provisions of this Resolution and the resolutions issued in pursuance hereof. In this capacity, they may issue the necessary violation reports and seek assistance from police personnel.

Grievances
Article (14)

Any affected party may submit a written grievance to the Executive Director against the decisions, procedures, and measures taken against him under this Resolution and the resolutions issued in pursuance hereof within fifteen (15) days of being notified of the contested decision, procedure, or measure. The grievance will be determined, within thirty (30) days from the date of its submission, by a committee formed by the Executive Director for this purpose, and the decision issued in respect of the grievance will be final.

Payment of Fees and Fines
Article (15)

The fees, fines, and charges collected pursuant to this Resolution will be paid to the Public Treasury of the Government of Dubai.

Issuing Implementing Resolutions
Article (16)

The Executive Director will issue the resolutions required for the implementation of the provisions of this Resolution. These resolutions will come into force only upon publication in the Official Gazette of the Government of Dubai.

Repeals
Article (17)

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

Publication and Commencement
Article (18)

This Resolution will be published in the Official Gazette and will come into force on the day on which it is published.

Hamdan bin Mohammed bin Rashid Al Maktoum

Crown Prince of Dubai
Chairman of the Executive Council

Issued in Dubai on 6 November 2016
Corresponding to 6 Safar 1438 A.H.

Schedule (1)
Fees for Marine Navigational Aids

SN	Description	Fee (in dirhams)
1-1	Issuing a one-month Approval for installing up to five (5) Marine Navigational Aids	3,000.00
1-2	Issuing a three-month Approval for installing up to five (5) Marine Navigational Aids	5,000.00
1-3	Issuing a six-month Approval for installing up to five (5) Marine Navigational Aids	8,000.00
1-4	Issuing a nine-month Approval for installing up to five (5) Marine Navigational Aids	10,000.00
1-5	Issuing a one-year Approval for installing up to five (5) Marine Navigational Aids	15,000.00
1-6	Issuing an Approval valid for more than a year for installing up to five (5) Marine Navigational Aids	20,000.00
1-7	Issuing a one-month Approval for installing up to ten (10) Marine Navigational Aids	5,000.00
1-8	Issuing a three-month Approval for installing up to ten (10) Marine Navigational Aids	10,000.00
1-9	Issuing a six-month Approval for installing up to ten (10) Marine Navigational Aids	15,000.00
1-10	Issuing a nine-month Approval for installing up to ten (10) Marine Navigational Aids	20,000.00
1-11	Issuing a one-year Approval for installing up to ten (10) Marine Navigational Aids	30,000.00
1-12	Issuing an Approval valid for more than a year for installing up to ten (10) Marine Navigational Aids	40,000.00
2-1	Issuing a one-month Approval for installing up to fifteen (15) Marine Navigational Aids	7,000.00

2-2	Issuing a three-month Approval for installing up to fifteen (15) Marine Navigational Aids	12,000.00
2-3	Issuing a six-month Approval for installing up to fifteen (15) Marine Navigational Aids	18,000.00
2-4	Issuing a nine-month Approval for installing up to fifteen (15) Marine Navigational Aids	23,000.00
2-5	Issuing a one-year Approval for installing up to fifteen (15) Marine Navigational Aids	35,000.00
2-6	Issuing an Approval valid for more than a year for installing up to fifteen (15) Marine Navigational Aids	45,000.00
2-7	Issuing a one-month Approval for installing up to twenty (20) Marine Navigational Aids	10,000.00
2-8	Issuing a three-month Approval for installing up to twenty (20) Marine Navigational Aids	15,000.00
2-9	Issuing a six-month Approval for installing up to twenty (20) Marine Navigational Aids	20,000.00
2-10	Issuing a nine-month Approval for installing up to twenty (20) Marine Navigational Aids	25,000.00
2-11	Issuing a one-year Approval for installing up to twenty (20) Marine Navigational Aids	40,000.00
2-12	Issuing an Approval valid for more than a year for installing up to twenty (20) Marine Navigational Aids	50,000.00
3-1	Issuing a one-month Approval for installing more than twenty (20) Marine Navigational Aids	15,000.00
3-2	Issuing a three-month Approval for installing more than twenty (20) Marine Navigational Aids	20,000.00
3-3	Issuing a six-month Approval for installing more than twenty (20) Marine Navigational Aids	25,000.00
3-4	Issuing a nine-month Approval for installing more than twenty (20) Marine Navigational Aids	30,000.00

3-5	Issuing a one-year Approval for installing more than twenty (20) Marine Navigational Aids	50,000.00
3-6	Issuing an Approval valid for more than a year for installing more than twenty (20) Marine Navigational Aids	60,000.00
4	Issuing or renewing a Permit	AED 5,000.00 per year
5	Conducting a study for a small-size maritime project that requires less than five (5) Marine Navigational Aids	500.00
6	Conducting a study for a small-size maritime project that requires less than ten (10) Marine Navigational Aids	1,000.00
7	Conducting a study for a small-size maritime project that requires less than fifteen (15) Marine Navigational Aids	1,500.00
8	Conducting a study for a medium-size maritime project that requires less than twenty (20) Marine Navigational Aids	2,000.00
9	Conducting a study for a large-size maritime project that requires more than twenty (20) Marine Navigational Aids	3,000.00
10	Issuing or renewing a Validity Certificate for a maritime project that requires up to five (5) Marine Navigational Aids	AED 30,000.00 per year
11	Issuing or renewing a Validity Certificate for a maritime project that requires up to ten (10) Marine Navigational Aids	AED 50,000.00 per year
12	Issuing or renewing a Validity Certificate for a maritime project that requires up to fifteen (15) Marine Navigational Aids	AED 60,000.00 per year
13	Issuing or renewing a Validity Certificate for a maritime project that requires up to twenty (20) Marine Navigational Aids	AED 75,000.00 per year
14	Issuing or renewing a Validity Certificate for a maritime project that requires more than twenty (20) Marine Navigational Aids	AED 100,000.00 per year

Schedule (2)
Violations and Fines Related to Marine Navigational Aids

SN	Violation	Fine (in dirhams)
1	Conducting the Activity in the Emirate without a Permit or with an expired Permit	50,000.00
2	Delay in renewing a Permit	AED 1,000.00 per month of delay
3	Failure to comply with the plan approved by the DMCA for installing Marine Navigational Aids	50,000.00
4	Failure to provide or delay in providing the DMCA with the technical report on the condition of the Marine Navigational Aids without a reason acceptable to the DMCA	5,000.00
5	Failure to comply with the periodic maintenance plan approved by the DMCA	10,000.00
6	Providing the DMCA with incorrect information about the Marine Navigational Aids	50,000.00
7	Engaging an Establishment not authorised by the DMCA to conduct the Activity	20,000.00
8	Installing, maintaining, or removing any the Marine Navigational Aids in the Emirate without first obtaining the Approval of the DMCA	50,000.00
9	Delay in removing any Marine Navigational Aids within the time frame prescribed by the DMCA	20,000.00
10	Failure to comply with the regulations and the Permits issued by the DMCA in respect of Marine Navigational Aids	10,000.00
11	Obstructing the work of, or failure to cooperate with, the employees of the DMCA or their representatives	20,000.00

12	Establishing a maritime project that requires installing Marine Navigational Aids without first obtaining the relevant Approval of the DMCA	10,000.00
13	Failure to obtain the Validity Certificate for Marine Navigational Aids, where required	10,000.00
14	Delay in notifying the DMCA in the event of damage, drift, or loss of any Marine Navigational Aids, or failure to do so	10,000.00
15	Failure to comply with the resolutions issued by the DMCA under this Resolution	5,000.00