

Decree No. (14) of 2016
Establishing the
Emirates Maritime Arbitration Centre¹

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

Federal Law No. (11) of 1992 Issuing the Civil Procedure Code and its amendments;

Law No. (9) of 2004 Concerning the Dubai International Financial Centre and its amendments; and

Law No. (12) of 2004 Concerning the Dubai International Financial Centre Courts and its amendments,

Do hereby issue this Decree.

Establishing the EMAC
Article (1)

Pursuant to this Decree, an arbitration centre named the “Emirates Maritime Arbitration Centre” is established. The EMAC will have legal personality, financial and administrative autonomy, and the legal capacity required to undertake the acts and dispositions that ensure the achievement of its objectives.

Statute
Article (2)

The EMAC will be regulated and managed in accordance with the Statute attached hereto.

Commencement and Publication
Article (3)

This Decree comes into force on the day on which it is issued, and will be published in the Official Gazette.

Mohammed bin Rashid Al Maktoum
Ruler of Dubai

Issued in Dubai on 18 April 2016

Corresponding to 11 Rajab 1437 A.H.

Statute of the EMAC

Chapter One General Provisions

Definitions Article (1)

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

UAE:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
Ruler:	His Highness the Ruler of Dubai.
EMAC:	The Emirates Maritime Arbitration Centre.
Board of Trustees:	The board of trustees of the EMAC.
Chairman:	The chairman of the Board of Trustees.
Executive Committee:	The executive committee of the EMAC.
Secretary General:	The secretary general of the EMAC.
Statute:	The statute of the EMAC.
ADR Method:	Any method, other than litigation, for the resolution of local or international Maritime Disputes. This includes arbitration and mediation.
Maritime Dispute:	Any local, regional, or international dispute arising out of a contract, relationship, incident, or any other matter relating to maritime activities.

Objectives of the EMAC Article (2)

The EMAC will have the following objectives:

1. to efficiently and effectively resolve Maritime Disputes by means of ADR Methods;
2. to enhance maritime arbitration procedures with a view to achieving higher integrity and equity;
3. to promote the culture of maritime arbitration at the local, regional, and international level; and

4. to provide flexible and impartial mechanisms to easily and smoothly resolve Maritime Disputes.

Functions of the EMAC

Article (3)

For the purpose of achieving its objectives, the EMAC will have the duties and powers to:

1. provide the service of Maritime Dispute resolution in accordance with the EMAC arbitration rules or the arbitration rules agreed upon by the parties to a dispute;
2. provide the service of Maritime Dispute resolution in accordance with the mediation rules adopted by the EMAC;
3. undertake administrative supervision of the arbitration of Maritime Disputes considered by the EMAC;
4. coordinate and cooperate with other specialised regional and international arbitration centres and arbitral institutions;
5. endeavour to raise awareness of ADR Methods;
6. organise conferences, symposia, and workshops; hold training courses; and issue publications and journals specialised in maritime arbitration and ADR Methods;
7. create a register of qualified arbitrators, experts, and mediators who are knowledgeable about arbitration and mediation requirements and procedures; and
8. exercise any other duties or powers required for the achievement of the objectives of the EMAC.

Rules and Bylaws of the EMAC

Article (4)

- a. Arbitration and mediation rules of the EMAC will be governed by the relevant bylaws adopted by the EMAC.
- b. The provisions of the Dubai International Financial Centre Arbitration Law will apply to all matters on which the EMAC bylaws governing arbitration rules are silent.

Competent Court

Article (5)

Unless otherwise agreed by the parties to a dispute, the Dubai International Financial Centre Courts will have jurisdiction to consider any claim, application, or appeal relating to any award issued or measure taken by an EMAC arbitration tribunal.

Organisational Structure

Article (6)

The organisational structure of the EMAC will be comprised of:

1. the Board of Trustees;
2. the Executive Committee; and
3. the administrative body.

Chapter Two Board of Trustees

Formation of the Board of Trustees

Article (7)

- a. The EMAC will be supervised by a Board of Trustees comprised of the Chairman, a vice chairman, and at least seven (7) members who are experienced and specialised in the area of Maritime Disputes and maritime arbitration and legislation. Members of the Board of Trustees will be appointed by a decree of the Ruler.
- b. Where the post of the Chairman falls vacant for any of the reasons stipulated in Article (11) of this Statute, the vice chairman will act as the Chairman until a new Chairman is appointed.
- c. Where the post of a member falls vacant for any of the reasons stipulated in Article (11) of this Statute, the Board of Trustees will continue to perform its duties, provided that the number of the remaining members is not less than two-thirds of the original number of members.

Term of Membership of the Board of Trustees

Article (8)

- a. Membership of the Board of Trustees will be for a term of three (3) years, renewable for the same period.
- b. Where a member is appointed in place of another member, the new member will serve for the remainder of the term of his predecessor.
- c. Where the Board of Trustees is not reconstituted upon the expiry of its term of membership, the current Board of Trustees will continue to perform its functions until a new Board of Trustees is appointed.

Functions of the Board of Trustees

Article (9)

The Board of Trustees will have the duties and powers to:

1. approve, and supervise the implementation of, the general policy and strategic plan required for the achievement of the objectives of the EMAC;

2. propose amendments to the Statute and submit the same to the competent Government entities for consideration, prior to its approval by the Ruler;
3. approve the EMAC arbitration and mediation rules;
4. approve the organisational structure of the administrative body of the EMAC, and approve the bylaws and regulations governing the administrative and financial affairs, including the employment regulations, of the EMAC;
5. approve the list of fees for arbitrators and mediators;
6. approve the bylaw prescribing the requirements for admission of arbitrators, mediators, and experts to the EMAC panel;
7. approve the fees for registering claims and admitting arbitrators and mediators to the EMAC panel, and for other services provided by the EMAC;
8. approve the annual budget and final accounts of the EMAC;
9. approve the annual report on the work and activities of the EMAC;
10. form sub-committees from among members of the Board of Trustees or other persons, and determine their duties;
11. appoint an auditor and determine his annual remuneration; and
12. perform any other duties required for the achievement of the objectives of the EMAC.

Meetings of the Board of Trustees
Article (10)

- a. The Board of Trustees will convene, at least once a year or where required, at the invitation of the Chairman, or the vice chairman in case of absence of the Chairman, or upon the request of the Executive Committee.
- b. Invitations to the meetings of the Board of Trustees must be sent to each member by means of a registered letter with acknowledgement of receipt or by any other means stipulated in the EMAC bylaws, at least forty-five (45) days before the date of the meeting. The invitation must contain the agenda, time, and venue of the meeting.
- c. Subject to paragraph (g) of this Article, meetings of Board of Trustees will be valid only if attended by the majority of its members. Deliberations may be conducted by means of electronic communication in accordance with the relevant EMAC bylaws.
- d. Meetings of the Board of Trustees will be chaired by the Chairman or, in his absence, by the vice chairman. Where both the Chairman and the vice chairman are absent, the Board of Trustees will elect from among its members a chair of the meeting.

- e. Resolutions and recommendations of the Board of Trustees will be passed by majority vote of attending members, and in the event of a tie, the chair of the meeting will have the casting vote.
- f. Resolutions and recommendations of the Board of Trustees will be recorded in minutes signed by the chair of the meeting and attending members.
- g. Where the subject of the meeting relates to amending the Statute, the rules of arbitration and mediation, or any of the bylaws of the EMAC, at least two-thirds of the members of the Board of Trustees must be in attendance. In this case, the resolutions of the Board of Trustees will be passed by a majority vote of at least three-quarters of attending members, provided that the Chairman or vice chairman is in attendance.

Termination of Membership **Article (11)**

The membership of a member to the Board of Trustees will be terminated if he:

- 1. dies;
- 2. is declared bankrupt or insolvent;
- 3. resigns by means of a letter addressed to the Board of Trustees;
- 4. becomes of defective legal capacity or legally incapacitated under the laws of his country of citizenship or the UAE laws;
- 5. is convicted by a final court judgement in a felony or other crime affecting honour or trustworthiness, or offending public morals.

Chapter Three **Executive Committee**

Formation of the Executive Committee **Article (12)**

- a. An Executive Committee will be formed at the EMAC. The Executive Committee will be comprised of at least three (3) members, including its chairman. Members of the Executive Committee will be appointed by the Chairman from among the members of the Board of Trustees.
- b. The term of membership of the Executive Committee will be the same as that of the Board of Trustees. Members of the Executive Committee may be reappointed for the same period.
- c. Where the post of a member of the Executive Committee falls vacant, or the member becomes incapable of performing his duties, the Chairman will appoint another member to replace him for the remainder of the tenure of the Executive Committee.

Functions of the Executive Committee

Article (13)

The Executive Committee will have the duties and powers to:

1. propose amendments to the rules of arbitration; mediation; and other ADR Methods, and submit the same to the Board of Trustees for approval;
2. supervise the implementation of the Statute; the rules of arbitration and mediation; and the bylaws of the EMAC, and issue the instructions required for their implementation;
3. appoint tribunals of arbitrators and mediators in accordance with the rules of arbitration and mediation of the EMAC;
4. consider and determine applications for admission to the panel of arbitrators, mediators, and experts;
5. determine the seat of arbitration where the parties to a dispute fail to agree on the same;
6. determine the language of arbitration if not determined by the parties to a dispute before the appointment of arbitration tribunals;
7. determine applications for removing any of the arbitrators or mediators in accordance with the arbitration and mediation rules of the EMAC;
8. determine the fees of arbitrators and mediators and the charges and expenses of arbitration and mediation; and
9. exercise any other duties or powers assigned to the Executive Committee pursuant to rules of arbitration and mediation, and to the bylaws of the EMAC.

Meetings of the Executive Committee

Article (14)

- a. The Executive Committee will convene at the invitation of its chairman or upon the request of the Secretary General, at least once every six (6) months or where required. Invitations to an Executive Committee meeting must be sent at least seven (7) days before the meeting.
- b. Meetings of the Executive Committee will be valid if attended by the all of its members.
- c. Resolutions and recommendations of the Executive Committee will be passed by majority vote of its members.
- d. Resolutions and recommendations of the Executive Committee will be recorded in minutes signed by the chairman and members of the Executive Committee.
- e. Members of the Executive Committee may pass resolutions on matters relating to arbitration or mediation procedures, which are referred by the Secretary General, by circulation in writing, or by means of electronic communication.

Chapter Four
Administrative Body

Appointment and Functions of the Secretary General
Article (15)

- a. The Secretary General will be appointed by a resolution of the Board of Trustees.
- b. The Secretary General will have the duties and powers to:
 - 1. propose the general policy and strategic plan of the EMAC, and submit the same to the Board of Trustees for approval;
 - 2. propose the organisational structure of the EMAC administrative body, and submit the same to the Board of Trustees for approval;
 - 3. supervise the work of the EMAC administrative body;
 - 4. prepare the annual report on the achievements and activities of the EMAC, and submit the same to the Board of Trustees for approval;
 - 5. follow up the implementation of the Statute, the rules of arbitration and mediation, and the bylaws of the EMAC;
 - 6. prepare the draft annual budget and final accounts of the EMAC, present them to the Executive Committee at least two (2) months before the end of the financial year for discussion, and submit the same to the Board of Directors for approval;
 - 7. manage the property and bank accounts of the EMAC;
 - 8. supervise the implementation of the annual budget of the EMAC;
 - 9. sign documents on behalf of the EMAC in respect of all administrative and financial matters, subject to the authorities prescribed by the EMAC bylaws and the resolutions passed by the Board of Trustees;
 - 10. attend the meetings of the Board of Trustees and of the Executive Committee, and participate in their discussions without having the right to vote;
 - 11. conclude agreements, contracts, and memoranda of understanding with arbitration institutions and centres, and with federations and agencies engaged in areas related to the work of the EMAC;
 - 12. act as secretary at the meetings of the Board of Trustees and the Executive Committee; and
 - 13. perform any other duties assigned to him by the Board of Trustees or the Executive Committee.

Functions of the Administrative Body
Article (16)

Subject to the duties and powers of the Secretary General stipulated in Article (15) of this Statute, the administrative body of the EMAC will have the duties and powers to:

1. provide the parties to a dispute, upon their request, with names of arbitrators, mediators, and experts;
2. receive applications for arbitration or mediation, answers to these applications, and all relevant documents; and notify the parties to the dispute of the same;
3. prepare a summary of the dispute, and submit the same to the Executive Committee;
4. create a register to keep the files of arbitration and mediation cases filed with the EMAC; and maintain the original copies of the awards of the arbitration tribunals and arbitrators;
5. inform the parties to a dispute of the date, time, and venue of arbitration hearings if so requested by the arbitration tribunal, arbitrator, or mediator;
6. maintain and update the panel of arbitrators; mediators; and experts, and their addresses and various areas of expertise;
7. make proposals to develop the procedures of arbitration, mediation, and any other ADR Methods;
8. maintain the minutes of meetings of the Board of Trustees and the Executive Committee;
9. prepare, supervise the editing of, and publish periodicals, bulletins, and other publications of the EMAC;
10. organise and participate in symposia, lectures, training courses, and workshops on Maritime Arbitration;
11. cooperate with other local, regional, and international arbitration institutions and centres in all fields, with a view to achieving the objectives of the EMAC. This includes exchanging expertise and lists of arbitrators, mediators, and experts.
12. serve the correspondence and communications required for the achievement of the objectives of the EMAC; and
13. perform any other duties assigned to it by the Board of Trustees, the Executive Committee, or the Secretary General.

Chapter Five
Financial Affairs

Financial Resources of the EMAC
Article (17)

The financial resources of the EMAC will consist of:

1. fees for registering arbitration and mediation applications;
2. fees for admitting arbitrators, mediators, and experts; and
3. revenues generated from the activities and services performed by the EMAC.

Annual Budget of the EMAC
Article (18)

In regulating its accounts and records, the EMAC will follow the rules and principles of commercial accounting in accordance with recognised international standards. The financial year of EMAC will commence on 1 January and will end on 31 December of each year, except that the first financial year will commence as of the date this Law comes into force and will end on 31 December of the following year.

Chapter Six
Final Provisions

Representing the EMAC
Article (19)

- a. The Chairman will represent the EMAC before concerned official and unofficial entities, and judicial authorities.
- b. The Chairman may delegate any member of the Board of Trustees or the Secretary General to represent the EMAC before third parties and judicial authorities. In the absence of the Chairman, or where he is unable to perform his duties for any reason whatsoever, the vice chairman will act as Chairman.

Confidentiality and Impartiality
Article (20)

- a. Meetings and deliberations of the Board of Trustees and of the Executive Committee will be held in camera.
- b. Neither the Chairman, nor the vice chairman, nor any member of the Board of Trustees or the Executive Committee may attend or participate in any meeting where:

1. he is a party to the matter to be discussed at the meeting or has a direct or indirect interest therein; or
 2. he is an agent for the business of one of the disputants, or his legal representative; guardian; or custodian.
- c. The Chairman, the vice chairman, and all members of the Board of Trustees and the Executive Committee must disclose any conflict of interest stipulated in paragraph (b) of this Article where applicable.
 - d. The Chairman, the vice chairman, members of the Board of Trustees and the Executive Committee, the Secretary General, and employees of the administrative body of the EMAC must undertake not to reveal or disclose, during and after their term of service with the EMAC, any information or documents related to the work of the EMAC.
 - e. All information and documents submitted by the parties to a dispute are deemed confidential. Any person who has access to such information and documents must not reveal or disclose the same without the prior written consent of the parties to the dispute or the request of the competent judicial authority.

**Appointment of Members of the Board of Trustees to
Mediation and Arbitration Tribunals
Article (21)**

- a. Arbitrators or parties to a dispute referred to the EMAC may agree in writing to appoint to the arbitration tribunal one or more members of the Board of Trustees, provided that one of the appointed members of the Board of Trustees acts as the presiding arbitrator of the tribunal.
- b. Parties to a dispute may agree in writing to appoint any member of the Board of Trustees as a sole arbitrator of the dispute.
- c. Parties to a dispute may agree in writing to appoint any member of the Board of Trustees as a mediator or expert in the dispute.

**Exemption from Liability
Article (22)**

Except in cases of fraud and gross fault, neither the Chairman, nor the vice chairman, nor any of the members of the Board of Trustees and the Executive Committee, nor the Secretary General, nor any of the employees of the administrative body of the EMAC, will, in the course of managing or working at the EMAC, be liable to third parties for any act or omission in respect of this management or work. The EMAC will be solely liable to third parties for such act or omission.

Communications and Correspondence

Article (23)

- a. Any invitation or communication under this Statute, the bylaws, or the rules of arbitration or mediation must be in writing, and may be sent by facsimile, by registered mail with an acknowledgement of receipt, or by the means of electronic communication approved by the Board of Trustees.
- b. The communication will be deemed effective on the day following its delivery to the addressee.