

Cabinet Decision No. (52) of 2024

Concerning Administrative Fines for Violating the Provisions of Decree-Law No. (46) of 2021 on

Electronic Transactions and Trust Services and its Executive Regulations

The Cabinet:

- Having reviewed the Constitution,
- And Federal Decree-Law No. (46) of 2021 on Electronic Transactions and Trust Services,
- And based on the proposal of the Minister of Finance, and the approval of the Cabinet,

Has decided:

Article (1)

Definitions

In the application of the provisions of this Decision, the following words and phrases shall have the meanings assigned to them, unless the context otherwise requires:

The Authority : The Telecommunications and Digital Government Regulatory Authority.

The Chairman : The Chairman of the Board of Directors of the Authority.

The Decree-Law : Federal Decree-Law No. (46) of 2021 on Electronic Transactions and Trust Services.

The Executive Regulations : Cabinet Decision No. (28) of 2023 concerning the Executive Regulations of Federal Decree-Law No. (46) of 2021 on Electronic Transactions and Trust Services.

Trust Services : The electronic services specified under Clause (1) of Article (17) of the Decree-Law, which a Trust Service Provider is licensed to provide according to the license issued to it.

Approved Trust Services : The electronic services specified under Clause (2) of Article (17) of the Decree-Law, which an Approved Trust Service Provider is licensed to provide according to the license issued to it.

Trust Service Provider : A person licensed by the Authority in accordance with the provisions of the Decree-Law and its Executive Regulations to provide one or more Trust Services.

Approved Trust Service Provider : A Trust Service Provider granted the approved status by the Authority to provide Trust Services and Approved Trust Services according to the status granted to it.

The Licensee : The legal person licensed by the Authority in accordance with the provisions of the Decree-Law and its Executive Regulations.

The License : The authorization issued under the provisions of the Decree-Law and its Executive Regulations, which allows the Licensee to carry out any of the Trust Services or Approved Trust Services.

Administrative Violation : An act or omission that constitutes a violation of the Decree-Law, its Executive Regulations, and the decisions issued in implementation thereof.

Article (2)

Administrative Violations and Fines

1. Without prejudice to any more severe penalty or other measure stipulated in the Decree-Law and other relevant legislation, the Authority may impose an administrative fine on anyone who commits any of the acts specified in the table attached to this Decision, which are in violation of the provisions of the Decree-Law and its Executive Regulations.
2. The Authority may double the value of the administrative fine specified in the table attached to this Decision in the event of a repeat of the same administrative violation within one year from the date of its first commission.
3. The Authority may double the administrative fine if the violator fails to rectify their status based on the Authority's instructions and within the period specified by it.

Article (3)

Amendment of Violations and Administrative Fines

The Cabinet shall be competent to make any amendments to the administrative fines contained in this Decision, whether by addition, deletion, or modification.

Article (4)

Grievance

Any interested party may submit a written grievance to the Director-General of the Authority against the administrative fines referred to in this Decision that have been imposed on them, within (14) fourteen days from the date of notification of the fine. The grievance must be reasoned and accompanied by all supporting documents. A decision on this grievance shall be made within (30) thirty days from the date of its submission, in accordance with the channels and procedures in force at the Authority.

Article (5)

Collection of Administrative Fines

The Authority shall collect the administrative fines provided for in this Decision by the means decided by the Ministry of Finance.

Article (6)

Executive Decisions

The Chairman shall issue the necessary decisions to implement the provisions of this Decision.

Article (7)

Repeals

1. Minister of Economy's Decision No. (1) of 2008 concerning the issuance of the regulation for certification service providers is repealed.
2. Any provision that violates or contradicts the provisions of this Decision is repealed.

Article (8)

Publication and Entry into Force

This Decision shall be published in the Official Gazette and shall come into force on the day following the date of its publication.

Mohammed bin Rashid Al Maktoum

Prime Minister

Issued by us:

On: 7 / Dhu al-Qi'dah / 1445 H

Corresponding to: 15 / May / 2024 AD

Table Attached to Cabinet Decision No. (52) of 2024

Concerning Administrative Fines for Violating the Provisions of Decree-Law No. (46) of 2021 on

Electronic Transactions and Trust Services and its Executive Regulations

No.	Violation Description	Administrative Fine Amount in AED
1	Carrying out any Trust Service or Approved Trust Service without complying with the specified procedures for license renewal within (30) days from the license expiry date.	(300) Three hundred for each day of delay, up to a maximum of (9,000) nine thousand
2	Providing Trust Services or Approved Trust Services after the license has expired.	(500) Five hundred for each day of delay, up to a maximum of (90) ninety days, and the Authority may suspend the license after the (90) ninety-day period from the license expiry date
3	The Licensee's refusal to provide the Authority with documents and data	(10,000) Ten thousand

No.	Violation Description	Administrative Fine Amount in AED
	related to its business, services, and clients.	
4	The Licensee obstructing inspection or auditing work by a person appointed or authorized by the Authority.	(10,000) Ten thousand
5	Failure to implement the obligations and requirements of the Decree-Law, its Executive Regulations, and the decisions and circulars issued by the Authority and relevant entities.	(15,000) Fifteen thousand
6	The Licensee violating the decision issued to suspend or stop it from practicing its activities and providing its services.	(20,000) Twenty thousand
7	Assigning the license to another party without obtaining prior permission from the Authority.	(20,000) Twenty thousand
8	Amending the Licensee's data and ownership without obtaining the Authority's approval.	(20,000) Twenty thousand
9	Publishing data or information that contradicts what is registered with the Authority.	(20,000) Twenty thousand
10	The Licensee's non-compliance with the decision to suspend or cancel the license and its engagement in concluding contracts, providing services, or receiving fees for Trust or Approved Trust Services.	(50,000) Fifty thousand
11	The Licensee's failure to fulfill its obligations arising from contracts concluded before the suspension of its operations or the cancellation of its license.	(20,000) Twenty thousand
12	The Licensee's non-compliance with technical standards during the license period in accordance with the provisions of the Decree-Law, its Executive Regulations, and related decisions and instructions.	(20,000) Twenty thousand
13	The Licensee not acting in a fair and honest manner in all its activities,	(20,000) Twenty thousand

No.	Violation Description	Administrative Fine Amount in AED
	operations, and the presentation and marketing of its services.	
14	The Licensee's non-compliance with the controls and procedures regarding the appointment or reliance on specialized experts for managing and operating services.	(50,000) Fifty thousand
15	The Licensee's non-compliance with the requirements, standards, controls, and procedures related to the use of secure and reliable systems and technologies.	(50,000) Fifty thousand
16	The Licensee's non-compliance with the procedures related to service suspension and the activation of termination plans.	(50,000) Fifty thousand
17	Failure to obtain a license to use the "approved" status in providing the Approved Trust Services specified in the license application.	(20,000) Twenty thousand
18	The Approved Trust Service Provider's non-compliance with the controls, procedures, and standards related to the use of the approved trust mark in accordance with the requirements and decisions issued by the Authority.	(10,000) Ten thousand
19	Advertising services before obtaining a license, or advertising after the license period has expired.	(50,000) Fifty thousand
20	The Licensee's failure to inform or notify the party relying on Trust Services or Approved Trust Services of the security and trust levels of the digital identity used.	(10,000) Ten thousand
21	The Licensee's failure to provide appropriate mechanisms for receiving and processing complaints or for suspending and canceling a customer's account for the services provided.	(10,000) Ten thousand
22	The Licensee's failure to assist and enable the transfer of customers to another licensee according to the controls and instructions issued by the Authority.	(10,000) Ten thousand