Decree No. (14) of 2016
Establishing Emirates Center for Maritime Arbitration

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

Having perused Federal Law No. (11) of 1992 on Civil Procedures as amended; Law No. (9) of 2004 on Dubai International Financial Centre as amended; Law No. (12) of 2004 Concerning Dubai International Financial Center Courts as amended,

Hereby decree the following:

Establishment of the Center
Article (1)
In accordance with this Decree, an arbitration centre to be known as "Emirates Maritime Arbitration Centre" shall be established in the Emirate of Dubai, and shall have a legal person, financial and administrative independence and necessary legal capacity to carry out all activities and actions that can ensure achieving its purposes.

Statute
Article (2)

The Centre shall be regulated and managed in accordance with the statute annexed to this Decree.

Publication and Entry into Force
Article (3)
This Decree shall be published in the Official Gazette and shall enter into force on the date of its publication.

Mohammed Bin Rashid Al Maktoum
Ruler of Dubai

Issued on: 18 April 2016, 11 Rajab 1437 H
Statute of Emirates Maritime Arbitration Centre

Chapter (1)
General Provisions

Definitions

Article (1)
The following words and phrases, wherever they are mentioned in this Statute, shall have the meanings shown opposite to each unless the context indicates otherwise:

<table>
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<tr>
<th>The State:</th>
<th>United Arab Emirates</th>
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<tbody>
<tr>
<td>The Emirate:</td>
<td>Emirate of Dubai</td>
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<tr>
<td>The Ruler:</td>
<td>His Highness the Ruler of Dubai</td>
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<tr>
<td>The Centre:</td>
<td>Emirates Maritime Arbitration Centre</td>
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<tr>
<td>The Statute:</td>
<td>The Centre's Statute</td>
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<td>The Board:</td>
<td>The Centre's Board of Trustees</td>
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<td>The Chairman:</td>
<td>Chairman of the Centre</td>
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<td>The Committee:</td>
<td>The Centre's Executive Committee</td>
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<tr>
<td>Secretary General</td>
<td>The Centre's Secretary General</td>
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<td>Alternative means to settle disputes:</td>
<td>Means for settling local and international maritime disputes other than the judiciary, including arbitration and mediation</td>
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<td>Maritime Dispute:</td>
<td>Any dispute arising from a contract, relation, incident or any matter relating to maritime activities at the local, regional or internal levels</td>
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The Centre's Objectives

Article (2)
The Centre seeks to achieve the following:
1. Settling local and international maritime disputes using alternative means for disputes settlement efficiently and effectively;
2. Enhancing maritime arbitration procedures to be with more integrity and just;
3. Disseminating the culture of maritime arbitration locally, regionally and internationally;
4. Providing flexible and neutral mechanisms to easily settle maritime disputes.

The Centre's Jurisdiction

Article (3)

To achieve its objectives, the Centre shall do the following:

1. Providing the service of settling Maritime Disputes according to the Centre's arbitration rules or those agreed upon between the parties to the dispute.
2. Providing the service of settling Maritime Disputes according to the mediation rules adopted by the Centre.
3. Administratively supervising arbitration of Maritime Disputes reviewed by the Centre.
4. Coordinating and cooperating with other specialized arbitration institutions and centres at the regional and international levels.
5. Working on increasing awareness of alternative means for disputes settlement.
6. Organizing conferences, seminars, workshops, training courses, and issuing specialized publications in the area of maritime arbitration and all issues relating to alternative means for disputes settlement.
7. Establishing a special register for arbitrators, experts and qualified mediators who are acquainted with the requirements and procedures of arbitration or mediation.
8. Any other jurisdiction that may be necessary to achieve the Centre's objectives.

The Centre's Rules and Regulations

Article (4)

A. The rules of arbitration and mediation in the Centre shall be governed by the regulations adopted by the Centre in this regard.
B. All matters not explicitly addressed in the Centre's arbitration rules shall be subject to the arbitration law adopted by Dubai International Financial Centre.
The Competent Court
Article (5)
Unless otherwise agreed between the parties, the Dubai International Financial Centre Courts shall have the jurisdiction to consider any claim, application or challenge relating to any award or arbitration procedure issued by the Centre's arbitration tribunals.

Organizational Structure
Article (6)
The organizational structure of the Centre shall include the following:
1. The Board of Trustees;
2. The Executive Committee;
3. The Management.

Chapter (2)
The Board of Trustees

The Board's Formation
Article (7)
A. The Centre shall be supervised by a board of trustees consisting of the Chairman, vice chairman and at least (7) seven members who are experienced and specialized in maritime arbitration and laws, and who shall be appointed by a Ruler's Decree.
B. If the position of the chairman becomes vacant for any of the reasons provided in Article (11) of this Statute, the vice chairman shall act on his behalf until a new chairman is appointed.
C. If the position of any member of the Board becomes vacant for any of the reasons provided in Article (11) of this Statute, the Board shall continue to carry out its tasks provided that its remaining members constitute at least two thirds.

The Board's Membership Term
Article (8)
A. The Board's membership term shall be three years that are renewable for similar periods.
B. If a member substitutes another member in the Board, the membership term of the new member shall be a continuation of his predecessor's membership term.

C. If the term of the Board ends and it is not re-formed, it will continue to practice its jurisdiction until another Board is formed to replace it.

The Board's Jurisdiction

Article (9)

The Board shall have the following roles and responsibilities:
1. Setting the general policy and strategic plan to achieve the Centre's objectives and supervise their implementation.
2. Proposing amendments to the Statute and presenting them to concerned governmental entities to be studied and then ratified by the Ruler.
3. Ratifying the Centre's arbitration and mediation rules.
4. Approving the organizational structure for the management of the Centre, rules and regulations relating to the organization of work in administrative and financial aspects of the Centre, including employee's affairs.
5. Adopting the list of arbitrators and mediators fees.
6. Adopting requirements for registering arbitrators, mediators and experts in the Centre.
7. Adopting fees for registering claims, arbitrators and mediators and other services provided by the Centre.
8. Approving the Centre's annual balance sheet and final account.
9. Approving the annual report on the Centre's works and activities.
10. Forming subcommittees of its members or others and deciding their mandates.
11. Appointing an auditor and determining his annual remuneration;
12. Any other tasks that may be necessary to achieve the Centre's objectives.

The Board's Meetings

Article (10)

A. The Board shall hold meeting upon an invitation by the Chairman or his vice chairman if the former is absent, or upon the Committee's request, at least once a year and when there is a need.
B. An invitation to attend the Board's meeting shall be sent to each member by a registered letter with acknowledgement of receipt or by any other means prescribed in the Centre's regulations at least forty-five (45) days prior to the meeting. The invitation letter must contain the agenda, place and time of the meeting.

C. Taking into consideration paragraph (G) of this Article, a meeting of the Board shall not be valid unless it is attended by the majority of members. Discussions may be conducted by electronic communication means as determined by the Centre's regulations in this regard.

D. A meeting shall be presided by the Chairman or his vice chairman if the former is absent, and if both of them are absent, the Board shall select one of its members to preside the meeting.

E. The Board shall issue decisions and recommendations with the majority of votes of attending members, and if the votes are equal, the party that includes the head of the meeting shall prevail.

F. The Board's decisions and recommendations shall be recorded in minutes to be signed by the head of the meeting and attending members.

G. If a meeting is concerned with amending the Statute, the arbitration and mediation rules or any of the Centre's regulations, at least two thirds of the Board must be present, and the Board shall take decisions in this case with a majority of at least three quarters of the attending members, including the Chairman or his vice chairman.

**Loss of Membership**

**Article (11)**

A member of the Board shall lose his membership in any of the following cases:

1. Death;
2. Declaration of bankruptcy or insolvency;
3. Resignation by a letter presented to the Board;
4. If he becomes incompetent according to his country's law or the State's law;
5. If he is convicted in a final judgment of a felony or a crime breaching honour, trust or public morals.
Chapter (3)
The Executive Committee

Formation of the Committee

Article (12)
A. An executive committee shall be formed in the Centre, comprised of at least three members, including its head, all of whom shall be appointed by the Chairman from the Board's members.
B. The Committee's membership term shall be equal to the Board's membership term, and any member may be re-appointed for a similar period(s).
C. If the position of a member of the Committee becomes vacant or such member becomes unable to carry out his tasks, the Chairman shall appoint a substitute for him to serve the remaining period of the Committee's term.

The Committee's Jurisdiction

Article (13)
The Committee shall have the following roles and responsibility:
1. Proposing amendments to the arbitration and mediation rules and other alternative disputes settlement means and presenting them to the Board to be approved.
2. Supervising the implementation of the Statute and the Centre's arbitration and mediation rules and regulations and issuing necessary instructions to implement the same.
3. Appointing the arbitral tribunals and mediators according to the Centre's arbitration and mediation rules.
4. Considering and deciding on applications for registration in the panel of arbitrators, mediators and experts.
5. Deciding the place of arbitration if the parties to a dispute do not agree on it.
6. Deciding the language of arbitration if the parties to a dispute do not determine it, before appointing the arbitration tribunals.
7. Deciding on applications for dismissing any of the arbitrators or mediators according to the Centre's arbitration rules.
8. Deciding the arbitrators and mediators fees and the costs and expenses for arbitration and mediation.
9. Any other tasks assigned to it according to the Centre's arbitration and mediation rules and regulations.

**The Committee's Meetings**

**Article (14)**

A. The Committee shall hold its meetings upon invitations by its head or upon the Secretary General's request at least once every six (6) months or when there is a need. An invitation shall be sent at least seven (7) working days prior to the time of a meeting.

B. The Committee's meetings shall be valid if they are attended by all its members.

C. The Committee shall issue its decisions and recommendations with the majority of votes of members.

D. The Committee's decisions and recommendation shall be recorded in minutes signed by the meeting's head and members.

E. The Committee's members may take decisions in writing or by means of electronic communication on matters relating to the arbitration and mediation procedures referred to them by the Secretary General.

**Chapter (4)**

**The Management**

**Appointing the Secretary General and Determining His Powers**

**Article (15)**

A. The Secretary General shall be appointed by a Board's decision.

B. The Secretary General shall have the following tasks and powers:
   1. Proposing the Centre's general policy and strategic plan and presenting them to the Board for approval.
   2. Proposing the organizational structure of the Centre's management and presenting it to the Board for approval.
   3. Supervising the work of the Centre's management.
   4. Preparing annual reports on the Centre's activities and presenting them to the Board for approval.
   5. Following up the implementation of the Centre's Statute, arbitration and mediation rules and regulations.
6. Preparing the Centre's draft annual budget and presenting it to the Committee at least two (2) months before the end of a fiscal year to be discussed and then presented to the Board for approval.
7. Managing the Centre's funds and bank accounts.
8. Supervising the execution of the Centre's annual budget.
9. Signing on behalf of the Centre all administrative and financial matters according to the powers determined by the Centre's regulations and the Board's decisions.
10. Attending meetings of the Board and the Committee and participating in their discussions, but without having the right to vote.
11. Entering into agreements, contracts and memoranda of understanding with other arbitration centres, associations and organizations in relation to the Centre's activities.
12. Assuming the tasks of a secretary in meetings of the Board and the Committee.
13. Any other tasks assigned to it by the Committee or the Board.

The Management Jurisdiction

Article (16)

Taking into consideration the roles and responsibility of the Secretary General provided in Article (15) of this Statute, the Centre's management shall have the following tasks and powers:
1. Providing the parties to a dispute, upon their request, with names of arbitrators, mediators and experts.
2. Receiving applications for arbitration or mediation, replies to them and all documents relating to the applications and serving them to the parties of a dispute.
3. Preparing a summary of a dispute and presenting it to the Committee.
4. Preparing a special record to keep the files of arbitration and mediation presented to the Centre, and the original awards issued by the arbitration tribunal or by arbitrators.
5. Notifying the parties to a dispute of the times and places of sessions if requested by the arbitration tribunal, arbitrator or a mediator.
6. Keeping and updating the list of arbitrators, mediators and experts, their addresses and their areas of specialization.
7. Providing suggestions to develop the arbitration and mediation procedures and any other alternative disputes settlement means.
8. Keeping records of the meetings of the Board and the Committee.
9. Preparing, supervising, editing and publishing the Centre's periodicals and publications.
10. Organizing and participating in seminars, lectures, training courses and workshops in the field of maritime arbitration.
11. Coordinating with other local and international arbitration centres in all fields to achieve the Centre's objectives, including exchange of expertise and list of arbitrators, mediators and experts.
12. Undertaking the necessary correspondences and communications to achieve the Centre's objectives.
13. Any other tasks assigned to it by the Board, the Committee or the Secretary General.

Chapter (5)
Financial Affairs

The Centre's Financial Resources

Article (17)
The Centre's financial resources consist of the following:
1. Registration fees of applications for arbitration and mediation.
2. Registration fees of arbitrators, mediators and experts.
3. Revenues generated by the Centre from the activities it carries out and the services it provides.

Annual Balance Sheet

Article (18)
The Centre shall follow in the organization of its accounts and records the rules and principles of commercial accounting based on international accepted standards. The Centre's fiscal year shall begin on the first day of January and end on the thirty first of December of each year, taking into consideration that the first fiscal year shall begin on the date on which the Decree establishing the Centre enters into force and shall end on the thirty first of December in the following year.
Chapter (6)
Final Provisions

The Centre's Representation
Article (19)
A. The Chairman shall represent the Centre before all relevant official, unofficial and relevant judicial parties.
B. The Chairman may authorize any member of the Board or the Secretary General to present the Centre before third parties or the judiciary, and the vice chairman shall assume the Chairman's powers if the latter is absent or unable to carry out his tasks for whatever reason.

Confidentiality and Neutrality
Article (20)
A. Meetings and deliberations of the Board and the Committee shall be confidential.
B. The Chairman, his vice chairman, or any member of the Board or the Committee may not attend or participate in meetings in the following cases:
   1. If he is a party to or has a direct or indirect interest in the subject of the meeting;
   2. If he is an attorney, legal representative or guardian of a party to a dispute;
C. The Chairman, his vice chairman and members of the Board and the Committee must disclose the cases prescribed in paragraph (B) of this Article if they exist.
D. The Chairman, his vice chairman, members of the Board and the Committee, the Secretary General and the management staff of the Centre must, during and after their service in the Centre, refrain from disclosing or revealing any information and documents relating to the Centre's work.
E. All information and documents submitted by the parties to a dispute shall be confidential, and anyone who has access to them must refrain from disclosing or revealing such information or documents unless the parties agree in writing or upon a competent judicial body's request.
Appointing Members of the Board in Arbitration or Mediation Tribunals

Article (21)

A. The parties to a dispute or arbitrators in any dispute presented to the Centre may agree in writing on appointing a member(s) of the Board in the arbitration tribunal provided that one of those members presides the arbitral tribunal.

B. The parties to a dispute may agree in writing on appointing a member of the Board as a single arbitrator to consider such dispute.

C. The parties to a dispute may agree in writing on appointing any member of the Board as a mediator or an expert in the dispute.

Exemption from Liability

Article (22)

Except for cases of fraud and grave error, the Chairman, his vice chairman, members of the Board, members of the Committee, the Secretary General or any of the management staff shall not be, during their service, liable towards others for any act or negligence by them in relation to management. The Centre shall be solely liable for such act or negligence.

Communication and Correspondence

Article (23)

A. Any invitation or communication prescribed in this Statute, regulations or arbitration or mediation rules must be in writing, and may be sent by fax or registered mail with acknowledgement of receipt or electronic communication means determined by the Board.

B. A communication shall be productive of its effects on the day that follows its receipt by the addressee.