



## ADMINISTRATIVE DECISION NO. (2) OF 2023 FOR TRANSPARENCY OF LOCAL SEA CONTAINER CHARGES IN DUBAI

### The Chairman of the Ports, Customs and Free Zone Corporation

After perusal of:

Law No. 1 of 2001 on the Establishment of the Ports, Customs and Free Zone Corporation, as amended,

Decree No. 5 of 2006 on the Appointment of the Chairman of the Ports, Customs and Free Zone Corporation,

Law No. 3 of 2023 on the Establishment of the Dubai Maritime Authority,

Law No. 4 of 2023 on Dubai Ports Authority,

Directive no. 1 of 2023 on Transparency of Local Sea Container Charges in Dubai,

### We decided the following :

#### Article 1 – Definitions

The following terms and expressions shall, wherever they appear in this Decision, have the meanings assigned to each, whether worded in the plural or in the singular, unless the context indicates otherwise:

<b>Emirate</b>	The Emirate of Dubai.
<b>Authority</b>	The Dubai Maritime Authority created by the DMA Law.
<b>Directive</b>	Directive No. 1 of 2023 for Transparency of Local Sea Container Charges in Dubai
<b>DMA Law</b>	Dubai Law No. 3 of 2023 creating the Authority.
<b>Dubai Ports Authority</b>	The Dubai Ports Authority established by Decree No. 1 of 1990 on the Establishment of the Dubai Ports Authority and its amendments, which Decree has been repealed and replaced by Law No. 4 of 2023 on the Dubai Ports Authority.



<b>Dubai Trade Platform</b>	The single digital hub for trade and logistics services in Dubai currently available at <a href="https://www.dubaitrade.ae/en/">https://www.dubaitrade.ae/en/</a>
<b>Delivery Order</b>	A document issued by a Service Provider to the owner, receiver, or person entitled to possession of any given cargo, or to any of their respective agents or representatives, allowing the legal and physical delivery of such cargo at the Port.
<b>Digital Delivery Order</b>	A digital Delivery Order requested and issued via the Dubai Trade Platform.
<b>Grievance Committee</b>	A committee appointed by the Authority to hear and decide grievances filed in accordance with Article 13 of this Decision.
<b>Objection</b>	Any objection, order, direction or request for further information by the Authority in respect of any Sea Container Charge filed with it under this Decision and/or Directive
<b>Occasional Discounts</b>	Occasional or special commercial discounts or rebates to a Service Provider's standard rates, applied by a Service Provider outside of its ordinary course of dealing, and which are not systematically applied to all or a majority of its Users.
<b>Ports</b>	Has the meaning ascribed to it in the DMA Law, subject to being restricted to those ports in the Emirate that engage in container transport and handling activity, including but not limited to the Jebel Ali Port, the Hamriyah Port, and Port Rashid.
<b>Port Operator</b>	Any entity appointed and responsible for the overall management and operation of a given Port.
<b>Review Period</b>	The period of thirty (30) days from the date a Sea Container Charge is disclosed and filed by a Service Provider with the Authority under this Decision.
<b>Amended Sea Container Charges</b>	Any and all amendments to a Service Provider's Sea Container Charges previously filed with the Authority in accordance with Directive or in accordance with this Decision, whether by increasing or decreasing the value of any such Sea Container Charges, except to the extent that such change is exclusively a



direct and inevitable reflection of a change in governmental, Authority or Port Operator fees.

**New Sea Container Charges** Any and all Sea Container Charges of any Service Provider, which are not Amended Sea Container Charges, and which have not been previously filed with the Authority.

**Sea Container Charges** Any and all direct or indirect local charges charged or applied by a Service Provider (including government or other third-party charges, as well as Service Provider service charges) in respect of any Sea Container Services, including but not limited to those charges listed at Schedule 1 of this Decision, which list may be amended by the Authority from time to time.

**Sea Container Services** Any and all services provided in the Emirate, arising out of or in connection with sea container operations, including but not limited to loading and unloading, weighing, handling, shifting within or between the terminal(s) and inland storage facilities, storage, stuffing, destuffing, dunning, sealing, delivery, custom clearing or obtaining any government permits/licences/documents, surveillance, inspection, monitoring, repair, as well as cargo or container document issuance, delivery, switching or amendment.

**Service Provider** Any person licensed in the Emirate to provide any of the Sea Container Services.

**User** Any person (corporate or individual) to which a Service Provider provides Sea Container Services, whether directly or indirectly.

## Article 2 – End of Freezing of Sea Container Charges

The Temporary freezing of sea container charges under Articles 4 and 9 of the Directive is hereby ceased from the date of issuance of this Decision.



### Article 3 – Scope of Application and Objectives of this Directive

1. The objectives of this Decision are to:
  - (a) Acknowledgment of the procedures that were carried out in accordance with the Directive.
  - (b) Promote best commercial practices and fair competition in the Emirate's maritime sector;
  - (c) Increase transparency in relation to the application of Sea Container Charges.
2. This Decision applies to all Service Providers providing, or whose activity relates to Sea Container Services within, outside or through any of the Ports.
3. In case of conflict or inconsistency between this Decision and Directive, the terms of this Decision will apply.

### Article 4 - Disclosure and filing requirement

1. All Service Providers must disclose and file all their Sea Container Charges, be they Amended Sea Container Charges or New Sea Container Charges, with the Authority, in accordance with this Decision.
2. Occasional Discounts are exempted from this Article. Occasional Discounts can be applied by Service Providers to their Sea Container Charges without prior filing requirement.

### Article 5 – Disclosure and filing procedures

1. Any filing under Article 4(1) above must be done electronically online, via the Dubai Trade Platform, in accordance with the forms, processes and requirements set therein. As part of that process, Service Providers will be required to upload:
  - (a) their proposed Amended Sea Container Charges and/or New Sea Container Charges using the Sea Container Charges acronyms, codes, names and descriptions set out in Schedule 1 of this Decision, unless otherwise instructed by the Authority; and
  - (b) any other information or document that may be required by the Authority or the Dubai Trade Platform from time to time.

### Article 6 – Objections by the Authority

1. The Authority has the right to raise Objections in respect of any Sea Container Charge filed under this Decision and/or under Directive, at any time, whether during or after the Review Period. The relevant Service Provider must comply promptly with the directions of the Authority issued in respect of any such Objection, to the Authority's satisfaction.



2. For the purposes of this Decision, an Objection will no longer apply to a given Sea Container Charge in either of the below cases:
  - (a) from the date the relevant Service Provider receives written confirmation of the end of the relevant Objection by the Authority; or
  - (b) the lapse of thirty (30) days from the last written communication by the relevant Service Provider to the Authority addressing the relevant Objection, where no further written reply is received from the Authority.
3. The Authority has the right to request the submission of any information, documentation or records it deems necessary from Service Providers or Users, including invoices and receipts. The Service Providers and Users must comply with any such requests within the timeframes specified by the Authority.

#### **Article 7 – Publication of Sea Container Charges by Service Providers**

1. The Service Provider must, within no more than thirty (30) days from the effective date of this Decision, publish on its website, in a clear and unequivocal manner, any Sea Container Charges that it filed previously with the Authority pursuant to Directive. Such Sea Container Charges shall remain applicable during this thirty (30) day period subject to any Objection by the Authority. They will no longer apply to Users thereafter if not published as required, until they are so published.
2. Subject to Article 7(3) below, the Service Provider must publish on its website, in a clear and unequivocal manner, all Amended Sea Container Charges and New Sea Container Charges that have been filed with the Authority in accordance with this Decision.
3. The Service Provider cannot publish any Amended Sea Container Charges or New Sea Container Charges before the lapse of the Review Period or if the relevant charges are subject to an Objection from the Authority.
4. The Service Provider who does not have a website must communicate and provide its Sea Container Charges to the Users and its customers in writing, in advance, clearly and unequivocally.



### **Article 8 – Use of data by the Authority**

The Authority has the right to use all information and data filed with it under this Decision and Directive for any research purpose or objectives, or for benchmarking, or for government records and statistics. The Authority may publish and disclose any such information and data as consolidated data and without disclosing any Service Provider or User names and without disclosing individual data points which may identify a Service Provider.

### **Article 9 – Prohibitions relating to Sea Container Charges**

1. Service Providers are prohibited from charging Users any Sea Container Charge in any of the following circumstances:
  - (a) If the relevant Sea Container Charge has not been filed with the Authority as required by this Decision or Directive;
  - (b) If the relevant Sea Container Charge has not been published as required by Article 7 of this Decision;
  - (c) Using an acronym, code or reference name for such Sea Container Charge which is different to the acronym, code or reference name under which it was filed with the Authority;
  - (d) If the relevant Sea Container Charge is subject to an unresolved Objection. This is without prejudice to the relevant Service Provider being able to collect any Sea Container Charge invoiced to Users before the date of the relevant Objection; and
  - (e) In breach of an Objection.

### **Article 10 – General requirements**

1. In keeping with the spirit of this Decision, and without prejudice to its terms:
  - (a) Any and all discussions, agreements, decisions, and concerted or restrictive practices which have as their object or effect the direct or indirect fixing of Sea Container Charges between Service Providers are prohibited.
  - (b) Service Providers must communicate all of their Sea Container Charges to their customers and Users in advance and in a clear and understandable manner. This includes providing a reasonable description and breakdown thereof in the Service Providers' quotations and invoices.



- (c) The Service Provider's invoices must include a breakdown of any third-party costs, fees or charges, and the Service Provider must provide the User with copies of invoices relating to any such costs, fees or charges upon the User's request.

### **Article 11 – Violations and Administrative Penalties**

The Authority may apply the penalties determined in accordance with the DMA Law and in the orders issued pursuant thereto on any violation of the provisions of this Decision.

### **Article 12 – Law Enforcement Capacity**

1. The Authority's employees who have been designated in accordance with Article 17 of the DMA Law have inspection rights over Service Providers to investigate compliance with this Decision:
  - (a) of their own initiative, at any time, or where they have reasonable grounds to suspect a violation; or
  - (b) upon receiving a complaint from a User that a violation or potential violation may have been committed. Any User can file a complaint in this regard by contacting the Authority directly via the channels specified by the Authority for that purpose.
2. In the course of, or in connection with any investigation by the Authority pursuant to Article 12(1):
  - (a) the Authority may perform unannounced site investigations at the target Service Provider's premises; and/or
  - (b) the target Service Provider must provide the Authority with: (i) whatever documents or records; or (ii) access to whatever persons or premises; the Authority requests, as and when requested by the Authority.

### **Article 13 – Grievances**

1. The relevant Service Provider or User may file a written grievance against any order or decision of the Authority under this Decision before the Grievance Committee, within fourteen (14) days of the date of the Authority's relevant order or decision. Past that timeframe, any unchallenged order or decision of the Authority will be deemed final and non-challengeable.



2. The grievance must include the following information:
  - (a) a copy of the applicant's valid license to provide Sea Container Services in the Emirate (where the grievance is filed by a Service Provider);
  - (b) a detailed statement of the grounds of the grievance; and
  - (c) a copy of all the evidence and documents upon which the applicant intends to rely. The Grievance Committee may request any further information or documentation, at its discretion. The grievance will be heard in accordance with the rules and procedures for grievances, as determined by the Authority from time to time.
3. The decision by the Grievance Committee issued in any grievance filed in accordance with this Article will be final, binding and non-appealable in any way.

#### **Article 14 – Port Operator charges**

1. The Port Operator will invoice its terminal handling charges (THC) and truck loading and unloading charges (TLUC) to the relevant User, and collect payment thereof, directly or via the Dubai Trade Platform, in accordance with the regulations and procedures that will be issued by the Dubai Ports Authority in this regard.
2. The User will pay the charges referred to in Article 14(1) above to the Port Operator directly, or via the Dubai Trade Platform, as per the Port Operator's procedures.
3. The provisions of Articles 14(1) and 14(2) are without prejudice the Port Operator's right to claim payment of terminal handling charges (THC), or truck loading and unloading charges (TLUC), or any other fees or charges, including (without limitation) any fees or charges relating to abandoned containers, directly from the relevant Service Provider.

#### **Article 15 – Delivery Orders**

1. As of 1 November 2023:
  - (a) All Delivery Orders are to be issued as Digital Delivery Orders via the Dubai Trade Platform;
  - (b) Port Operators will not execute sea container delivery except based on Digital Delivery Orders that have been issued by Service Providers via the Dubai Trade Platform; and





- (c) Service Providers will present all their invoices, and collect all payments, in respect of all Digital Delivery Orders, via the Dubai Trade Platform, and they will not charge or collect any additional fees or amounts in this regard directly from Users. Service Providers will also submit, onto the Dubai Trade Platform, all information and document as may be requested by the Dubai Trade Platform in connection with the issuance of Digital Delivery Orders.
2. Service Providers will not adjust or increase their Delivery Order fee without complying with the provisions of this Decision relating to disclosure, filing and publication procedures.
  3. The Dubai Trade Platform may charge and collect a service fee against its services.
  4. The date referred to in Article 15(1) may be extended by circular issued by the Authority.

#### **Article 16 – Publication and effective date**

This Decision shall be effective from its date of issuance and shall be published in the official gazette.

**Issued on: 1 August 2023**



### SCHEDULE 1 - SEA CONTAINER CHARGES

Sea Container Charge acronym and name	Sea Container Charge description
BOL - B/L amendment fee	Bill of lading amendment charge
BOL - B/L fee	Bill of lading issuance charge
BOL - Switch B/L fee	Switch bill of lading charge
CUSTOMS - Customs clearance/ brokerage fees	Customs clearance/ brokerage fees
CUSTOMS - Customs inspection fees	Customs inspection fees (Import and export)
DC - Dubai Chamber of Commerce attestation & certifications	Dubai Chamber of Commerce attestation & certifications
DM - Dubai Municipality permits and inspections	Dubai Municipality permits and inspections
DM - Dubai Municipality product registration fees	Dubai Municipality product registration fees (Montaji)
DO - D/O fee	Delivery Order issuance charge
LD - Demurrage/detention charge	Container line demurrage / detention charge
MOCCAE - MOCCAE clearances	Ministry of Climate Change and Environment clearances
MOH - Ministry of Health permit and approvals	Ministry of Health permit and approvals
SEAL - Seal charge	Container seal charge
SERVICE - Cleaning charge	Container cleaning/washing charge
SERVICE - Monitoring charge	Container monitoring / inspection charge (e.g. reefer/ hazardous)
SERVICE - Overweight surcharge	Container overweight surcharge
SERVICE - Special gear surcharge	Use of special gear surcharge
SERVICE - Weighment at port charge	Container weighment charge
SHIFT - Inter terminal transfer charge	Charge for inter-terminal transfer of containers
SHIFT - Lift on – lift off charge (TLUC)	Charge for loading and unloading containers to / from trucks within port
THC - Terminal handling charge	Terminal handling charge at port