Cabinet Resolution No. (57) of 2024 Concerning the Administrative Violations and Penalties for Acts Violating the provisions of Cabinet Resolution No. (56) of 2024

Concerning the Telemarketing Regulations

The Cabinet,

- Upon reviewing the Constitution; and
- Federal Law No. (1) of 1972, Concerning the Competences of Ministries and Capacities of Ministers, as amended; and
- Federal Law No. (14) of 2016, Concerning the Administrative Violations and Penalties in the Federal Government; and
- Federal Decree-Law No. (14) of 2018 Concerning the Central Bank and Regulation of Financial Institutions and Activities, and amendments thereof; and
- Federal Decree-Law No. (48) of 2023, Concerning the Regulation of Insurance Business; and
- Cabinet Resolution No. (56) of 2024 Concerning the Telemarketing Regulations; and
- Based on the proposal of the Minister of Finance and the Approval of the Cabinet,

Has resolved as follows:

Article (1)

Definitions

In application of provisions of this Resolution, definitions set forth in Cabinet Resolution No. (56) of 2024 Concerning the Telemarketing Regulations, unless the context requires otherwise.

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Article (2)

Scope of Application

Without prejudice to any severer penalty stipulated in legislations applicable in the State, provisions of this Resolution shall be enforced on any actions committed in violation of Cabinet Resolution No. (56) of 2024 Concerning the Telemarketing Regulations.

Article (3)

Administrative Penalties

First: Administrative penalties imposed by the competent authorities on companies:

- The competent authority may, subject to competences assigned in accordance with the aforementioned Cabinet Resolution No. (56) of 2024, impose administrative penalty or penalties with respect to any of the actions committed by companies in violation of the aforementioned Cabinet Resolution No. (56) of 2024 in a way that take gradation of penalties into account as follows:
 - a. Warning.
 - b. The administrative fine according to Table No. (1) attached to this Resolution.
 - c. Total or partial suspension of activity for a period not less than (7) seven days and not exceeding (90) ninety days.
 - d. Cancellation of license and deletion from the commercial register, cutting communications services and removing the phone number.
- 2. The decision issued to impose an administrative penalty shall determine the period required for the violator to remove or remedy the violation under the applicable administrative penalty in case the violating company abstains to remove or remedy the violation. This is provided that gradation in penalties stipulated in Clause (1) of this Article shall be considered.
- 3. The competent authority may, pursuant to the assigned competences, not follow the gradation in penalties stipulated in Clauses (1) and (2) of this Article, and

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imposes the most severe administrative penalty in case the violating company commits the same violation that was the subject of a previous administrative penalty within (6) six months from the date of imposing the administrative penalty.

Second: Administrative penalties imposed by the Authority on natural persons.

- 1. The Authority may, in coordination with telecommunications companies licensed to operate in the State, impose administrative penalty or penalties with respect to a violation of a natural person for blocking marketing phone calls in violation of provisions of the aforementioned Cabinet Resolution No. (56) of 2024, taking into account the penalties stipulated in Table No. (2) attached to this Resolution.
- 2. The authority may not, in coordination with the telecommunications companies licensed to operate in the State, follow the gradation in penalties stipulated in Table (2) attached to this Resolution, and imposes the most severe administrative penalty in case the violating natural persons commits the same violation that was the subject of a previous administrative penalty for the third time. In all cases, a decision to impose the administrative penalty as stipulated in Clauses (First) and (Second) above, shall be issued by the Head of the competent authority, the Head of the Authority (as the case may be) or his delegate.

Third: Administrative penalties imposed by the Central Bank on companies and natural persons:

The Central Bank shall, upon the approval of the Cabinet, develop a regulation for the administrative violations and penalties imposed on companies that violate provisions of Cabinet Resolution No. (56) of 2024 Concerning the Telemarketing Regulations pursuant to competences assigned to the Central Bank subject to Clause (1) of Article (9) of the aforementioned Cabinet Resolution No. (56) of 2024.

Article (4)

Fines Amendment

The Cabinet has the power to make or amend the fines mentioned in this Resolution, whether by addition, deletion or amendment. This shall be based on a proposal from the Minister, upon coordination with the Ministry of Finance and the competent authorities.

Article (5)

Fines Collection

- The Federal competent authority shall collect fines imposed by the same authority subject to this Resolution at the treasury of the State according to the mechanism decided by the Ministry of Finance.
- 2. As an exception from clause (1) of this article, the Central Bank shall collect the fines the Bank imposes subject to the regulation of administrative violations and penalties issued pursuant to Clause (Third) of Article (3) of this Resolution according to the mechanism decided by the Bank in this respect.
- 3. The local competent authority shall collect fines imposed by the same authority subject to this Resolution to the treasury of the local government according to the mechanism applicable at every Emirate.

Article (6)

Appeal

 Every stakeholder may appeal in writing or electronically to the Head of the competent authority or the Head of the Authority, pursuant to competence assigned, against the administrative penalty taken against such stakeholder within (15) fifteen days as of the notice date of the appealed administrative penalty, provided that such appeal shall be attached with all papers and supporting documents. Such appeal shall be decided on within (30) thirty days as of the submission date. Receiving no reply during the above period shall be deemed a rejection, provided that the appellant shall be notified with the decision and its grounds in case of explicit or implicit rejection.

2. As an exception from clause (1) of this article, administrative violations and penalties imposed the Central Bank may be appealed based on Clause (Third) of Article (3) of this Resolution according to the mechanism decided by the Central Bank in this respect.

Article (7)

Publication and Enforcement

This Resolution shall be published in the Official Gazette and shall be enforced after (60) sixty days as of the date of publication.

Mohammed Bin Rashid Al Maktoum

Prime Minister

Issued by Us: On: 4 Dhul-Hijjah 1445 A.H. Corresponding to: 10 June 2024 AD

Table No. (1) Annexed to Cabinet Resolution No. (57) of 2024 Concerning the Administrative Violations and Penalties Imposed on Companies that Violate the Provisions of Cabinet Resolution No. (56) of 2024 Concerning the Telemarketing Regulations

SN	Violation	Legal	Administrative Fine (AED)		
	Description	Reference	First Time	Second	Third Time
				Time	
1	Failure to obtain	Article (4)	75,000	100,000	150,000
	prior approval to	Clause (1)			
	practice				
	telemarketing				
	activities from the				
	competent authority				
2	No provision of	Article (4)	10,000	25,000	50,000
	comprehensive	Clause (2)			
	training to the				
	company's				
	marketers on code				
	of conduct in				
	making marketing				
	calls with consumers				
	and basic principles				
	of using DNCR.				
3	Phone marketing for	Article (4)	25,000	50,000	75,000
	products of services	Clause (3)			
	through numbers				
	that are not				

				1	
	registered under the				
	commercial license				
	of the company that				
	is licensed to				
	operate in the State.				
4	Calling for the	Article (4)	50,000	75,000	150,000
	purpose of	Clause (5)			
	marketing products				
	or services for				
	consumers whose				
	numbers are				
	included in the				
	DNCR.				
5	Failure to keep a	Article (4)	10,000	25,000	50,000
	register for all	Clause (6)			
	marketing phone				
	calls made according				
	to the form prepared				
	by the competent				
	authority.				
6	Failure to record	Article (4)	10,000	25,000	50,000
	marketing phone	Clause (7)			
	calls with the				
	consumer.				
7	Failure to notify the	Article (4)	10,000	20,000	30,000
	consumer with	Clause (7)			
	recording the				
	marketing phone				
	calls at the start of				
	the call.				

8	Failure to provide	Article (4)	10,000	20,000	30,000
	periodical reports to	Clause (8)	10,000	20,000	20,000
	the competent				
	authority				
	-				
	concerning the				
	marketing phone				
	calls that were made				
	within a month as of				
	maturity date of the				
	report.				
9	No identification for	Article (4)	10,000	20,000	30,000
	the company and	Clause (11)			
	the purpose of the				
	call at the beginning				
	of the marketing				
	phone call.				
10	Failure to disclose	Article (4)	25,000	50,000	75,000
	the source from	Clause (12)			
	which phone				
	numbers and data of				
	the consumer were				
	obtained when				
	requested by the				
	competent				
	authority.				
11	Using marketing	Article (5)	10,000	25,000	50,000
	methods that form	Clause (1)			
	unreasonable				
	pressures on the				
	consumer to				
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the consumer Clause (4)
refuses the product
or service in the first
call.
15 Calling back when Article (5) 10,000 25,000 50,000
the consumer does Clause (5)
not answer or rend
the call more than
one time per day
and more than two
times per week.
16 Using automatic Article (5) 10,000 25,000 50,000
calling or marketing, Clause (6)

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		order to be used in				
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		calls.				

Table No. (2) Annexed to Cabinet Resolution No. (57) of 2024 Concerning the Administrative Violations and Penalties Imposed on Natural Persons Violating the Provisions of Cabinet Resolution No. (56) of 2024 Concerning the Telemarketing Regulations

SN	Violation	Legal	Administrative Penalty		
	Description	Reference	First	Second Time	Third Time
			Time		
1	Making	Article (3)	AED	AED 20,000,	AED 50,000, in
	marketing	Clause (2)	5,000, in	in addition to	addition to
	phone calls		addition	cutting all	preventing the
	by the		to cutting	numbers of	natural person to
	natural		all	fixed or	get any service from
	person for		numbers	mobile	the
	products or		of fixed	phones that	telecommunications
	services in		or mobile	are registered	companies that are
	his name or		phones	under the	licensed in the State
	the name of		that are	natural	for (12) twelve
	is delegate		registered	person's name	months in case such
	through a		under the	for (3) three	person commits the
	number of a		natural	months in	same violation
	fixed or		person's	case such	within (30) thirty
	mobile		name	person	days from the date
	phone that		until the	commits the	on which the
	is licensed		payment	same	administrative
	in the name		of the	violation	penalty is imposed
	of such		due	within (30)	at the second time.
				thirty days	

natural	financial	from the date	
person.	fine.	on which the	
		administrative	
		penalty is	
		imposed at	
		the first time.	