

United Arab Emirates – Primary legislation

UNOFFICIAL TRANSLATION

Council of Ministers Resolution No. (17) for the year 2012 on the collection and exchange of information for the purposes of international tax agreements

The Cabinet:

Having reviewed the Constitution,

And the Federal Law No. (1) for the year 1972 on the functions of the ministries and powers of Ministers and its amendments, for the year 2010 on the commitment to the principle of transparency in the exchange of information for the purposes of taxes in accordance with the G20 resolutions.

And Based on the proposal of the Minister of Finance, and the approval of the Council of Ministers,

Decided

Article 1

The Ministry of Finance is authorised to collect and exchange information and data on natural persons and legal entities licensed to operate in the UAE, including the free zones, in implementation of the obligations of the State provided for in international tax agreements.

Article 2

The Ministry of Finance when exercising the powers conferred upon it under Article 1 of this resolution shall coordinate with federal and local authorities concerned in all matters relating to specifying the type and nature of the information and data to be collected and the mechanism to provide it, and these authorities shall cooperate with the Ministry in implementing the provisions of this decision.

Article 3

This decree shall be put into effect from the date of its issuance, and published in the official gazette.

Mohammed bin Rashid Al Maktoum

Prime Minister

**United Arab Emirates
The Cabinet**

03/08/2020

Cabinet Resolution No. (5/11(ج)) of 2020

Session No. 11

**H. H. Sheikh Hamdan Bin Rashed Al Maktoum
Minister of Finance**

Subject: **Implementing Certain Provisions of the Multilateral Administrative Agreement for Automatic Exchange of Information**

With reference to your memorandum, No 59/2020 dated 09/07/2020 requesting the issuance of a new resolution concerning the above subject matter, kindly note that the Cabinet of Ministers in its session held on 03/08/2020 has resolved the following:

First. Determining the Regulatory Authorities

The following authorities shall be appointed as the Regulatory Authorities for the purposes of implementing the provisions of the Multilateral Administrative Agreement for Automatic Exchange of Information, and the Common Reporting Standard:

- a. Central Bank of the United Arab Emirates in respect of a Financial Institution subject to its supervision under applicable laws and regulations of the Central Bank;
- b. Securities & Commodities Authority in respect of a Financial Institution subject to its supervision under applicable laws and regulations of the Securities & Commodities Authority;
- c. Insurance Authority in respect of a Financial Institution subject to its supervision under applicable laws and regulations of the Insurance Authority;
- d. Financial Free Zone Authority designated by the related Financial Free Zone as a Regulatory Authority in respect of a Financial Institution registered in such Financial Free Zone;
- e. Ministry of Finance in respect of any Financial Institution not otherwise regulated by any of the aforementioned Regulatory Authorities.

Second. Powers of Imposing Penalties

1. Each of the Regulatory Authorities named under Article First shall impose and administer the penalties stipulated under this Resolution.

2. The Central Bank of the United Arab Emirates shall instruct the banks licensed by it to collect the fines referred to in Article Three of this Resolution and transfer them to the account designated thereto.

Third. Offence and Penalty for Provision of False Self-Certification

1. A fine in the amount of Dirhams (20,000) twenty thousand shall be imposed on any Account Holder or Controlling Person, as the case may be, if the self-certification that is required to be submitted by such Account Holder or Controlling Person to the Financial Institution contains any inaccurate or incorrect information and the Account Holder or Controlling Persons knows or should have known that the information provided is inaccurate or incorrect.
2. On finding of the violation provided for in Clause 1 of this Article, the Financial Institution shall, within not later than (30) thirty days from finding the violation, notify its relevant Regulatory Authority of the violation and of all the information available to it on the identity, address and place of residence of the violator.
3. The relevant Regulatory Authority shall, within (30) thirty days from the date of the notice referred to in Clause 2 of this Article, notify the violating Account Holder or Controlling Person, as the case may be, of the amount of the fine and require them to pay the fine within not later than (30) thirty days from receipt of the notice.

Fourth. Offence and Penalty for Failure to Obtain a Valid Self-Certification

1. A fine in the amount of Dirhams (1,000) one thousand shall be imposed on any Financial Institution who opens a New Account without obtaining a valid self-certification and/or failing to validate such self –certification.
2. The relevant Regulatory Authority shall, within 30 days of becoming aware of the violation mentioned in Clause 1 of this Article, notify the Financial Institution of the violation. The Financial Institution shall pay this fine within (30) thirty days from the date of receipt of such notification.

Fifth. Appeals

The Minister of Finance shall issue a resolution setting out the procedures and mechanisms for the appeal of a penalty imposed under this Resolution.

Sixth. Executive Regulations

The Minister of Finance or his authorized delegate shall issue the resolutions required for implementing any provision of this Resolution.

Mohammad Al Gergawi

Minister of Cabinet Affairs

CC: Minister of State for Financial Affairs