

1.5.2023

DUBAI MARITIME AUTHORITY DIRECTIVE NO. [1] ON TRANSPARENCY OF LOCAL SEA CONTAINER CHARGES IN DUBAI

FAQ SHEET

This FAQ Sheet is a list of commonly asked questions and answers in relation to the Dubai Maritime Authority Directive No. [1] on Transparency of Local Sea Container Charges in Dubai ("the **Transparency Directive**"). It is for indicative purposes only. Please refer to the Transparency Directive for details. In case of conflict or inconsistency between this FAQ Sheet and the Transparency Directive, the Transparency Directive will prevail.

1. TERMINOLOGY

1.1 Capitalised words/terms used herein are defined under the Transparency Directive. They shall have the same meaning when used herein. For the full definitions, kindly refer to the Transparency Directive.

1.2 FRAMEWORK INFORMATION

1.2.1 What is the Dubai Maritime Authority (DMA) and what is its overall mandate?

The DMA is a Dubai government authority created by Dubai Law no. 3 of 2023. It is the successor of the Dubai Maritime City Authority (DMCA) which it replaces, with broader powers, by virtue of the aforementioned law.

The DMA essentially licences, regulates, coordinates and supervises all aspects of Dubai's Maritime Sector.

Please refer to the following link for more information on the DMA: [<https://dmca.ae/>].

1.2.2 What are the main objectives of the Transparency Directive?

The main objectives of the Transparency Directive are to:

- (a) Promote best commercial practices and fair competition in the Emirate's Maritime Sector; and
- (b) Increase transparency in relation to the application of Sea Container Charges.

1.2.3 What are the main requirements of the Transparency Directive?

The Transparency Directive includes three main requirements (amongst others):

- (a) Freezing of Existing Sea Container Charges until further notice;
- (b) Filing of Existing Sea Container Charges with the DMA onto the Dubai Trade Single Window Portal using specified Sea Container Charges acronyms, codes, names and descriptions; and
- (c) A general prohibition of anti-competitive behaviour, including price fixing and hidden charges.

1.2.4 Who is subject to the Transparency Directive?

All "Service Providers". They are defined in Article 1 (Definitions) of the Transparency Directive as any person licensed in the Emirate of Dubai to provide Sea Container Services.

"Sea Container Services" are defined in Article 1 (Definitions) of the Transparency Directive as "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 terminal(s), ports or inland storage facilities, storage, stuffing, destuffing, dunnage, sealing, delivery, custom clearing or obtaining any government permits/licences/documents, surveillance, inspection, monitoring, and repair, as well as cargo or container document issuance, delivery, exchange or amendment".

By way of illustration, Service Providers for the purposes of the Transparency Directive are likely to include (without limitation):

- (a) Ocean carriers;
- (b) Customs clearance brokers;
- (c) Non-Vessel Operating Common Carriers (NVOCCs);
- (d) Freight forwarders; and
- (e) Shipping agents.

1.3 MAIN DIRECTIVE DEFINITIONS

1.3.1 What are "Service Providers"?

"Service Providers" are defined in Article 1 (Definitions) of the Transparency Directive as any person licensed in the Emirate of Dubai to provide Sea Container Services.

1.3.2 What are "Sea Container Services"?

"Sea Container Services" are defined in Article 1 (Definitions) of the Transparency Directive as "any and all services arising out of or in connection with sea container operations [...]". They include, without limitation container and/or cargo:

- (a) handling, loading and unloading;
- (b) weighing;
- (c) shifting within or between terminal(s), ports or inland storage facilities;
- (d) storage, stuffing, destuffing, dunnage, sealing;
- (e) delivery, custom clearing or obtaining any government permits/licences/documents;
- (f) surveillance, inspection, monitoring, repair; and
- (g) document issuance, delivery, exchange or amendment.

1.3.3 What are "Sea Container Charges"?

"Sea Container Charges" in general are defined in Article 1 (Definitions) of the Transparency Directive as "any and all amounts charged or applied directly or indirectly by a Service Provider locally (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 the Directive."

A non-exhaustive list is set out in Schedule 1 of the Transparency Directive.

1.3.4 What are "Existing Sea Container Charges"?

"Existing Sea Container Charges" are defined as:

(a) Sea Container Charges existing and applied by an Existing Service Provider as at the effective date of the Transparency Directive. An "Existing Service Provider" is a Service Provider who, as at the effective date of the Transparency Directive, is already licensed in Dubai to provide Sea Container Services; and/or

(b) Sea Container Charges which a New Service Provider intends to apply as of the date it becomes licensed in Dubai to provide Sea Container Services. A "New Service Provider" is a Service Provider that becomes licensed in Dubai to provide any Sea Container Services on or after the effective date of the Transparency Directive.

1.3.5 What is the "Dubai Trade Single Window Portal"?

The Dubai Trade Single Window Portal is a centralised E-services platform for logistics and supply chain service companies operating in Dubai. It integrates the major stakeholders in trade and logistics operations, including the Jebel Ali Port and Jebel Ali Free Zone (Jafza), Dubai Customs, importers and exporters, shipping lines, agents, clearing agents, hauliers and freight forwarders.

Dubai Trade Single Window Portal can be accessed at [www.dubaitrade.ae/en/].

1.3.6 What are "Existing Service Providers" and "New Service Providers"?

An "Existing Service Provider" is a Service Provider who, as at the date of the Transparency Directive, is already licensed in Dubai to provide Sea Container Services.

A "New Service Provider" is a Service Provider that becomes licensed in Dubai to provide any Sea Container Services on or after the effective date of the Transparency Directive.

1.4 MAIN DIRECTIVE PARAMETERS

1.4.1 Is there a temporary freeze on Existing Sea Container Charges?

Yes. A Service Provider cannot amend its Existing Sea Container Charges, whether by increasing or decreasing their value, or by creating new Sea Container Charges, from the effective date of the Transparency Directive and until further notice from the DMA.

This freeze does not apply to changes/variations to Existing Sea Container Charges that are exclusively a direct and inevitable reflection of a change in Port or government charges or fees.

1.4.2 When should a Service Provider file its Existing Sea Container Charges?

Existing Service Providers, should file their Existing Sea Container Charges within thirty (30) calendar days from the effective date of the Transparency Directive (i.e. by [30 May, 2023]).

New Service Providers must file their Existing Sea Container Charges within thirty (30) calendar days from the date of first being licensed in Dubai to provide any Sea Container Services.

An "Existing Service Provider" is a Service Provider who, as at the date of the Transparency Directive, is already licensed in Dubai to provide Sea Container Services.

A "New Service Provider" is a Service Provider that becomes licensed in Dubai to provide any Sea Container Services on or after the effective date of the Transparency Directive.

1.4.3 Which Sea Container Charges should a Service Provider file?

All Existing Sea Container Charges, as defined in the Transparency Directive and (for guidance only) at FAQ 1.3.4, must be filed.

1.4.4 How should Existing Sea Container Charges be recorded when being filed?

Existing Sea Container Charges can be split into two categories:

(a) Existing Sea Container Charges for which pre-determined acronyms/codes have been specified by the Transparency Directive to ensure homogeneous understanding and descriptions. Where a pre-determined acronym/code exists in respect of a given Existing Sea Container Charge, that charge should be recorded under that acronym/code; and

(b) All other Existing Sea Container Charges that do not correspond to a pre-determined acronym/code should be filed under the acronym "MISC – Miscellaneous", with a comprehensive description.

Please refer to Schedule 1 of the Transparency Directive for a full list of acronyms/codes.

1.4.5 Are Existing Sea Container Charges filed on the Dubai Trade Single Window Portal filing system binding?

The Existing Sea Container Charges filed with the DMA via the Dubai Trade Single Window Portal are binding. Service Providers cannot then charge other or different Sea Container Charges, except to the extent that any variation reflects exclusively a change in Port or government charges or fees. In case of violation, the DMA may apply penalties determined in accordance with the DMA Law.

1.4.6 How will the sensitivity and confidentiality of my data be guaranteed? Who will have access to it?

Access to data filed via the Dubai Trade Single Window Portal will be available only to employees of the DMA and Dubai Trade and will not be publicly disclosed. Users will not have direct access to such data.

1.5 COMPLIANCE WITH DIRECTIVE

1.5.1 What happens if I do not file all of my Existing Sea Container Charges?

Service Providers cannot apply, to Users, Existing Sea Container Charges that have not first been filed with DMA in accordance with the Transparency Directive. In case of violation, the DMA may apply penalties determined in accordance with the DMA Law.

1.5.2 What happens if my filing is not in line with the Transparency Directive requirements or contains mistakes?

Service Providers have a duty to ensure their filings are complete, correct and as required by the Transparency Directive. Failure in this regard could expose them to penalties determined in accordance with the DMA Law.

Notwithstanding the above, where a filing is inadequate or incorrect, the DMA may issue further directions to the relevant Service Provider. Compliance with such directions is mandatory. In case of violation, the DMA may apply penalties determined in accordance with the DMA Law.

1.5.3 I have received a notification from the DMA to file or re-file a given Sea Container Charge, what should I do?

If a notification to file re-file a given Sea Container Charge is received from the DMA, the relevant Service Provider must comply within the indicated deadline, as per the ordinary filing process.

1.5.4 How does the DMA investigate compliance with the Transparency Directive?

The DMA can investigate compliance based either on incoming complaints and/or of its own initiative, at any time. In that context (without limitation):

(a) The DMA can request information, including from Service Providers and/or Users, which may include (without limitation) a request for invoice/payment data, and internal/external communication; and

(b) The DMA can conduct site investigations on the premises of any Service Provider, whether announced or unannounced.

Service Providers under investigation must provide all the requested documents and/or access to the DMA, as and when requested.

1.5.5 Can a User file a complaint in relation to a suspected Transparency Directive violation?

The DMA can decide to investigate compliance with the Transparency Directive 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 DMA directly on [info@pcfc.ae].

1.5.6 What happens in case of Transparency Directive violation?

The DMA may choose (but is under no obligation) to engage in communication and discussions with the relevant Service Provider in an effort to seek compliance with the Transparency Directive through iteration. In any event, the DMA may apply sanctions at its discretion, as determined in accordance with the DMA Law.

1.6 FILING PROCESS

1.6.1 Where do I file Existing Sea Container Charges?

Sea Container Charges should be uploaded via the Dubai Trade Single Window Portal through the following link: [<https://www.dubaitrade.ae/en/>]

1.6.2 Do I need to register on the Dubai Trade Single Window Portal to file my Existing Sea Container Charges?

Yes, you must register with the Dubai Trade Single Window Portal. Upon doing so, you will receive a login to enter the Portal (which will be considered the main login). This login is to be used to upload the Existing Sea Container Charges. In addition, you may create sub-logins through the main login for other employees of your company, that can be used for further Existing Sea Container Charge uploading.

Please refer to the following link to login to Dubai Trade Single Window Portal: [<https://www.dubaitrade.ae/en/>]

Please refer to the detailed **filing** guide and the **e-Tutorial** with the visualization of the process.

1.6.3 What is a main requirement to register for filing Existing Sea Container Charges?

Service Providers should be licensed by the Dubai Department of Economy and Tourism, or by a free zone authority or any other competent licensing authority within the Emirate, to provide Sea Container Services in Dubai.

1.6.4 Who from within my company can file Existing Sea Container Charges on my company's behalf?

Any internally nominated and authorized representative of the Service Provider can file Existing Sea Container Charges and other required information on your company's behalf. The main login received upon registration to the Dubai Trade Single Window Portal supports generation of sub-logins for other employees. There are three actions available by login-holder on the Dubai Trade Single Window Portal: Filing submissions, enquiries and amendments. The main login will give an access to all the actions. Sub-logins actions access will be distributed at main login holder's discretion.

1.6.5 Who from outside my company can file Sea Container Charges on my company's behalf?

Filing by or through third parties is prohibited.

1.6.6 How do I file Existing Sea Container Charges?

To file Sea Container Charges, you have to:

- (a) Login to the Dubai Trade Single Window Portal;
- (b) Proceed to DMA – Submit; and
- (c) Select applicable registered code.

The Service provider has options to file all its Sea Container Charges online or to upload them by using the tariff template which is available to download on Dubai Trade Single Window Portal.

Please refer to the **manuals** and the **e-Tutorial**

1.6.7 What should I do if I am uncertain whether a given charge should be filed under the Transparency Directive?

All Existing Sea Container Charges should be filed on the Dubai Trade Single Window Portal. In case of uncertainty please refer to the following resources:

(a) Training videos including on Existing Sea Container Charges allocation:
e-Tutorial

(b) Support team that can assist you on this matter: [+971 4 805 7001]

1.6.8 How do I proceed if I have an Existing Sea Container Charge that does not have a matching standardised acronym/code in the system?

All Existing Sea Container Charges should be filed on the Dubai Trade Single Window Portal. If an Existing Sea Container Charge does not appear to have a matching acronym/code you should enter it to the respective miscellaneous category with a comprehensive description thereof.

You may refer to the **e-Tutorial** for further detail:

In addition, our support team is available for any clarifications you might require: [+971 4 805 7001]

1.7 APPLICATION OF EXISTING SEA CONTAINER CHARGES

1.7.1 When do Existing Sea Container Charges become applicable to Users?

Provided Existing Sea Container Charges are filed with the DMA within the timeframes specified under Article 5 of the Transparency Directive, Existing Sea Container Charges will continue to be effective and applicable to Users without interruption, unless and until an Objection (as defined in the Transparency Directive) is raised by the DMA in accordance with the Transparency Directive.

Where the DMA raises one or more Objections in relation to an Existing Sea Container Charge, the relevant Service Provider:

(a) will stop any new application of such Existing Sea Container Charge to any Users, from the date the relevant Objections are raised; and

(b) will only resume application of the relevant Existing Sea Container Charge on the calendar day after all relevant Objections are resolved to the Authority's satisfaction, unless ordered otherwise by the Authority.

Please refer to Article 8 of the Transparency Directive for further detail.

1.7.2 How can I make a correction to a submitted Existing Sea Container Charge?

Any and all corrections to previously filed Existing Sea Container Charges should be submitted via the Dubai Trade Single Window Portal, following the ordinary filing process under the following link: [<https://www.dubaitrade.ae/en/dma-filing>]

Corrections to filed Existing Sea Container Charges are to be initiated under the "Edit" option in the drop-down menu on the first page of the Dubai Trade Single Window Portal. Once the "Amend" button has been selected for a specific Existing Sea Container Charge, the system will allow the following fields to be editable:

- Sea Container Charge description
- Unit of measure
- Cargo type
- Currency
- VAT
- Remarks
- Slab settings

1.8 SUPPORT

1.8.1 Where can I raise additional questions not covered on this FAQ page?

A dedicated support team is available for any clarifications you might have: [tariffsupport@dubaitrade.ae].

1.8.2 Where can I go to learn more?

Please refer to the following resources for the additional information:

- **Transparency Directive**
- **Manuals and e-Tutorial**
- **Dubai Trade website**
- **DMA website**