



DIRECTIVE NO. [1] OF 2023 ON 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,

we hereby decide as follows:

Article 1 – Definitions

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

Authority	The Dubai Maritime Authority created by the DMA Law.
DMA Law	Law No. 3 of 2023 creating the Authority.
Dubai Trade Single Window Portal	Dubai's premier digital trade and logistics platform currently available at https://www.dubaitrade.ae/en/ .
Emirate	The Emirate of Dubai.
Existing Service Provider	Each and every Service Provider who, as at the effective date of this Directive, is already licensed by the Licensing Bodies to provide any Sea Container Services.
Existing Sea Container Charges	<p>In respect of an Existing Service Provider: Its Sea Container Charges existing and applied as at the effective date of this Directive, which Sea Container Charges are to be filed with the Authority pursuant to Article 5(1) of this Directive.</p> <p>In respect of a New Service Provider: Its Sea Container Charges which the New Service Provider intends to apply as of the date it becomes licensed by the Licensing Bodies to provide Sea Container Services, which Sea Container Charges are to be filed with the Authority pursuant to Article 5(2) of this Directive.</p>



Licensing Bodies	Any licensing body in the Emirate, including the Department of Economy and Tourism or any free zone or development authority, including the Dubai International Financial Centre authority.
Maritime Sector	Has the meaning ascribed to it in the DMA Law.
New Service Provider	Each and every Service Provider that becomes licensed by the Licensing Bodies within the Emirate, to provide any Sea Container Services, on or after the effective date of this Directive.
Objection	Any objection, order, direction or request for further information by the Authority in respect of a Sea Container Charge filed with it under this Directive.
Ports	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.
Port Operator	Any entity appointed and responsible for the management and operation of a given Port.
Sea Container Charges	Any and all amounts charged or applied directly or indirectly by any 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 this Directive, which list may be amended by the Authority from time to time, at its discretion.
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 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.
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 – Objectives of Directive

The objectives of this Directive are to:

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

Article 3 - Scope of Application

This Directive applies to all Service Providers providing or undertaking Sea Container Services within, outside or through any of the Ports.

Article 4 – Temporary freezing of Sea Container Charges

1. As of the effective date of this Directive, all Service Providers are prohibited from increasing their Existing Sea Container Charges in any way, whether directly or indirectly, and whether by increasing the amount thereof, or by applying new Sea Container Charges.
2. Without prejudice to Article 4(1) above, Service Providers may increase their Sea Container Charges strictly to reflect new or increased Authority, Port Operator or government charges, provided any such increase by Service Providers does not include any charges or amounts for their account.
3. The freeze on Service Charges under this Article will apply until further notice by the Authority.

Article 5 – Disclosure of Existing Sea Container Charges

1. Each and every Existing Service Provider must file a list of all of its Existing Sea Container Charges with the Authority within thirty (30) calendar days from the effective date of this Directive.
2. Each and every New Service Provider must file a list of all of its Existing Sea Container Charges with the Authority within thirty (30) calendar days of first being licensed by a Licensing Body to provide any Sea Container Services.

Article 6 – Form and content of disclosure

1. Service Providers must file their Existing Sea Container Charges online, via the Dubai Trade Single Window Portal, in accordance with the forms, processes and requirements set therein. As part of that process, Service Providers will be required to upload:



- (a) all of their Existing Sea Container Charges onto the Dubai Trade Single Window Portal using the Sea Container Charges acronyms, codes, names and descriptions set out in Schedule 1, unless otherwise instructed by the Authority; and
- (b) any other information or document that may be required by the Authority or the Dubai Trade Single Window Portal from time to time.

Article 7 – Existing Sea Container Charge continuity

All Existing Sea Container Charges disclosed and filed pursuant to this Directive will continue to be effective and applicable to Users without interruption, unless an Objection is raised thereto as per Article 8 below.

Article 8 – Objections by the Authority

1. The Authority has the right to raise Objections in respect of any charge filed by a Service Provider under this Directive at any time. Any such Objection must be complied with by the relevant Service Provider as per this Directive promptly and to the Authority's satisfaction.
2. Where the Authority raises one or more Objections in relation to any charge filed under this Directive, the relevant Service Provider:
 - (a) will stop applying and imposing such charge on any Users, from the date the relevant Objections are raised. This is without prejudice to the relevant Service Provider being able to collect any previous charges invoiced to Users before the date of the relevant Objections; and
 - (b) will only resume application of the relevant charge on the day after all relevant Objections are resolved, unless ordered otherwise by the Authority.
3. For the purposes of Articles 8(1) and 8(2), an Objection will no longer apply to a Service Provider in either of the below cases:
 - (a) from the date the relevant Service Provider receives written confirmation of such from the Authority; or
 - (b) thirty (30) calendar days from the date of 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 during such thirty (30) calendar days.
4. In the context of an Objection, the Authority may request any information or documentation it deems necessary (including invoices and payment proofs). The Service Providers must comply with any such requests within the timeframes



specified by the Authority. The Authority may request any such information or documentation from the Users directly, as it deems it necessary.

Article 9 – Prohibitions relating to Sea Container Charges

1. Service Providers will abide by the temporary freeze of Sea Container Charges ordered under Article 4 above.
2. Service Providers will never charge Users any Sea Container Charge:
 - (a) which has not been filed with the Authority as required by this Directive;
 - (b) using an acronym, code or reference name for such Existing Sea Container Charge which is different to the acronym or reference name under which it was filed with the Authority;
 - (c) which is the target of an unresolved Objection under Article 8; and/or
 - (d) in breach of an Objection.

Article 10 – Prohibition of anti-competitive practices and hidden charges

In keeping with the objectives of this Directive, and without prejudice to its terms:

- (a) Any and all agreements, decisions or concerted 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 always clearly and continuously communicate all of their Sea Container Charges to their Users using all available means. This includes communicating applicable Sea Container Charges reasonably in advance, and providing a reasonable description and breakdown thereof in the Service Providers' quotations and invoices; and
- (c) Where a Service Provider passes-on a third-party charge to a User, it must, immediately upon request, provide the relevant User with a copy of the relevant third-party invoice, which invoice must include a reasonably detailed description and breakdown of the relevant third-party charge.

Article 11 – Violations and Administrative Penalties

The Authority may apply the penalties determined in accordance with the DMA Law, and with decisions issued in accordance with such law, on any violation of the provisions of this Directive.



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 Directive:
 - (a) of their own initiative, at any time, or where it has 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 deemed necessary by the Authority.

Article 13 – Publication and Effective Date

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

Issued on 1st May, 2023
Corresponding to 11th Shawwal, 1444



**SCHEDULE 1 TO DUBAI MARITIME
AUTHORITY DIRECTIVE NO. [1]
SEA CONTAINER CHARGES**

Sea Container Charge acronym and name	Sea Container Charge description
ADMIN - Miscellaneous	Any documentation fee e.g. manual doc fee / certificate issuance fee / amendment fee etc
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 and certifications	Dubai Chamber of Commerce attestations and 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
MISC - Miscellaneous	Any Sea Container Charge not within standardized list herein
MOCCAIE - MOCCAIE clearances	Ministry of Climate Change and Environment clearances
MOH - Ministry of Health permit and approvals	Ministry of Health permits and approvals
SEAL - Seal charge	Container seal charge
SERVICE - Monitoring charge	Container monitoring / inspection charge (e.g. reefer / hazardous)
SERVICE - Overweight surcharge	Container overweight surcharge
SERVICE - Use of special gear surcharge	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