

FEDERAL DECREE-LAW NO. (21) OF 2019
ON EMIRATES POST GROUP

We, Khalifa bin Zayed Al Nahyan,
President of the United Arab Emirates,

Having perused:

- The Constitution;
- Federal Law No. (1) of 1972 on the Competences of Ministries and Powers of Ministers, as amended;
- Federal Law No. (8) of 1980 Regulating Labour Relations, as amended;
- Federal Law No. (3) of 1987 Promulgating the Penal Code, as amended;
- Federal Law No. (35) of 1992 Promulgating the Criminal Procedure Law, as amended;
- Federal Law No. (7) of 1999 Promulgating the Pensions and Social Securities Law, as amended;
- Federal Decree-Law No. (4) of 2007 Establishing Emirates Investment Authority, as amended;
- Federal Decree-Law No. (11) of 2008 on Human Resources in the Federal Government, as amended;
- Federal Law No. (8) of 2011 Reorganizing the Audit Bureau;
- Federal Decree-Law No. (8) of 2011 on the Rules of Preparation of the General Budget and Final Accounts;
- Federal Law No. (3) of 2013 Establishing Emirates Post Group;
- Federal Law No. (2) of 2015 on Commercial Companies, as amended;
- Federal Decree-Law No. (7) of 2017 on Tax Procedures;
- Federal Decree-Law No. (8) of 2017 on Value-Added Tax;
- Federal Decree-Law No. (9) of 2018 on Public Debt;
- Federal Decree-Law No. (15) of 2018 on Collection of Public Funds and Revenues;
- Federal Decree-Law No. (16) of 2018 on Real Properties of the Federal Government;
- Federal Decree No. (207) of 2018 Ratifying the Documents of the Universal Postal Union on the Decisions of the Twenty-Sixth Universal Postal Convention, as amended; and
- Based on the proposal of the Minister of Cabinet Affairs and the approval of the Cabinet,

Have enacted the following Decree-Law:

Chapter I
The Company and Its Objectives

Article (1)

Definitions

In implementation of the provisions of this Decree-Law, the following words and phrases shall bear the meanings assigned thereto respectively, unless the context otherwise stipulates:

State:	United Arab Emirates.
Authority:	Emirates Investment Authority.
Group:	Emirates Post Group.
Company:	Emirates Post Group Company.
Articles of Association:	The Articles of Association of the Company.
General Assembly:	The Board of Directors of the Company.
Board:	The Board of Directors of the Company.
Committee:	Post Sector Regulation Committee.
Postal Item:	Letters, publications, postal cards, packs, packages, post parcels, publications for the blind, and the other items handled through the postal system.
Documents:	All written or printed paper correspondence having the nature of personal or commercial messaging that are sent in a sealed or open envelope from the sender to the addressee and do not have a value or a commercial invoice.
Letters:	All written or printed papers and Documents having the nature of personal or commercial messaging that are sent in a sealed or open envelope from the sender to the addressee, including local and international letters.
Publications:	Any writing on a paper used in printing, such as: newspapers, magazines, notebooks, hardcover and fragmented books, bulletins, commercials, and the like.
Post Parcels:	A post consignment containing commodities, gifts, samples or other materials, which do not have the nature of Letters, for the purpose of transportation of distribution thereof.
Postal Services:	All services provided by the Company to its customers in the Post Sector and the associated services.
Postal Code:	A series of letters and/or numbers or quotation marks included in a postal address for the purpose of sorting sent mail.

Article (2)

Replacing the Group by the Company

1. The Group shall be transformed into a public joint-stock company; and its name shall be amended to become “Emirates Post Group Company” to be known in short as “Emirates Post”. The Company shall be wholly owned by the Authority upon issuance of this Decree-Law. The Company shall have an independent legal personality and full legal competence. The Company shall exercise its activity and achieve its objectives in accordance with the provisions of this Decree-Law and its Articles of Association. In addition, the Company shall be managed on commercial and investment bases.
2. Subject to the provisions of this Decree-Law and the Articles of Association, the Authority shall have all the powers and competences prescribed for the General Assembly until the entry of new shareholders in accordance with the provisions of Article (7) hereof.
3. The Company shall replace the Group in the international conventions concerned with postal matters, and in all the conventions and contracts signed by the Group before entry into force of the provisions of this Decree-Law.

Article (3)

Transfer of Rights

1. All rights, assets, inventories, privileges and obligations of the Group inside and outside the State shall be transferred to the Company.
2. All assets and rights transferred or will be transferred to the Company upon entry into force of the provisions of this Decree-Law shall be registered and their ownership shall be transferred in accordance with the legislation in force in the State. All government bodies shall, at the request of the Company, take all the measures necessary to facilitate this without any fees.
3. The phrase of “Emirates Post Group”, wherever mentioned in the legislation in force in the State, shall be replaced by the phrase of “Emirates Post Group Company”.

Article (4)

Company Activities

1. The Company shall exercise the following activities:
 - a. Providing Postal Services and standard and express delivery.
 - b. Exercising logistic activities.
 - c. Exercising financial activities.
 - d. Providing any other services or activities entrusted to the Company in accordance with the provisions of this Decree-Law or Articles of Association or by the Board that are in consistency with the main objectives of the Company.
2. The Company may invest and utilize its funds in any commercial, financial, service, or industrial fields relevant to its activities. To this end, the Company may carry out the services and activities in accordance with the controls provided for in this Decree-Law and the Articles of Association.

Article (5)

Required Services

Any government body that desires to receive Postal Services from the Company shall provide the lands necessary for this, without consideration. These lands shall be situated at locations suitable for provision of the said services.

Article (6)

Articles of Association of the Company

The Articles of Association of the Company shall be issued under a decision of the Cabinet based on the proposal of the Authority's Board Chairman. The said Articles of Association shall include all the provisions regulating the Company, including:

1. Company ownership, head office and branches, whether inside or outside the State.
2. Duration and renewal of the Company.
3. Objectives and capital of the Company.
4. Issuance of shares and their types and the controls of their ownership and trading therein and the rights relevant thereto.
5. Increasing or decreasing the capital of the Company.
6. Issuance and trading in bonds and instruments.
7. Formation of the Board of Directors and the method of appointing or electing its members and their competences and powers.
8. Convention of the General Assembly and its competences.
9. Financial affairs of the Company, preparation of financial accounts, statutory reserve, optional reserve, and profit distribution.
10. Controls of appointing the auditors of the Company and their competences and obligations.
11. Dissolution and liquidation of the Company.
12. Any other matters that the Cabinet sees necessary to be added to the Articles of Association.

The Cabinet shall be concerned with amending the Articles of Association of the Company if it becomes wholly owned by the Authority.

Article (7)

Amendment of Articles of Association

1. Subject to the provisions of Paragraph (2) of Article (2) hereof, the General Assembly shall be concerned with amending the Articles of Association upon entry of other shareholders into the Company.
2. In all cases, the powers prescribed to the Authority or the decisions issued by a certain majority, which is mentioned in the Articles of Association of the Company, may only be amended under the approval of the Authority, provided that the amendment shall be issued under a decision of the Cabinet.

Article (8)

Appointed Employees

1. The employees appointed at the Group, upon entry into force of the provisions of this Decree-Law, who are specified under a decision of the Board, shall be transferred to the Company with their current salaries and benefits, without prejudice to the rights and benefits prescribed to them before entry into force of this Decree-Law.
2. The national employees appointed at the Group before entry into force of this Decree-Law shall have the same rights and benefits prescribed to them under Federal Law No. (7) of 1999 referred to above.
3. The previous service period, preceding the entry into force of the provisions of this Decree-Law, spent by the employees at the service of the Group shall be deemed as continued and complementary to their service period at the Company or at any of the companies owned thereby or its subsidiaries.
4. The Company shall be subject to the provisions of Federal Law No. (2) of 2015 referred to above where no special text is provided for in this Decree-Law or in the Articles of Association.
5. The employees of the Company shall be subject to the provisions of Federal Law No. (8) of 1980 Regulating Labour Relations, as amended.

Chapter II

Organization of the Postal Sector in the State

Article (9)

Post Sector Regulation Committee

1. A committee called the “Post Sector Regulation Committee” shall be formed. This Committee shall be formed under a decision of the Cabinet upon a proposal by the Authority. The Committee shall be concerned with proposing the rules for regulating the Post Sector in the State and submitting the same for approval to the Cabinet. The Committee shall particularly be concerned with the rules of exercising the following activities:
 - a. Transfer of Documents and non-documents.
 - b. Delivery by mail and express mail.
 - c. Door to door delivery services.
 - d. Standard and express delivery services.
 - e. Any similar services and activities through relevant means, in this field, in shape or in purpose.
2. The Articles of Association shall set out the terms and conditions of appointing the Committee members and its responsibilities and work system.

Article (10)

Postal Code

The Committee shall propose the rules of postal coding system “postal addresses” in the State and submit the same to the Cabinet for approval.

Article (11)

Transportation of Prohibited Items

The Post Parcels and Letters may not contain any prohibited items which possession, trading therein or transportation is prohibited under the legislation in force in the State. If the Company finds out or learns about information indicating that there are Letters or Parcels that contain a prohibited item, it shall draw up a report of the incident and send it, together with the Letter or Parcel, to the competent authorities in order to conduct the necessary investigation.

Article (12)

Importation without a License

It shall be prohibited to import machines of clearing Postal Items and to clear, sell and use them, except after obtaining a license in accordance with the conditions and procedures specified by the Committee.

Article (13)

Seizure of Items

The Company shall be entitled to seize Postal Items and take the measures necessary in this regard in accordance with the legislation in force in the State in the following cases:

1. If the Items do not meet the clearance conditions or if the Company is entitled to fees thereon and the concerned person refuses to pay them.
2. If the seizure period ends and the Company could not find the sender or the addressee.
3. If the conditions and requirements prescribed in this Decree-Law or the decisions issued in implementation thereof are not satisfied or if the seizure is based on a request by the external postal departments.
4. If the content of these Items prejudices the reputation, security or public morals of the State or contradicts with the principles of Sharia.
5. If the concerned bodies request seizure of the Items for reasons relevant to the public interest.

Chapter III

Penalties

Article (14)

The penalties provided for in this Decree-Law shall not prejudice any severer penalty stipulated in any other law.

Article (15)

The following persons shall be punished by imprisonment for a period not less than one year and not more than two years and/or a fine not less than one hundred thousand (100,000) dirhams and not more than five hundred thousand (500,000) dirhams:

1. Whoever performs any Postal Service which falls under the competence of the Company without obtaining the necessary license, without prejudice to the Company's right to proper compensation.
2. Whoever uses letter boxes that are similar in shape or purpose to the post boxes, box arcades, or letter boxes owned by the Company, without prejudice to the Company's right to remove the violation at the expense of the violator.
3. Whoever directly or indirectly exercises any activity regulated by the Committee without obtaining a prior license or permit from the Company.
4. Whoever provides the service of transporting documents or non-documents, delivery by mail and express mail, door to door delivery services, standard and express delivery services, or any similar service or activity through means relevant to this field in shape or in form.

In all cases, the items subject of the crime shall be confiscated.

Article (16)

Any person who commits any of the following acts shall be punished by temporary imprisonment for a period not less six months and not more than two years and/or a fine not less than one hundred thousand (100,000) dirhams and not more than one million (1,000,000) dirhams:

1. Counterfeits or falsifies, by himself or in collaboration with another person, Publications or forms, irrespective of the method of manufacturing the same, that are similar, in their external shape, to the regular or commemorative postage stamps, amateur cards or postal financial publications, or to the forms, machines or tools used by the Company.
2. Offers for sale, distributes, or uses any of the items mentioned in Paragraph (1) of this Article while knowing that it is counterfeit or falsified.
3. Uses in his works the logo of the Company or the logo of an operating unit or any of its products, or uses the phrase of "Post" or "Postal Services" or any phrase having the same meaning in any language whatsoever.
4. Washes previously used regular or commemorative postage stamps for the purpose of clearance or trading therein.
5. Reuses previously used regular or commemorative postage stamps.
6. Deliberately misuses clearance seals or postal clearance machines or forges the fingerprints of clearance machines, fingerprints of freepost services seals or business answering service, or the permit to close publications.

In all cases, the items subject of the crime shall be confiscated.

Article (17)

1. The following persons shall be punished by imprisonment for a period not less than one year and not more than three years and/or a fine not less than one hundred thousand (100,000) dirhams and not more than five hundred thousand (500,000) dirhams:
 - a. Any worker at the Company entrusted to transport or deliver or keep Postal Items and opens or tampers with or destructs their contents or deliberately refrains from delivery thereof to the concerned person.
 - b. Any worker at the Company who discloses secrets relevant to Postal Items or uses the same for his own benefit or for the benefit of a third party or assists a person in obtaining data

belonging to other persons that are included in these Postal Items, except in the cases permitted by the law, even if he has left the work.

2. The provisions of Paragraph (1) of this Article shall be applied to any person that the company entrusts to transport or perform some Postal Services in its favour, even if he is not working thereat.

Article (18)

Judicial Officer

The employees of the Company designated under a decision of the Minister of Justice, in agreement with the Board Chairman, shall have the capacity of judicial officers in establishing violations, which occur within the scope of their competences, to the provisions of this Decree-Law and the decisions issued in implementation thereof.

Chapter IV

Final Provisions

Article (19)

Repeal of a Federal Law

Federal Law No. (3) of 2013 referred to above shall be repealed. In addition, any provision violating or contradicting with the provisions of this Decree-Law shall be repealed.

Article (20)

Transitional Period

1. The Board of Directors of the Group shall exercise the competences prescribed to the Board until formation thereof in accordance with the provisions of this Decree-Law.
2. The Company and the concerned bodies shall, each as competent, issue the legislation and decisions necessary for implementation of the provisions of this Decree-Law within one year from its issuance date. Until then, the rules, regulations, decisions and orders in force shall remain in force, without contradiction with the provisions of this Decree-Law.

Article (21)

Publication and Entry into Force

This Decree-Law shall be published in the Official Gazette, and shall enter into force after six months from its publication date.

Khalifa bin Zayed Al Nahyan
President of the United Arab Emirates

[Signed]

Issued by us at the Presidential Palace in Abu Dhabi,

On: Muharram 05, 1441 AH

Corresponding to: September 04, 2019 AD