

## **Ministerial Decision No. (532) of 2019**

Issued on 2/7/2019

Corresponding to 29 Shawwal 1440H.

### **ESTABLISHING THE DEPARTMENT OF ANTI-MONEY LAUNDERING AND COMBATING THE FINANCING OF TERRORISM**

#### **The Minister of Justice,**

After perusal of the Constitution;

Federal Law No. (1) of 1972 on Competencies of the Ministries and Powers of the Ministers and its amendments;

Federal Law No. (23) of 1991 Regulating the Legal Profession, its amendments and Implementing Regulation;

Federal Law No. (8) of 2004 concerning the Financial Free Zones and its Implementing Regulation;

Federal Law No. (13) of 2007 concerning goods subject to import and export control and its amendments;

Federal Law No. (4) of 2013 concerning the Regulation of the Notarial Profession, its amendments and Implementing Regulation;

Federal Law No. (7) of 2014 on Combating Terrorist Crimes;

Federal Decree-Law No. (20) of 2018 concerning the Criminalisation of Money Laundering and Combating the Financing of Terrorism and the Financing of Unlawful Organisations;

Cabinet Decision No. (23) of 2008 concerning the Organisational Structure of the Ministry of Justice and its amendments;

Cabinet Decision No. (10) of 2019 concerning the Implementing Regulation of Federal Decree-Law No. (20) of 2018 on the Criminalisation of Money Laundering and Combating the Financing of Terrorism and the Financing of Unlawful Organisations;

Cabinet Decision No. (20) of 2019 concerning the Regulation of Terrorism Lists and the implementation of Security Council Decisions relating to the prevention and suppression of terrorism and its financing, the cessation of arms proliferation and its financing and related decisions;

Cabinet Decision No. (3/1) of 2019 issued on 08/01/2019, on the Adoption of the Ministry of Justice as a Supervisory Authority for Lawyers and Notaries Public in the State; and

The letter of the Minister of State for Cabinet Affairs dated 1/7/2019 on the Establishment of a New Department in the Ministry of Justice,

#### **Issues the following Decision:**

#### **Article 1 - Definitions**

In application of the provisions of this Decision, the following terms and expressions shall have the meanings assigned to them, unless the context requires otherwise:

**State:** United Arab Emirates.

**Ministry:** Ministry of Justice.

**Undersecretary:** Undersecretary of the Ministry of Justice.

**Unit:** The Financial Intelligence Unit established at the Central Bank.

**Office:** The Executive Office of the Committee for Goods and Material Subject to Import and Export Control.

**Department:** The Department Combating Money Laundering and the Financing of Terrorism, established at the Ministry under Article 2 of the present Decision.

**Designated Non-financial Businesses and Professions (DNFBPs):** Lawyers, notaries public and other independent legal professionals, depending on the circumstances.

**Sector under Control:** The sector of DNFBPs subject to the control of the Ministry under this Decision.

**Decree-Law:** Federal Decree-Law No. (20) of 2018 on Combating Money Laundering, the Financing of Terrorism and the Financing of Unlawful Organisations.

**Implementing Regulation:** Cabinet Decision No. (10) of 2019 on the Implementing Regulation of Federal Decree-Law No. (20) of 2018 on Combating Money Laundering, the Financing of Terrorism and the Financing of Unlawful Organisations.

## **Article 2 – Establishing of the Department**

A new organisational unit called the “Department of Combating Money Laundering and the Financing of Terrorism” shall be established in the Ministry. The Department shall be affiliated to the Lawyers’ and Translators’ Affairs Section.

The Department has a sufficient number of employees. The staff of the Department and their functions shall be appointed and determined by a decision of the Undersecretary of the Ministry.

The employees of the Department are required to pass the qualifying course on the identification of the risks of money laundering.

## **Article 3 - Competencies of the Department**

The Department shall be responsible for supervising, monitoring and controlling employers in DNFBPs, including free zones and financial free zones, in accordance with the Ministry's obligations under the Decree-Law, its Implementing Regulations and the above-mentioned Cabinet Decision No. 20 of 2019.

For the purpose of assuming functions duties, the Department shall have the following competences:

- 1- Evaluating the risk of commission of the crime in the Sector under Control.
- 2- Establishing a paper or electronic database for DNFBPs, with all data related thereto, most importantly the name, type of activity, date of commencement of practicing the profession and a copy of the licence, provided that it is updated continuously.
- 3- Finding effective and rapid electronic means of communication with DNFBPs, on both individual and collective levels.
- 4- Receiving inquiries and providing support and assistance to DNFBPs through the e-mail of the Department or the hotline designated for this purpose or by any other means.
- 5- Working on providing periodic training for the staff.
- 6- Executing and following up the Operational Plan to Combat Money Laundering and the Financing of Terrorism issued by the Ministry.
- 7- Conducting office and field supervision and inspection on employers in DNFBPs based on the following:
  - (a) The National Risk Evaluation Statement issued by the Committee.
  - (b) The crime risks, policies, internal controls and procedures associated with the Sector under Control, as specified in the risk evaluation statement prepared with the knowledge of the Department.
- 8- Maintain an up-to-date list of the names and data of the compliance officers with the DNFBPs and notifying it to the Unit.
- 9- Preparing a the Risk Evaluation Questionnaire Model, the STR model and any other relevant model, in coordination with the Unit, and providing it to the DNFBPs.
- 10- Organising awareness-raising programmes and campaigns for DNFBPs on combatting Crime and giving them the guidance and feedback to enhance their effectiveness in executing of crime combating procedures.
- 11- Verifying the DNFBPs’ adherence to the implementation of the obligations stipulated in the Decree-Law, and the Implementing Regulation.
- 12- Taking all measures intended to ensure full compliance of employers in DNFBPs with the implementation of the United Nations Security Council Resolutions (UNSCRs) concerning the Prevention, Suppression and Disruption of Terrorism and its Financing, and the Prevention, Suppression and Disruption of Proliferation of Weapons of Mass Destruction and its Financing, and other related resolutions through field visits and ongoing follow-up, and working to impose appropriate administrative sanctions upon violation or failure to implement the instructions.
- 13- Informing the Office of the communications, information and data of employers in DNFBPs regarding the Listed Persons.
- 14- Preparing reports on the violations committed by employers in DNFBPs’, and proposing them to the Undersecretary.

- 15- Notifying the employers in DNFBPs of the decisions imposing the administrative sanctions imposed thereon.
- 16- Notifying the Unit of the grounded sentencing decision and the grievance against it.
- 17- Preparing periodic statistics on measures taken, sanctions imposed and key performance indicators.
- 18- Receiving applications for grievance against the decisions of listing on local terrorist lists.
- 19- Receiving the applications of those listed on the local terrorist lists to use a part of the frozen funds and informing the applicant of the decision on the application.
- 20- Any other competences related to the Supervisory Authorities mentioned in the Decree-Law, its Implementing Regulation, or the aforementioned Cabinet Decision No. (20) of 2019 or determined by a Ministerial Decision.

#### **Article 4 - Provision of Technical Support to the Department**

The Department of Information Technology at the Ministry shall provide the necessary technical support for the Department to assume its functions and competences.

#### **Article 5 - Publication and Entry into Force**

The present Decision shall be published in the Official Gazette and shall come into force as of the date of its publication. , and it shall be implemented by all sectors and departments of the Ministry, each within its scope of competence.

Date: 2/7/2019

**Sultan Saeed Al Badi**  
**Minister of Justice**

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