

United Arab Emirates
Ministry of Justice

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وزارة العدل

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Federal Decree Law No. 15 of 2023

Regarding

The modification of some provisions of Federal Law No. 6 of 2018 on arbitration

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

After reviewing the Constitution ...

Federal Law No. (1) of 1972 on the competencies of ministries and the powers of ministers,
and its amendments ...

Federal Law No. (6) of 2018 on arbitration ...

And based on what was presented by the Minister of Economy and the approval of the
Council of Ministers,

We have promulgated the following Decree Law:

Article I

The texts of Articles (10), (23), (28) and (33) of Federal Law No. 6 of 2018 on arbitration
shall be replaced with the following texts:

Article 10:

The conditions to be met by the arbitrator:

1. In addition to the conditions agreed upon by the parties, the arbitrator shall meet the following conditions:
 - A. To be a natural person, not minor, restricted or deprived of basic rights due to declaring bankruptcy, unless he / she is rehabilitated, or due to being convicted of any

crime or misdemeanor involving dishonor or breach of trust, even he / she is rehabilitated.

B. Not to be a member of the board of trustees, executive management or administrative body of the arbitration institution responsible for organizing the arbitration proceedings in the State.

C. Not to have a direct relationship with any of the parties to the arbitration proceedings that affects his / her neutrality, impartiality or independence.

2. The arbitrator does not have to be of a specific gender or nationality unless agreed upon by the parties or specified by law otherwise.
3. The person nominated for the arbitration mission shall declare in writing everything that may raise doubts about his/her neutrality or independence. From the time of his/her appointment and during the arbitration proceedings, without any delay, he/she shall immediately notify the parties and all arbitrators in case of any circumstances that may raise doubts about his/her neutrality or independence, unless they have already been informed of such circumstances.

Article 23

Outline the procedures that shall be followed:

1. The parties may agree on the procedures that the arbitration body shall follow to proceed with the arbitration, including subjecting these procedures to the implementing rules of any arbitration organization or institution in the State or abroad.
2. If there is no agreement on specific procedures, the arbitration body may determine the appropriate procedures, taking into account the provisions of this law and without conflicting with the basic principles of litigation and international agreements to which the State is a party.

Article 28

Proceedings and place of arbitration

1. The parties may agree on the arbitration proceedings and determine its place realistically or virtually through modern technology or in technology environments. If there is no agreement, the arbitration body shall determine it, taking into account the circumstances of the claim and the suitability of the place for the parties.
2. The arbitration body shall provide or send a copy of the minutes of the hearing to the parties.
3. The arbitration center shall provide the necessary technologies for conducting arbitration proceedings through modern technology or in technology environments, in accordance with the technical standards and regulations applicable in the State.

Article 33

Proceedings and hearings of arbitration

1. The proceedings and hearings of arbitration shall be confidential, unless the parties agreed otherwise.
2. Unless the parties agreed otherwise, the arbitration body may decide whether to hold oral hearings to present evidence or arguments orally, or whether to proceed with the proceedings based on the submission of documents and other physical evidence. The arbitration body may decide to hold such hearings at an appropriate stage of the proceedings at the request of a party.

3. The arbitration body shall notify the parties of the dates of the hearings to be held sufficiently before the date it specifies, as determined by the arbitration body.
4. The parties may, at their own expense, seek the assistance of experts and legal agents, including lawyers and others, to represent them before the arbitration body. The arbitration body may request the submission of the document indicating the representative's status of any party, in the form it specifies.
5. A summary of the proceedings of each hearing held by the arbitration body shall be recorded in a report and a copy thereof shall be delivered to each party.
6. Unless the parties agree otherwise, the testimony of witnesses, including experts, shall be heard according to the prevailing legislation in the State.
7. Unless the parties agree otherwise, the arbitration body shall have discretionary power to determine the rules of evidence to be followed in the absence of evidence to adjudicate the dispute, provided that such rules do not conflict with public order.
8. The arbitration body shall have the power to determine the acceptance or relevance of the evidence presented by any of the parties regarding a fact or expert opinion, or to determine the time, method and format in which such evidence is exchanged between the parties and the manner in which it shall be submitted to the arbitration body.

Article II

A new article No. 10 bis shall be added to Federal Law No. 6 of 2018 regarding Arbitration, which shall read as follows:

Article 10 bis

Conditions for appointing an arbitrator from the supervisory or regulatory bodies in the competent arbitration institution.

1. Notwithstanding the provisions of Clause (B / 1) of Article 10 of this Decree Law, the parties may appoint an arbitrator from the members of the board of directors, board of trustees or similar supervisory or regulatory bodies in the competent arbitration institution that regulates the arbitration claim in the state, provided that the following conditions are met:
 - A. The regulations of the competent arbitration institution that regulates the arbitration claim do not prevent this.
 - B. The competent arbitration institution that regulates the arbitration claim shall have a governance system that regulates the work of the arbitrator referred to in a way that achieves the separation of tasks and neutrality, and in a way that prevents the occurrence of any conflict of interest or any situation of preferential treatment for that member compared to his peers, and that regulates the mechanism for appointment, dismissal and resignation of the arbitrator in case any of the cases specified in this regard occurs.
 - C. The arbitrator is not an individual or the head of the arbitration body.
 - D. The parties to the arbitration claim acknowledge in writing their knowledge of the membership of the arbitrator in the board of directors, board of trustees or similar supervisory or regulatory bodies in the competent arbitration institution that regulates the arbitration claim in the state, and that there is no objection or reservation on their part regarding such appointment.
 - E. The competent arbitration institution shall have a special mechanism for reporting any violations committed by the arbitrators.
 - F. The number of arbitration claims in which the arbitrator is a member shall not exceed five claims per year.
 - G. The arbitrator shall provide a written undertaking of the following:

1. Not to exploit his position in a way that may cause a conflict of interest, or lead to obtaining a preferential treatment or interest compared to his / her peers of arbitrators.
 2. Not to participate, deliberate, access, vote, attend meetings or influence in any way the proceedings of the arbitration claim, in connection with his membership in the board of directors, board of trustees or similar supervisory or regulatory bodies in the competent arbitration institution that regulates the arbitration claim during his appointment period as an arbitrator.
 3. Any other conditions or requirements determined by the competent arbitration institution.
2. Violation of the conditions referred to in this Article shall result in the nullification of the arbitration award issued in the arbitration claim, and the parties shall have the right to claim civil compensation from the competent arbitration institution and the violating arbitrator, in accordance with the applicable legislation in the state.

Article III

Any provision that contradicts or conflicts with the provisions of this Decree Law shall be abolished.

Article IV

This Decree Law shall be published in the official gazette and shall take effect on the day following its publication.

Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace - Abu Dhabi:

Safar 18th, 1445 AH

Corresponding to: September 4th, 2023 AD.