

**Federal Decree-Law No. (35) of 2023**  
**Concerning the Properties of the Union**

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

And Federal Law No. (1) of 1972 concerning the Competencies of Ministries  
and Powers of Ministers, and its amendments,

And Federal Decree-Law No. (16) of 2018 concerning the Real Estate  
Properties of the Federal Government,

And based on the proposal of the Minister of Finance and the approval of  
the Cabinet,

We have issued the following Decree-Law:

**Article (1)**

**Definitions**

For the purposes of implementing the provisions of this Decree-Law, the  
following words and phrases shall have the meanings assigned to each of  
them, unless the context requires otherwise:

The State : The United Arab Emirates.

The Government : The Federal Government of the State.

The Local Government : The government of any of the member Emirates of  
the Union.

The Cabinet : The Cabinet of the State.

The Ministry : The Ministry of Finance.

The Minister : The Minister of Finance.

Federal Entities : Shall mean any of the following federal entities:

1. Ministries and Central Bodies: Ministries established  
under Federal Law No. (1) of 1972 concerning the  
Competencies of Ministries and Powers of Ministers

and its amendments, and the councils, bodies, and the like that carry out federal legislative, judicial, and executive activities.

2. Independent Federal Entities: Federal entities established and to be established in accordance with the legislation in force in the State with the aim of performing specific government tasks or services and operating under the supervision of the Government, which:

1. The law or its establishment decision grants it an independent legal personality, the capacity to act, and to prepare, organize, and execute its own budget.

2. It has its own administrative and organizational structure.

3. Non-profit.

3. Government Companies: Institutions and companies wholly or partially owned (subsidiaries) by the Federal Government or Federal Entities.

Properties of the Union : The properties of the Union as specified in Article (4) and Clause (1) of Article (15) of this Decree-Law.

Real Estate Asset Register : A register established at the Ministry containing data on the real estate properties of the Union, the dispositions thereon, and other related matters required by this Decree-Law to be recorded in the register.

Government Official : For the purposes of this Decree-Law, includes:

1. Every person holding a government position in any Federal Entity.
2. The representative of the Federal Entity in any subsidiary, including the board member representing the Federal Entity in that company.
3. The public employee, or a person entrusted with a public service.

- Real Estate Properties of the Union Allocated for Public Utility Service : Any of the assets listed in Clause (1) of Article (4) of this Decree-Law.
- Non-Real Estate Properties of the Union : Any of the assets listed in Clause (2) of Article (4) of this Decree-Law.
- Private Real Estate Properties of the Union : Any of the assets listed in Clause (3) of Article (4) of this Decree-Law.
- Private Non-Real Estate Properties of the Union : The properties of the Union specified in Clause (4) of Article (4) of this Decree-Law.
- Subsidiary : A company in which any Federal Entity owns shares or stocks of not less than (51%) of its capital.
- Person : A natural person and a private legal person that is not a Federal Entity.
- Disposition : The creation of a real or personal right over any of the Properties of the Union.

## **Article (2)**

### **Scope of Application of the Decree-Law**

Subject to the provisions of Article (3) of this Decree-Law, this Decree-Law shall apply to the Properties of the Union inside and outside the State.

## **Article (3)**

### **Properties and Rights to which the Provisions of this Decree-Law do not Apply**

The provisions of Articles (9) to (43) of this Decree-Law shall not apply to:

1. Properties of the Union allocated for the use and exploitation of the Armed Forces and federal security agencies in the State.
2. Properties of the Union whose organization, management, or disposition is regulated by a special law, to the extent that its provisions conflict with any provision of this Decree-Law.
3. The rights specified in Clause (5) of Article (4) of this Decree-Law.
4. Properties of the Union exempted by a decision of the Cabinet.

## **Article (4)**

### **Properties of the Union**

The following assets shall be considered Properties of the Union:

1. Real Estate Properties of the Union which are allocated for a public utility service in fact or pursuant to a decision of the Cabinet or a law, and include:
  1. Vacant lands and buildings previously granted or granted by a Local Government to the Government or any Federal Entity for the purpose of establishing administrative buildings or other public facilities or for the purpose of managing or operating them, which have been or will be owned in accordance with the applicable local legislation in the concerned Emirate.
  2. Vacant lands and buildings located outside the State and granted to the Government or any Federal Entity, without prejudice to the provisions of Article (22) of this Decree-Law.
  3. Real estate and buildings owned by the Government or whose ownership devolves to the Government or any Federal Entity inside and outside the State, or which it constructs on lands previously granted or granted by a Local Government to the Government or any Federal Entity, and which are exploited for the establishment, management, or operation of a public utility, directly or indirectly.

4. Real estate and buildings owned by the Government and which are assigned with or without consideration by any natural or legal person in favor of any Federal Entity and which are exploited for the establishment, management, or operation of a public utility, directly or indirectly.
5. All facilities owned by a Federal Entity and allocated for public use such as federal roads, railways, bridges, and any other similar assets.
6. Real estate by appropriation owned by a Federal Entity and allocated for the ownership, establishment, management, or service of any public utility, including stations, lines, and units for the production, distribution, and transmission of energy, water, sanitation, communications, mail, and the lines and cables for the production, transmission, and distribution of any of these public utilities.
2. Non-Real Estate Properties of the Union owned by the Government or a Federal Entity and dedicated to serving any of the properties specified in Clause (1) of this Article.
3. Private Real Estate Properties of the Union not allocated for a public utility service, which include vacant lands, buildings, and real estate.
4. Private Non-Real Estate Properties of the Union owned by a Federal Entity and not allocated for a public utility service, which include all types of movables, rights, cash funds, shares, stocks, bonds, commercial papers, and all other non-real estate funds owned by a Federal Entity that are invested, reinvested, exploited, or used on a commercial basis, and the resulting investments.
5. Ancillary real rights established for any of the Properties of the Union stipulated in Clauses (1) to (4) of this Article.
6. Rights arising from any of the Properties of the Union stipulated in Clauses (1) to (5) of this Article, including the profits allocated to them, whether distributable or non-distributable.
7. The assets stipulated in Article (49) of this Decree-Law.
8. Any other material or moral rights, securities, or guarantees of economic value legally established for any Federal Entity by virtue of a law.

## **Article (5)**

### **Protection of the Properties of the Union**

The Properties of the Union are inviolable and must be preserved. It is not permissible to own them, acquire any right over them, possess them,

occupy them, benefit from them in any way, or dispose of them in any manner of disposition except in accordance with the provisions of the law. It is not permissible to seize them or restrict their uses for any reason. Any disposition made in violation of the foregoing shall be null and void, and any encroachment on the Properties of the Union shall be removed in accordance with the provisions of this Decree-Law, without prejudice to the right of the Federal Entity to resort to judicial authorities if necessary.

## **Article (6)**

### **Reporting Violations Related to the Properties of the Union**

1. A Government Official must prevent the misuse of the Properties of the Union and must immediately report to the competent authorities any violations he becomes aware of related to the misuse, exploitation, or encroachment in any way on the Properties of the Union.
2. Any person may immediately report to the competent authorities any knowledge of any act contrary to the provisions of this Decree-Law.
3. For the purposes of this Article, the competent authorities are the Ministry, the Federal Entity supervising or occupying the Properties of the Union, or the security and police authorities, according to the nature of the violation.

## **Article (7)**

### **Prohibited Acts for a Government Official**

A Government Official is prohibited from committing any of the following acts:

1. Exploiting his position or work to achieve a benefit for himself or others, or using his influence to facilitate for others to obtain any unlawful benefit over any of the Properties of the Union.
2. Acting as a mediator, agent, or guarantor for any natural or legal person contracting with the entity in which he works to perform work or provide a service related in any way to the construction, maintenance, restoration, demolition, or contracting for the use or transfer of ownership of any of the Properties of the Union.

3. Using the Properties of the Union for personal purposes or for purposes other than those for which they are allocated, whether in his custody or the custody of others.

4. Allowing any person to use or exploit any of the Properties of the Union or to occupy any part of them, except in the cases permitted by any effective legislation.

## **Article (8)**

### **Roles of Security and Police Authorities**

1. The security and police authorities in the State - each within its jurisdiction - upon learning of an act of encroachment on any of the Properties of the Union, or its seizure, or unlawful exploitation, or the attempt of any of the same, shall take appropriate measures to prevent or stop this encroachment immediately, without the need to receive any complaint or obtain any permission or authorization as long as the action takes place in a public place.

2. The security and police authorities in the State - each within its jurisdiction - shall provide the necessary assistance to any entity to protect the Properties of the Union from any danger that threatens their use according to the purposes for which they are allocated or from the danger of sabotage, misuse, or exploitation in any way other than the purposes for which they are allocated.

## **Article (9)**

### **Disposition of Real Estate Properties of the Union Allocated for Public Utility Service**

Any disposition of any of the Real Estate Properties of the Union allocated for a public utility service shall be void unless the disposition is in accordance with the provisions of this Decree-Law and in conformity with the relevant effective legislation.

## **Article (10)**

### **Establishing Rights or Guarantees on Real Estate Properties of the Union Allocated for Public Utility Service**

It is not permissible to establish any easement rights or any ancillary real right, or to arrange any guarantees, securities, or any personal right on any part of the Real Estate Properties of the Union allocated for a public utility service, except in the cases permitted by any effective legislation and pursuant to a decision of the Cabinet.

## **Article (11)**

### **Demolition of Public Buildings and Facilities**

1. Federal public buildings and facilities may not be demolished except with the approval of the Cabinet, based on a proposal from the Minister after coordination with the Local Government.
2. The demolition of public buildings and facilities shall be for one of the following reasons:
  1. Rebuilding them.
  2. End of their useful life.
  3. They are at risk of collapsing.
  4. Their conflict with the general urban plan.
3. If the demolition is due to the reason mentioned in paragraph (d) of Clause (2) of this Article, the Local Government must compensate the Government with material or in-kind compensation if the general urban plan is not federal, in accordance with the provisions of this Decree-Law.

## **Article (12)**

### **Licensing the Use or Exploitation of Real Estate Properties of the Union**

Subject to Articles (5) and (10) of this Decree-Law, the Cabinet may license any person to use or exploit any part of the Real Estate Properties of the

Union allocated for a public utility service, in implementation of concession or public-private partnership contracts, taking into account the following:

1. That it is in implementation of a law or a decision of the Cabinet that allows a person to manage or operate any of the Government's public utilities under concession or public-private partnership agreements.
2. That the license is for a specific time limit.
3. That the contract concluded with the person includes a provision committing him to all the provisions of this Decree-Law related to the protection, maintenance, and management of the Properties of the Union.
4. That the license does not affect the level of performance of the public utility service prevailing before the issuance of the license.
5. That the beneficiary of the license is not an employee of the contracting Federal Entity or a relative up to the fourth degree, or that the beneficiary is a legal person in which any of the aforementioned individuals work or have an ownership interest, with the exception of shareholders in public joint-stock companies.
6. That any real rights arising from this license are registered in the real estate register with the competent local authority in the Emirate where the property is located.
7. That the use and exploitation do not conflict with the local legislation and regulations of each Emirate, and with the interests of the Government, provided that coordination is made between the concerned parties in this regard.

## **Article (13)**

### **Revocation of License**

1. The Cabinet shall issue a decision to revoke the license granted for the use or exploitation of any of the rights stipulated in Article (12) of this Decree-Law or to temporarily suspend its validity in any of the following cases:

1. The right holder's non-compliance with the laws or agreements regulating this right.
2. If the public interest so requires, or in response to an emergency or unforeseen circumstances.
2. In the case stipulated in paragraph (b) of Clause (1) of this Article, the decision shall determine the amount of compensation - if any - for the

right holder, taking into account the remaining term of the right and the value of the assets invested by the right holder after deducting their depreciation value, if the agreement between him and the government entity with which he contracted stipulates the return of these assets to it at the end of the contract without consideration.

## **Article (14)**

### **Cessation of Public Utility Status**

1. "Real Estate Properties of the Union Allocated for Public Utility Service" may be converted into private properties of the Union in any of the following cases:

1. The purpose of the public utility for which the Properties of the Union were allocated has ended.
2. The Properties of the Union allocated for a public utility service are no longer suitable for providing the public service due to their period of use, their deteriorated condition, or their inability for any reason to provide this service efficiently.
3. If the continued use of the Properties of the Union allocated for a public utility service constitutes a danger to public health, public security, or public safety.
4. The headquarters of the public utility is replaced by a new one.
2. The Cabinet shall issue a decision, based on a recommendation from the Minister, for the cessation of this status in accordance with the provisions of Clause (1) of this Article.
3. The same decision referred to in Clause (2) of this Article or a subsequent decision shall determine how to exploit or dispose of the Properties of the Union whose public utility status has ceased.
4. Coordination shall be made with the government of the concerned Emirate if the land on which the real estate allocated for a federal public utility service is built is registered as a grant land, before issuing the decision referred to in Clause (2) of this Article.
5. The description of the Real Estate Properties of the Union whose status has changed in accordance with the provisions of this Article shall be amended to "Private Real Estate Properties of the Union" by making a note to that effect in the Real Estate Asset Register.

## **Article (15)**

### **Special Provisions for Private Properties of the Union**

1. Private Properties of the Union are all properties owned by any Federal Entity and not allocated for a public utility service, and include:
  1. Real estate properties or real estate by appropriation that are not used for a public utility service from the date of their ownership.
  2. Real estate properties whose status as "properties allocated for a public utility service" has ceased in accordance with the provisions of Article (14) of this Decree-Law.
  3. Property for which the public benefit for which it was allocated has ceased or ended.
  4. Properties owned by the Union and dedicated for investment, reinvestment, or contribution or participation in profitable economic projects.
2. Private Properties of the Union shall be subject, in terms of their acquisition, exploitation, and disposition, to the provisions of their special legislation where there is no special provision in this Decree-Law or any other legislation regulating their protection, use, exploitation, or disposition.
3. By a decision of the Cabinet - based on a proposal from the Minister - any of the Private Properties of the Union or any of the rights established for them may be assigned without consideration to any Federal Entity or subsidiary.
4. By a decision of the Cabinet - based on a proposal from the Minister - any guarantees, securities, or rights may be established on any of the Private Properties of the Union as a guarantee or security for the obligations of any Federal Entity or subsidiary.
5. The head of the Federal Entity legally authorized to manage any of the Private Properties of the Union may decide to lease it or any of its units by a reasoned decision, provided that the conditions prescribed in the regulations and decisions regulating this are observed, and in a manner that does not conflict with the applicable local legislation.
6. None of the Private Properties of the Union may be sold except by a decision of the Cabinet in accordance with the conditions prescribed in the regulations and decisions regulating this.

## **Article (16)**

### **Management of Federal Real Estate Properties**

For the purposes of implementing the provisions of this Decree-Law, the Ministry shall undertake the management of federal real estate properties, and for this purpose, it may:

1. Establish, manage, operate, maintain, and update the Real Estate Asset Register.
2. Establish the necessary rules, guidelines, and systems to maintain the safety and performance efficiency of the Real Estate Properties of the Union.
3. Contribute to identifying, analyzing, and evaluating the difficulties and risks affecting the performance or efficiency of the Real Estate Properties of the Union and proposing appropriate solutions to resolve these difficulties or reduce these risks.
4. Coordinate between the concerned Federal Entity and the competent authorities in any of the Emirates regarding the decisions issued by the government of any Emirate to grant lands or government properties to the Government, or to change, replace, or recover them, or to establish any rights on them, and to contribute to the preparation of any documents or contracts related thereto.
5. Submit proposals and recommendations to the concerned Federal Entity and the competent authorities in the Government on all matters related to decisions issued by foreign authorities granting the Government lands or properties for use as headquarters, embassies, consulates, and other diplomatic missions of the State abroad.
6. Coordinate with the competent authority in the concerned Emirate to implement the decision of the concerned Emirate to grant the Government any original or ancillary real right on any real estate or to replace it, including carrying out all procedures and implementing all requirements to receive the real estate and register it or the real right established on it in the name of the Government in the Real Estate Asset Register and to receive all licenses, maps, and engineering drawings related to this real estate.
7. Coordinate with the Federal Entity that occupies, manages, or supervises the management of any of the Real Estate Properties of the Union abroad

to ensure that the state with jurisdiction issues ownership documents and deeds for these properties in the name of the Government, and to receive the original copies of these documents and deeds and keep them in the Real Estate Asset Register.

8. Recommend the inclusion of any of the Real Estate Properties of the Union among the funds allocated for a public utility service, or to change the nature of their use, or to cancel the public utility status, and a decision shall be issued by the Cabinet to that effect.

9. Determine the market value of any of the Real Estate Properties of the Union or any of the rights arising therefrom which are intended to be disposed of to third parties or to have any rights established on them for this third party, or to approve such value when it is determined by any other entity.

10. Determine the market value of any of the Real Estate Properties of the Union for any other purposes or to approve such value.

11. Provide an opinion on any project proposed by any Federal Entity to build, rebuild, expand, maintain, or demolish any of the Real Estate Properties of the Union, unless a special law assigns jurisdiction to another entity.

12. Establish the rules and guidelines that Federal Entities must adhere to for leasing or using any real estate for a fee.

13. Establish the rules and guidelines that Federal Entities must adhere to for the occupation of any space of any of the Real Estate Properties of the Union by any non-federal entity, whether with or without a fee.

## **Article (17)**

### **Powers to Access Information Related to Real Estate Properties of the Union**

The competent employees of the Ministry may access any files, information, data, or maps related to any of the Real Estate Properties of the Union, and obtain copies thereof for the purposes of exercising their jurisdiction in accordance with the provisions of the applicable legislation, unless such files, information, data, or maps contain information that is confidential by nature and requires authorization from the authorized person in charge.

## **Article (18)**

### **Real Estate Asset Register**

1. The Ministry shall establish an electronic platform called the "Real Estate Asset Register" to register the Real Estate Properties of the Union, and each unit of the Real Estate Properties of the Union shall have its own record showing the following:

1. Its ownership deed.
2. Its actual or estimated value at the time of its acquisition.
3. Any legal or contractual restrictions or judicial rulings related to its use or enjoyment.
4. Topographical data, plans, areas, location, boundaries of the property and adjacent properties, number of floors, and uses of each floor, if any.
5. Any securities established in its favor.
6. The value of the expenses incurred for its acquisition, maintenance, rehabilitation, or registration in the name of the Government.
7. Any other data determined by the Ministry.

2. The Federal Entity that occupies, manages, or supervises the management of any of the Real Estate Properties of the Union shall register it in the Real Estate Asset Register in accordance with the provisions of this Decree-Law and the decisions issued in implementation thereof, and it must update the record of these properties whenever necessary.

3. The Ministry shall supervise the protection, maintenance, and efficiency of the Real Estate Asset Register.

## **Article (19)**

### **Classification of the Real Estate Asset Register**

For the purposes of registration in the Real Estate Asset Register, vacant lands and buildings (real estate) shall be divided into two categories:

1. Real Estate Properties of the Union Allocated for Public Utility Service.
2. Private Real Estate Properties of the Union.

## **Article (20)**

### **Amending Data in the Real Estate Asset Register**

If any events, legal dispositions, final judicial rulings, laws, decrees, or final administrative decisions occur that require the deletion, cancellation, or amendment of any data recorded in the Real Estate Asset Register, the Federal Entity that occupies, manages, or supervises that real estate shall make a note of this in the data related to this real estate.

## **Article (21)**

### **Recovered Properties**

1. In the event that the Emirate or its Local Government requests the recovery of any of the properties it has granted to any of the Federal Entities, the Ministry must coordinate with the Emirate or the Local Government to ensure that the recovery request is made in accordance with the following controls and conditions:
  1. The recovery must be for the purposes of urban planning or infrastructure of the Emirate or any public benefit for the entity requesting recovery.
  2. The Emirate must compensate the Government for the properties requested to be recovered with similar properties, or with material compensation, or both, and the value of the compensation shall be determined in coordination with the Local Government.
  3. A decision must be issued by the Cabinet approving the recovery and compensation.
2. Notwithstanding paragraph (b) of Clause (1) of this Article, the Emirate that granted the vacant land may recover it without compensation if it has not been exploited by the grantee entity, after coordination with the Ministry and the approval of the Cabinet.

## **Article (22)**

### **Real Estate Properties of the Union Outside the State**

1. The provisions of this Decree-Law shall apply to any of the Properties of the Union located outside the State to the extent that they do not conflict

with the State's contractual obligations with any foreign entity, or the treaties or agreements to which the State is a party, or with the laws of the state where the real estate is located.

2. The entity that occupies, manages, or supervises the management of any of the Real Estate Properties of the Union outside the State shall be responsible for applying the provisions of this Decree-Law to the extent necessary to protect and care for these properties.

## **Article (23)**

### **Obligations of Federal Entities Occupying any Real Estate Properties of the Union**

1. In addition to the obligations stipulated in this Decree-Law, every Federal Entity that occupies, manages, or supervises the management of any of the Properties of the Union must do the following:
  1. Prepare a report showing the legal and survey status of that real estate, estimate its value, and state its architectural and constructional condition, with an attached construction plan and any data, facts, documents, or records related in any way to the sources of its ownership or occupation, within a period not exceeding (6) six months from the date this Decree-Law comes into force. This entity must provide the Ministry with a copy of this report immediately upon its completion, and it must update this data and provide the Ministry with a copy of it whenever necessary.
  2. Take appropriate measures to establish an archive, to be updated whenever necessary, which classifies all the data and information referred to in paragraph (a) of Clause (1) of this Article.
  3. Carry out maintenance work on the real estate, preserve it, and restore, repair, and replace damaged parts or facilities, unless a provision of law provides otherwise.
  4. Insure the real estate against fire risks by contracting with one of the insurance companies operating in the State.
  5. Immediately notify the Ministry of any acts, dispositions, or threats to carry them out which constitute a violation of any of the provisions of this Decree-Law.
  6. Provide all forms of assistance and support to the Ministry to enable it to carry out its tasks in accordance with the provisions of this Decree-Law.

7. Immediately notify the Ministry of any unauthorized use of any part of the real estate it occupies, providing the Ministry with all relevant information.
8. Provide any information or data requested by the Ministry regarding the condition of the real estate, its fitness for use, the necessary maintenance, and any information, data, statistics, or maps to enable the Ministry to carry out its tasks specified in this Decree-Law.
2. The Federal Entity that occupies any of the Real Estate Properties of the Union must include in its annual budget the amounts necessary to implement the obligations stipulated in Clause (1) of this Article.
3. The Federal Entity that receives any of the Real Estate Properties of the Union for its use, exploitation, management, or supervision of its management must observe in the procedures of receipt or management the provisions stipulated in the manual provided for in Article (25) of this Decree-Law.

### **Article (24)**

#### **Controls for Leasing Private Real Estate**

1. The Ministry shall issue a manual that includes the procedures and controls for leasing private real estate by any Federal Entity.
2. The manual stipulated in Clause (1) of this Article must include the conditions for requesting to lease a property, the procedures for selecting the appropriate property with a statement of the reasons for this choice, the procedures for signing the lease agreement, the assessment of the rental value, and a model lease agreement.

### **Article (25)**

#### **Controls and Requirements for the Use and Exploitation of the Properties of the Union**

The Ministry shall issue one or more manuals detailing the controls and requirements for the use or exploitation of any of the Properties of the Union, including occupancy times, occupancy density, specifications, and other requirements that ensure efficiency, safety, security, health, and cleanliness.

## **Article (26)**

### **Observance of Urban Planning and Building Rules and Regulations**

When determining the aspects of use or exploitation of any of the Real Estate Properties of the Union, the rules and regulations of urban planning and building applicable in the area where the real estate is located must be observed.

## **Article (27)**

### **Optimal Use of Real Estate**

The Federal Entity that occupies the real estate may determine its occupancy aspects and divide it into units, offices, or sections as appropriate for its purposes, all while observing the manual stipulated in Article (25) of this Decree-Law.

## **Article (28)**

### **Informing the Ministry of the Aspects of Real Estate Exploitation**

The Federal Entity that occupies any of the Properties of the Union for the first time must notify the Ministry of the aspects of exploitation of its spaces that it has approved, with a statement of this on an illustrative plan, within a period not exceeding (3) three months from the date of its occupation.

## **Article (29)**

### **Informing the Ministry of the Need for Excess Space in the Real Estate**

1. If the Federal Entity occupying the real estate finds that a part of the real estate is surplus to its needs according to the usage controls referred to in Article (25) of this Decree-Law by more than (20%) of the total area of the real estate intended for occupation, it must prepare a report on this and

send it to the Ministry. The report must include the opinion of the entity occupying the real estate regarding its potential need for this space within a period not exceeding one year from the date of its occupation of the real estate.

2. The Ministry shall issue a decision regarding how to utilize the unexploited space in a manner that reduces the resulting waste as much as possible.

### **Article (30)**

#### **Controls for Exploiting a Space in the Real Estate Occupied by a Federal Entity**

The Federal Entity may contract with any private companies or offices to utilize places or spaces in the real estate it occupies to provide any services that help it achieve its purposes, provided that:

1. This is necessary to enable the contracting entity to perform its tasks.
2. The aspects and conditions of occupancy are stipulated, as well as the right of the Federal Entity to stop or terminate that occupancy whenever the occupant violates these conditions, in the contract concluded with it.
3. The contracting entity adheres to the safety, security, health, and cleanliness aspects specified in the manual stipulated in Article (25) of this Decree-Law.
4. The contracting entity commits to vacating the space it occupies within the period specified in the notice sent by the Ministry or the concerned Federal Entity to this contracting entity.

### **Article (31)**

#### **Leasing a Space in the Real Estate Occupied by a Federal Entity**

The concerned Federal Entity that occupies any of the Real Estate Properties of the Union allocated for a public utility service may lease some vacant spaces in the real estate to any person to provide an

administrative service, public relations, or to provide light food and beverages, taking into account the following:

1. The leasing must be in accordance with the provisions of planning, pricing, and procedures for leasing the Properties of the Union, which shall be determined by a decision of the Cabinet.
2. This must not affect the optimal use of the spaces approved by that entity in accordance with the provisions of Article (28) of this Decree-Law.
3. The Federal Entity must sign a "space lease agreement" with the lessee according to the model prepared by the Ministry for this purpose.
4. The person must adhere to the safety, security, health, and cleanliness aspects specified in the manual stipulated in Article (25) of this Decree-Law.
5. The lessee must commit to vacating the leased space within the period specified in the notice sent by the Ministry or the concerned Federal Entity to the lessee.

## **Article (32)**

### **Residence in the Real Estate Properties of the Union**

No person may reside permanently or temporarily, or exploit any of the Real Estate Properties of the Union or any part thereof, or those allocated for a public utility service or any part thereof for sleeping or temporary housing, except in the following cases:

1. The real estate includes a part designated for the residence of staff, workers, or operators of that public utility, or if the real estate is designated for the housing of any employees of any Federal Entity, whether inside or outside the State.
2. A specific area in the real estate is available and designated for rest or temporary sleep for on-duty personnel serving the public utility.
3. In cases of emergency such as floods and natural or environmental disasters declared by the concerned authorities.

## **Article (33)**

### **Unlawful Exploitation and Use of Real Estate Properties of the Union**

1. No person may occupy, possess, use, or exploit any of the Real Estate Properties of the Union in the following cases:
  1. Their occupation, possession, use, or exploitation is without right.
  2. After the expiry of the period specified for them by the Federal Entity for use or exploitation, unless they obtain permission to extend that period.
  3. If the use or exploitation is contrary to the aspects of use or exploitation specified in the license granted to them or in the agreement signed with them.
  4. If they fail to fulfill any of their essential obligations specified in the license granted to them or in the agreement signed with them, and the breach of the obligation is considered essential if the use or exploitation of any real estate or any of the machinery, equipment, or other facilities erected thereon or attached thereto is in a manner that exposes them to destruction, damage, or demolition, or conflicts with the essential requirements and conditions of public health, public safety, or public security.
2. If the Ministry or the Federal Entity occupying the real estate discovers that a person has committed any of the acts described in Clause (1) of this Article, it shall notify that person in writing of the violation and request them to hand over the property to the Ministry or the Federal Entity within the period specified in the notice.
3. The violating person may submit a written grievance to the Ministry against the violation attributed to them, within (5) five working days from the date of receiving the notice stipulated in Clause (2) of this Article, and attach with their grievance any documents proving that they did not commit the violation.
4. If the violating person, after being notified in writing, does not submit a grievance or hand over the real estate within the specified period, the head of the Federal Entity may issue a decision to evict the real estate, and this decision shall be executed through the execution departments of the competent court.

## **Article (34)**

### **Grievances Committee for the Properties of the Union**

1. The Minister shall issue a decision to form a committee called the "Grievances Committee for the Properties of the Union", and the same decision shall specify the number of its members, its meeting procedures, the grievance process before it, and the mechanism for making its decisions.
2. The Grievances Committee for the Properties of the Union shall consider the grievances submitted to the Ministry by the violating person against whom a notice was issued by the Ministry or the Federal Entity to hand over or vacate the Properties of the Union.
3. If the committee finds that the grieving person has committed one of the cases specified in paragraphs (a) to (d) of Clause (1) of Article (33) of this Decree-Law, it shall submit its recommendation to the Ministry or the Federal Entity concerned with the violation to issue an eviction decision immediately in accordance with Clause (4) of Article (33) of this Decree-Law.
4. The decisions of the committee issued on the grievance shall be final.

## **Article (35)**

### **Eviction Decision**

The eviction decision referred to in Article (33) of this Decree-Law must include the following:

1. The reasons for taking the decision, including the legal or contractual provisions on which the decision was based.
2. The name and address of the person against whom the decision was made.
3. Details of the real estate to be evicted.
4. Notification to the person that the decision will be executed through the execution departments of the competent court if they do not voluntarily comply within the period specified in the decision.
5. Holding the person responsible for paying all expenses necessary for the execution of the decision and the value of damages, if any.

## **Article (36)**

### **Considering the Eviction Decision as an Executory Instrument**

The eviction decision issued in accordance with the provisions of this Decree-Law shall be considered an executory instrument, and the competent authorities and entities must initiate the execution of this instrument and carry out its requirements, and they must assist in its execution, even by force, whenever requested to do so.

## **Article (37)**

### **Costs Arising from the Execution of the Administrative Eviction Decision**

The person against whom an eviction decision was issued shall bear the costs incurred by the Ministry to execute the eviction decision and the value of the damages they caused, and the value of the said costs shall be collected by virtue of a payment order submitted to the competent court.

## **Article (38)**

### **Applicability of the Decree-Law to Non-Real Estate Properties of the Union**

The provisions of this Decree-Law shall apply to Non-Real Estate Properties of the Union where no special provision is made.

## **Article (39)**

### **Disposition of Non-Real Estate Properties of the Union**

The purchase, supply, inventory, storage, disbursement, depreciation, and sale of Non-Real Estate Properties of the Union shall be carried out in accordance with the provisions of the legislation in force in this regard.

## **Article (40)**

### **Guidance Manual for the Use of Materials, Papers, and Stationery**

The Ministry shall issue a guidance manual for the efficient and sustainable use of materials, papers, and stationery allocated for use in Federal Entities, and the head of each Federal Entity or their delegate shall issue the decisions necessary to implement this manual, including appropriate measures in case of violation of the provisions contained in the manual or in the decisions issued in its implementation.

## **Article (41)**

### **Transfer of Non-Real Estate Properties of the Union Between Federal Entities**

Non-Real Estate Properties of the Union may be transferred between Federal Entities without consideration, provided that this transfer is made in accordance with the legislation in force in this regard.

## **Article (42)**

### **Purchase of Vacant Lands or Buildings and their Addition to the Real Estate Properties of the Union**

The purchase of any vacant lands or buildings for the purpose of adding them to the Properties of the Union shall be carried out in accordance with the provisions determined by a decision of the Cabinet.

## **Article (43)**

### **Establishing Rights on Real Estate**

1. If the implementation of any project to establish any public utility requires the establishment of any original or ancillary real right on any real estate owned by a non-federal entity, the Federal Entity responsible for

implementing the project or supervising its implementation must do the following:

1. Submit a memorandum to the Ministry explaining the reasons for establishing this right, its estimated cost, the boundaries and dimensions of the real estate on which this right is to be established, and the Ministry's views and recommendations in this regard.
2. Submit a memorandum to the Cabinet including its requests and the Ministry's recommendation.
2. Subject to the provisions of Article (42) of this Decree-Law, if the Cabinet approves the purchase, the concerned Federal Entity shall contract with the seller on behalf of the Government after ensuring the suitability of the property to meet its intended purpose and that it is free from any claims, allegations, or legal disputes, and free from any legal or contractual restrictions that limit its use.
3. If the purchase process is completed, and there is real estate on the purchased property, the concerned Federal Entity shall register it in the Real Estate Asset Register.

## **Penalties**

### **Article (44)**

The application of the penalties stipulated in this Decree-Law shall not prejudice any more severe penalty provided for in any other federal law.

### **Article (45)**

Any person who fails to preserve the Properties of the Union and their inviolability, or who owns them, acquires any right over them, possesses them, occupies them, benefits from them in any way, or disposes of them in any manner of disposition in violation of the provisions of the law, shall be punished with imprisonment for a period of not less than (6) six months and not more than (2) two years, and a fine not exceeding (500,000) five hundred thousand dirhams, or one of these two penalties.

### **Article (46)**

Any government official who fails to prevent the misuse of Union properties, and fails to immediately report to the competent authorities

any violations proven to them related to the misuse, exploitation, or encroachment in any way upon Union properties, shall be punished by imprisonment for a period not exceeding one year and a fine of not less than (50,000) fifty thousand dirhams, or by one of these two penalties.

### **Article (47)**

Any government official who exploits their position or work to achieve a benefit for themselves or others, or exploits their influence to facilitate for others the obtaining of any unlawful benefit from any of the Union's properties, shall be punished by imprisonment for a period of not less than one year and not exceeding (3) three years and a fine of not less than (100,000) one hundred thousand dirhams, or by one of these two penalties.

### **Article (48)**

Any government official who does the following shall be punished by imprisonment for a period not exceeding one year and a fine of not less than (200,000) two hundred thousand dirhams, or by one of these two penalties:

1. Acting as an intermediary, agent, or sponsor for any natural or legal person contracting with the federal entity in which they work, to perform work or provide a service related in any way to the construction, maintenance, restoration, demolition, or contracting for the use or transfer of ownership of any of the Union's properties.
2. Using the Union's properties for personal purposes or for purposes other than those for which they are designated, whether such properties are in their custody or the custody of others.
3. Allowing any person to use or exploit any of the Union's properties or to occupy any part thereof in violation of the cases permitted under any effective legislation.

## **Final Provisions**

### **Article (49)**

The provisions of this Decree-Law shall apply to any real estate or non-real estate assets which are not owned by the Government or a federal entity

and which the law or a ruling orders to be confiscated, or places under the jurisdiction or mandate of any federal entity to manage or supervise their management, or to manage any of their associated resources, or maintain, guard, preserve, or store them. This includes endowments (Waqf), trust funds, and seized or sequestered funds, as long as they are in the possession of or under the management or supervision of any federal entity for any reason.

### **Article (50)**

The Cabinet, upon the recommendation of the Minister, shall be competent to approve the following:

1. Exempting any of the Union's properties from the application of some or all of the provisions of this Decree-Law.
2. The sale, mortgage, or recovery of the Union's real estate properties and any dispositions transferring their ownership.
3. Procedures for settling any disputes—if any—related to the compensation required from the local government for the Union's properties required to be recovered.
4. Any powers and competencies related to the Union's properties.

The Cabinet may delegate any ministry or federal entity to exercise all or some of the competencies assigned to it in this Decree-Law.

### **Article (51)**

#### **Procedures for Coordination, Management, and Disposition of Union Properties**

The following procedures shall be determined by a decision of the Minister:

1. Procedures for coordination between the Federal Government and the local government regarding:
  - a. The Union's real estate properties required to be recovered.
  - b. Local properties for which the Federal Government bears the costs and which are proposed to be returned to the local government.

2. Procedures for managing and leasing the Union's properties and the mechanisms for their disposition in a manner consistent with the provisions of this Decree-Law.

### **Article (52)**

#### **Documentation of Legal Dispositions on Union Properties**

Without prejudice to the provisions contained in this Decree-Law, legal dispositions concerning the Union's real estate properties shall be documented in accordance with the provisions of the local legislation in force in the concerned Emirate where the property is located.

### **Article (53)**

#### **Implementation of the Decree-Law**

The Cabinet shall issue the necessary decisions to implement the provisions of this Decree-Law.

### **Article (54)**

#### **Continued Application of Previous Regulations**

The decisions currently in force regarding the Union's real estate properties shall continue to be applied, in a manner that does not conflict with the provisions of this Decree-Law, until the issuance of the decisions that replace them to implement the provisions of this Decree-Law.

### **Article (55)**

#### **Repeals**

Federal Decree-Law No. (16) of 2018 concerning the Real Estate Properties of the Federal Government is hereby repealed, as is any legislation or provision that contravenes or conflicts with the provisions of this Decree-Law.

## **Article (56)**

### **Publication and Entry into Force of the Decree-Law**

This Decree-Law shall be published in the Official Gazette and shall enter into force (6) six months after the date of its publication.

Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi:

On: 13 / Rabi' al-Awwal / 1445 H

Corresponding to: 28 / September / 2023 AD