

## Circular No. 2/2024 – Regulating Telemarketing

Dear Stakeholders,

The Securities and Commodities Authority (SCA) wishes to inform you of the issuance of Cabinet Resolution No. 56 of 2024 concerning Telemarketing Regulations, which sets out the general provisions that individuals and corporations must adhere to when marketing, promoting, or advertising services and products via phone calls, SMS messages, and social media platforms.

Under this resolution, the SCA has been entrusted with regulating the telemarketing of financial services under its supervision and issuing detailed provisions without prejudice to the general framework. Accordingly, the SCA urges corporations to ensure full compliance with the resolution and the following requirements:

1. Obtain the SCA's prior approval before conducting phone calls promoting securities and commodities trading services in the UAE, upon completing the consent form available at the link below. The request for approval must be submitted to [licensing@sca.ae](mailto:licensing@sca.ae), ensuring full compliance with the telemarketing provisions outlined in the SCA's regulations. <https://www.sca.gov.ae/assets/download/d82ecec0/form-approval-for-marketing-sca-trading-services-via-telephone-calls.aspx>
2. The mechanism and duration for retaining telemarketing phone call records must comply with the provisions set out in Annex 5, titled *Technical Controls and Requirements for the Phone Recording System*, of Chapter 3 of Board Chairman's Decision No. (13/Chairman) of 2021 concerning the Rulebook for Financial Activities and Status Adjustment Mechanisms.
3. Submit annual reports to [ft@sca.ae](mailto:ft@sca.ae) on a yearly basis or upon request, in accordance with the SCA's specified instructions.
4. SCA-licensed companies must require contracted entities offering telemarketing services on their behalf (i.e., SCA-

licensed third parties) to fully comply with Cabinet Resolution No. 56 of 2024 and the aforementioned provisions. This requirement must be explicitly stated in the agreements signed with such third parties, which should have obtained prior approval from the SCA, as detailed in paragraph 1.

In reaffirming its confidence in corporate cooperation to achieve the intended objectives, the SCA would like to highlight that the Cabinet has specified the penalties applicable to violating corporations and natural persons under Cabinet Resolution No. 57 of 2024 concerning the Administrative Violations and Penalties for Acts Violating the Provisions of Cabinet Resolution No. 56 of 2024 concerning Telemarketing Regulations.

Finally, the SCA informs companies that they may file grievances against penalties it has issued through the following channels, without prejudice to the provisions of Article 5 of Cabinet Resolution No. 57 of 2024:

- Through the e-services portal on the SCA's official website: <https://scacore.sca.ae/scav189/#/login>.
- Via email to the Grievance Committee at: [appeal@sca.ae](mailto:appeal@sca.ae).

For more information, please contact the SCA at:

- Telephone: 800 722823.
- Email: [contactus@sca.ae](mailto:contactus@sca.ae).

Sincerely,

Attachments:

- Cabinet Resolution No. 56 of 2024 concerning Telemarketing Regulations.
- Cabinet Resolution No. 57 of 2024 concerning the Administrative Violations and Penalties for Acts Violating the Provisions of Cabinet Resolution No. 56 of 2024 concerning Telemarketing Regulations.

# **Cabinet Resolution No. (56) of 2024**

## **Concerning the Telemarketing Regulations**

### **The Cabinet:**

- Upon reviewing the Constitution;
- Federal Law No. (19) of 1972 concerning the Competences of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (4) of 2000 concerning the UAE Securities and Commodities Authority (SCA), as amended;
- Federal Decree by Law No. (3) of 2003 concerning the Regulation of the Telecommunications Sector, as amended;
- Federal Law No. (15) of 2020 concerning Consumer Protection, as amended;
- Federal Law by Decree No. (14) of 2018 concerning the Central Bank and the Regulation of Financial Institutions and Activities, as amended;
- Federal Decree by Law No. (48) of 2023 concerning the Regulation of Insurance Business;
- Federal Law by Decree No. (32) of 2021 concerning the Commercial Companies;
- Federal Decree Law No. (45) of 2021 concerning the Personal Data Protection;
- Based on the proposal submitted by the Minister of Economy, and the approval of the Cabinet.

### **Has resolved the following:**

#### **Article (1)**

#### **Definitions**

In the application of the provisions of this resolution, the following words and expressions shall have the meanings indicated opposite each of them unless the context requires otherwise:

<b>State</b>	: United Arab Emirates (UAE).
<b>Minister</b>	: Minister of Economy.
<b>Ministry</b>	: Ministry of Economy.

<b>TDRA</b>	: Telecommunications and Digital Government Regulatory Authority.
<b>Central Bank</b>	: The Central Bank of the UAE.
<b>Competent Authority</b>	: The federal or local government agency concerned, each in accordance with their jurisdiction, with licensing or regulating economic activity.
<b>Free Zone</b>	: Financial and Non-Financial Free Zone.
<b>Company</b>	: A commercial company in accordance with the provisions of Decree by Law No. (32) of 2021 concerning commercial companies and any establishment or other entity that takes any of the legal forms licensed by the Competent Authority to practice Phone Marketing activity.
<b>Consumer</b>	: Natural Person (Person).
<b>Telemarketing</b>	: Phone Calls made by a company or a natural person to a Consumer for marketing, advertising or promoting the products or services they provide or on behalf of their representative, through a landline or mobile number, including marketing text messages and marketing messages through social media applications.
<b>Do Not Connect Register (DNCR)</b>	: The unified national registry supervised by TDRA to protect Consumers from unwanted Marketing Phone Calls.
<b>Unwanted Marketing Phone Calls</b>	: Marketing Phone Calls made in violation of the provisions of this resolution, and do not include Marketing Phone Calls made at the request of the Consumer.

## Article (2)

### Objectives

This Resolution aims to implement the following:

1. Organise the marketing of products or services through Telemarketing in order to maintain economic and social stability.
2. Ensure that companies comply with marketing channels and times for products or services provided by or through them.

3. Reduce unwanted Marketing Phone Calls to ensure Consumer comfort and avoid violating their privacy.

## **Article (3)**

### **Scope of Application**

1. The provisions of this resolution shall apply to all companies licensed in the State, including those located in free zones, that market products or services through telemarketing.
2. Natural persons may not make Marketing Phone Calls for products or services they provide in their name or in the name of their representative, using a fixed or mobile number licensed in their name by telecommunications companies licensed in the State.

## **Article (4)**

### **Companies Obligations Concerning the Marketing Phone Calls**

All companies licensed in the State shall comply with the following controls when making Marketing Phone Calls:

1. Obtain prior approval to practice Phone Marketing activity from the Competent Authority.
2. Provide comprehensive training to the Company marketers on the ethics of professional conduct in making marketing calls to Consumers, and the basic principles of using the Do Not Call Registry (DNCR).
3. Use local Phone numbers issued by telecommunications companies licensed in the State, and these numbers shall be registered under the commercial licence of the Company licensed in the State.
4. Create a communication channel for Consumers interested in obtaining marketing information, and marketing communication is only made with these Consumers.
5. Do not call for marketing products or services to Consumers whose numbers are listed on the DNCR.
6. Maintain a record of all Marketing Phone Calls made, in accordance with the form prepared by the Competent Authority, to ensure the provision of the minimum data and information about their marketing activities carried out through Marketing Phone Calls, and not to destroy them until after the expiry of the period specified by the Competent Authority.

7. Record Marketing Phone Calls, with the necessity of informing the Consumer of this recording when the call begins.
8. Submit periodic reports, as determined by the Competent Authority, concerning the Marketing Phone Calls made, within one month from the date the report is due.
9. Sign a code of professional conduct, in accordance with the form prepared by the Competent Authority if it deems it appropriate to issue this code, to ensure the minimum level of ethical business practices in practice of their Phone Marketing activities.
10. Comply with the specified times for making Marketing Phone Calls as stated in Clause (3) of Article (5) of this Resolution.
11. Identify the Company and the purpose of the call at the beginning of the marketing Phone Call.
12. Disclose the source of obtaining Consumer Phone numbers and data if requested by the Competent Authority.
13. Do not use Phone numbers that are not registered or owned by the Company licensed in the State to make Marketing Phone Calls.

## **Article (5)**

### **Controls of Marketing Phone Calls**

Companies shall perform marketing of products or services through Phone Calls, paying due care and sufficient attention to everything that would prevent Consumer inconvenience and comply with the highest standards of transparency, credibility and integrity, including the following:

1. Not to use any marketing methods that put unjustified pressure on the Consumer in order to convince him of the product or service provided.
2. Avoid deception and misleading when marketing the product or service.
3. Make Marketing Phone Calls only during the period from 9:00 am to 6:00 pm.
4. Do not call the Consumer back if he rejects the product or service on the first call.
5. Do not call the Consumer back, if he does not answer the call or ends the call, more than once a day and a maximum of twice a week.

6. Automated communication systems may be used for marketing, advertising and promoting the products or services provided by the Company in accordance with the provisions of this resolution.
7. Ask the Consumer whether he wants to continue the Phone Call or not before starting to market, advertise and promote the product or service provided.
8. Any other controls for which a resolution is issued by the Minister in coordination with the Competent Authority and Relevant Parties.
9. Any other additional controls set by the Competent Authority, provided that none of the obligations stipulated in the provisions of this resolution are cancelled or mitigated.

## **Article (6)**

### **Protecting Consumers from Unwanted Marketing Phone Calls**

1. The Consumer may submit a complaint to the Competent Authority concerning unwanted Marketing Phone Calls, including the following:
  - a. The Complainant name and phone number.
  - b. Name and Phone number of the Defendant.
  - c. Any document supporting the complaint, if any.
2. The Competent Authority, in accordance with the powers assigned to it in accordance with the provisions of this resolution, shall establish controls and procedures for receiving and adjudicating complaints in accordance with its applicable practices.
3. The Competent Authority has the right to investigate and review information concerning unwanted Marketing Phone Calls. The Competent Authority has the right to conduct investigation on its own initiative if it has sufficient reasons to do so, and it has the right to coordinate and cooperate in this regard with the Ministry and TDRA, each in accordance with their jurisdiction.
4. Consumer personal data may not be disclosed without his consent or to trade it for reprocessing it by companies wishing to market their products or services to the Consumer through Marketing Phone Calls.
5. The Consumer may register in the DNCR to suspend receiving Marketing Phone Calls and file complaints about them, in accordance with the applicable legislation and procedures in this regard.

## **Article (7)**

### **Violations and Administrative Penalties**

The Cabinet, based on the proposal of the Minister and the proposal of the Minister, in coordination with the Ministry of Finance, and the Competent Authorities and based on the legislation in force in the State shall issue a resolution regarding administrative violations and penalties to be imposed on violators of any of the provisions stipulated herein or the resolutions issued in implementation of provisions thereof.

## **Article (8)**

### **Cooperation between the Ministry, TDRA and the Competent Authorities**

1. Information, data and statistics related to unwanted marketing calls shall be exchanged among the Ministry, TDRA and the Competent Authorities, in accordance with the mechanism agreed upon between them, considering the protection of personal data during the exchange process.
2. The Competent Authorities, in cooperation with the Ministry and TDRA, shall develop working mechanisms among them concerning the DNCR for Marketing Phone Calls and complaints related thereto, in accordance with the needs, in a manner that ensures the full enforcement of this resolution and prevents any practices that would result in the repetition of unwanted Marketing Phone Calls.
3. The Competent Authorities, in cooperation with the Ministry and TDRA, each in accordance with their jurisdiction, shall implement joint or individual awareness and education campaigns on Consumer rights and the rules of professional conduct for companies that market their products or services through Marketing Phone Calls.

## **Article (9)**

### **The Competent Authority Competencies**

1. The Ministry undertakes general supervision over the implementation of this resolution and the resolutions implementing it, and submit periodic reports to the Cabinet in this regard.
2. The Central Bank is responsible for everything related to Phone Calls to market the services of banks, other financial establishments/institutions, insurance companies and related



professions licensed by it and operating in the State, in the manner stipulated in this resolution and the regulations issued by the Central Bank in this regard.

3. The SCA shall be responsible for everything related to Phone Calls to market securities and commodities trading services in the State, as stipulated in this resolution.
4. The Competent Local Authorities shall be competent, in accordance with the distribution of competencies at the level of each Emirate, in everything related to Phone Calls for marketing products or services in the State, other than what is stipulated in Clauses (2) and (3) of this Article, in the manner stipulated in this resolution.

## **Article (10)**

### **Executive Resolutions**

The Minister, after coordination with the Competent Authorities and presentation to the Cabinet, may issue the necessary resolutions to implement the provisions of this resolution, including any resolutions that would address any practice that the Company may resort to in order to circumvent the provisions of this resolution or that would have the same effect as unwanted marketing calls to the Consumer.

## **Article (11)**

### **Resolution Publication and Entry into Force**

This Resolution shall be published in the Official Gazette and shall be enforced after (60) Sixty days as of the date of its publication.

**Mohammed bin Rashid Al Maktoum**

**Prime Minister**

Issued by Us:

Dated: 04 /Dhu‘l-Hijjah / 1445 H

Corresponding to: 10 /June / 2024