

**Federal Law No. (28) For The Year 2001
For The Setting Up Of
The Emirates Specifications
and Standards Authority**

We, Zayed Bin Sultan Al-Nahyan, President of The State of the United Arab Emirates.
Having perused the constitution, and
Federal Law No. (1) for 1972 concerning the jurisdictions of the Ministries, the authorities of the Ministers, and the Laws in amendment thereof, and
Federal Law No. (7) for 1976, for the setting up of the Accountancy Bureau, and
Federal Law No. (14) for 1976 concerning the setting up of the Department of Specifications and Standards, and
Federal Law No. (1) for 1979 concerning the organization of industrial affairs, and
Federal Law No. (4) for 1979 concerning the suppression of fraud and deceit in commercial transactions, and
Federal Law No. (8) for 1984 concerning the trading companies and the amended laws, and
Penal Law issued by Federal Law No. (3) for 1987, and
Penal Procedures Law issued by Federal Law No. (35) for 1992, and
Federal Law No. (9) for 1993 concerning the control of trade in valuable stones and precious metals, as well as their imprinting with hallmarks, and
Federal Law No. (23) for 1999 concerning the exploitation and protection of live water resources in the State of the United Arab Emirates, and
Federal Law No. (24) for 1999 concerning the protection of environment and its development, and
In accordance with the matters presented by the Minister of Finance and Industry, and their approval by the Council of Ministers and the Federal National Assembly, as well as their ratification by the Federation Supreme Council,
Have promulgated the following Law:

Definitions

Article (1)

For the implementation of this Law, the following words and expressions shall have the meanings indicated opposite to each of them, unless the context provides otherwise:

State: The State of United Arab Emirates.

Ministry: The Ministry of Finance and Industry.

Authority: The Emirates Specifications and Standards Authority.

Minister: The Minister of Finance and Industry.

Board: The Authority's Board Directors.

Chairman: The Chairman of the Authority.

Director General: The Director General of the Authority.

Legal Measurement Units:

International System Unites (Modern Metric System) used in measurement.

Measuring Tools (Instruments):

The machines, instruments and appliances allocated for measuring purposes. These include direct measures, such as dry measures, scales, lengths, standards units and others. They also include indirect measures, such as thermometers, manometers, water and electricity meters, etc.

Laboratory: The party which carries out the test and calibration.

- Calibration:** The operations which are carried out for determining and checking the efficiency and precision of measuring tools.
- Standards Specification:** A document which defines the qualities of the commodity, item or service, or any material which is subject to measuring, or its features, properties, its quality level, dimensions and measurements, or the requirements of safety and security therein. It also includes the terms (expressions), codes and symbols, test methods, sample taking, packing, labels and marks.
- Approved Standards Specifications: The specifications approved by the Authority. They shall be referred to by the terms “Standards Specifications of the State of United Arab Emirates”, and shall be symbolized by (SS/UAE).
- Token:** Any drawing, sign, symbol, hallmark, inscription, or depiction, which refers to the Authority, or any thing issued by it with respect to the specifications, standards, quality and conformity, or which refers to any international party concerned with the specifications, standards, quality and conformity.

Chapter One
Setting up of The Authority and Its Objectives

Article (2)

A general authority shall be created under the name “The Emirates Specifications and Standards Authority”, and shall enjoy independent juridical personality, with an independent budget under the State’s general budget. It shall also enjoy the necessary legal capacity for carrying out all the works and acts which guarantee the achievement of its purposes. The said Authority, however, shall be attached to the Minister.

Article (3)

The Authority’s headquarters shall be located in the city of Abu Dhabi. However, offices thereto may be set up inside the state, by a resolution from the board, according to the public interest requirements.

Article (4)

Without prejudice to the provisions of Federal Law No. (4) for 1979 concerning the suppression of fraud and deceit in commercial transactions, and to Federal Law No. (9) for 1993 concerning the control of trade in valuable stones and precious metals, as well as their imprinting with hallmarks, the Authority shall be the sole competent authority in the State in respect of all matters concerning specifications, standards and quality, and shall exercise all the powers and authorities entrusted thereto or the purpose of:

1. Providing health, economic and environmental safety and protection, by ensuring that the services, consumer commodities and the other materials are of good quality and conform to the approved standards specifications.
2. Supporting the national economy and economic development plans, by guaranteeing the quality at appropriate levels for the national industries and the local production of commodities and other materials, in order to enable them to enter the fields of competition and their

various domains.

3. Coping with the scientific development in the fields of the activities relating to specifications and standards, and control the quality and its management regulations.
4. Spreading awareness in the different activities relating to measurement through the possible means.

Article (5)

For the sake of achieving the objectives provided for in this Law, and thorough the exploitation of the available local capabilities, the Authority shall exercise the following powers and authorities:

1. Prepare, approve, publish, review and amend the standards specifications, and issue the resolutions for the application of the approved standards specifications. As an exception to this are the human and veterinary medicaments, serums and related items.
2. Set a national system for measurement and calibration, and supervise its implementation.
3. Develop and unify devices and methods of measuring, and their calibration, checking and control.
4. Coordinate the standards specifications approved by foreign parties, in order to be in conformity with the international, regional, gulf, or local standards specifications, and approve them.
5. Adopt the international, regional, gulf, or local specifications as approved standards specification, and issue them in either the Arabic language or any other language, or in both of them, in the light of the board's resolution.
6. Follow up and monitor the implementation of the approved standards specifications on the different activities.
7. Determine the specifications constituting the commodities and products on which they must be recorded, in addition to their validity date, in conformity with the regulations in which a resolution shall be issued by the board.
8. Maintain the references of the approved essential specifications, and keep and save guard these, in order to be used in the control, review and calibration operations of the measuring appliances and tools, and

organize the issue of calibration certificates.

9. Set up and run the necessary laboratories and institutes for conducting the examinations, tests, analyses and researches pertaining to the specifications and standards, and examine and test the materials and products, as well as calibrate the measuring appliances and equipment, and contract with local or foreign accredited laboratories.
10. Approve the examination and test laboratories and calibration laboratories existing at the Federal and local governmental agencies, private establishments and the scientific institutions, which are qualified and specialized in conducting the examination, test, and analysis on the commodities and materials.
11. Grant or approve the quality certificates, and conformity certificates for the approved standards specifications and tokens, and regulate their issuance and the contracts for their uses.
12. Issue, publish, distribute and sell the printed matters (literature) relating to the approved standards specifications concerning measurement.
13. Conduct researches and studies relating to the development of the Authority's activities.
14. Develop relations and cooperation with bodies, organizations, parties and institutes concerned with the Authority's objectives, or participate in their membership.
15. Agree with gulf, regional and international organizations and bodies in respect of reciprocal recognition of the tokens, quality certificates and conformity certificates, in accordance with the regulations determined by the board.
16. Represent the State at gulf, regional and international conferences, organizations, bodies, committees and meetings.
17. Prepare, train and raise the efficiency of the Authority's personnel.

Chapter Two

The Authority's Management

Article (6)

The Authority's management shall be assumed by a board of directors to be formed under the chairmanship of the Minister and ten members from the State's nationals, who possess

experience and specialization, provided that half of them at least will be from outside the Federal Ministries.

Article (7)

The board shall be formed by a resolution from the council of Ministers, at the proposal of the Minister, for a period of three renewable years. The Council of Ministers shall determine the remuneration to be granted to the board members.

Article (8)

The board shall select at its first meeting, from among its members, a deputy to the chairman to replace him during his absence.

Article (9)

The board shall be the supreme power of the Authority, and shall assume the running of its affairs and exercise, in particular, the following functions:

1. Set the Authority's general policy and supervise its execution.
2. Approve the standards specifications and their amendments.
3. Approve the specialized examination and test laboratories and calibration laboratories existing at the Federal and local governmental agencies, as well as at the private organizations and scientific institutions, in conformity with the regulations and rules issued by it to this effect.
4. Issue the regulations and rules concerning the granting and approval of the tokens, quality certificates and conformity certificates for the products.
5. Approve the formation of the technical committee, at the suggestion of the director general, and form any other committees for discussing the subjects related to the Authority's functions and objectives.
6. Suggest the draft laws relating to the Authority's activities.
7. Contract with specialized scientific organizations and bodies, as well as with consultants, experts, accredited laboratories and other specialized parties - from inside and outside the State, in order to provide services and studies relating to the Authority's activities.
8. Draw up plans for the management and investment of

the Authorities funds.

9. Prepare the Authority's organizational structure, in which a resolution shall be issued by the Cabinet.
10. Set the financial bylaw for the Authority and the personnel affairs regulations, in which a resolution shall be issued by the Council of Ministers.
11. Appoint the Authority's senior officers.
12. Ratify the Authority's draft annual budget and its final accounts, and present these to the Cabinet for their approval.
13. Appoint the (external) auditors and determine their fees.
14. Seek the opinions and proposals of the federal and local governmental agencies, in order to achieve the Authority's objectives.
15. Issue the necessary resolutions for the good progress of the Authority's work.
16. Present an annual report to the Cabinet on the progress of the Authority's work and its accomplishments.
17. Authorize any person, as seen appropriate by it, to monitor the implementation of the specifications, as specified by the board.

Article (10)

The board shall convene upon the invitation of its chairman at least once every three months. The chairman, however, shall be entitled to invite the board to hold an extraordinary meeting at the request of the director general or four of its members at least.

The board meetings shall be valid only if they are attended by the chairman or his deputy and five of its members at least. The board resolutions shall be issued by absolute majority of the participants' votes. But, in case the votes are equal, the side which includes the session chairman shall be preponderant.

Article (11)

The board's session minutes shall be recorded and signed by the session chairman, and shall be issued following its signing by the chairman of the board or his deputy.

Article (12)

The board shall be entitled to invite any person, as seen appropriate by it, who possesses experience and cognizance in the Authority's functions to attend its meetings without having the right to vote on the board's resolutions.

Article (13)

The Authority shall have a director general with the grade of Undersecretary, who shall be appointed by a federal decree at the board's proposal. He shall be responsible before the board for the implementation of the Authority's general policy and its good progress of work. He shall assume the running of the Authority's technical, administrative and financial affairs, and shall supervise and coordinate among its cadres, in conformity with the Authority's laws, regulations and rules, and the board's resolutions, and shall exercise the following functions in particular:

1. Manage the Authority and develop its work system.
2. Implement and follow up the resolutions and general policy set by the board.
3. Appoint the Authority's employees and personnel, and issue the resolutions concerning their affairs, in accordance with the provisions of the personnel affairs regulations.
4. Prepare the periodic reports on the progress of work at the Authority, and present them to the board.

5. Prepare the board's agenda.
6. Prepare the Authority's draft annual budget and its final accounts, and present these to the board.
7. Any other assignments entrusted to him by the board.

Article (14)

The director general is the Authority's legal representative, and shall exercise all the functions entrusted to him by this Law, as well as by the rules and resolutions issued for its implementation.

Chapter Three **General Rules**

Article (15)

The Authority's resources consist of:

1. The annual funds allocated by the State to the Authority in the general budget.
2. The surplus realized in the Authority's budget from the previous years.
3. The donations, subsidies, and grants which the board agrees to accept, and which are not contradictory to the Authorities objectives.
4. The other revenues realized by the Authority from the exercise of its activities.
5. The proceeds from the investments of the Authorities fund.

Article (16)

Transfer from one section to another shall be allowed by a resolution from the board at the proposal of the chairman. Likewise, transfer from one item to another in the same section of the budget, shall be allowed by a resolution from the board chairman at the proposal of the director general.

Article (17)

The Authority's funds shall be considered as general funds, and the Authority shall be exempted from the prior control of the accountancy Bureau.

Article (18)

The Authority's fiscal year shall start from the first of January and end on the thirty first of December of each year. The first fiscal year, however, shall start from the date of implementation of this Law and end on the thirty first day of December of the following year.

Article (19)

The Authority's accounts shall be audited by one or more auditors, in conformity with the generally accepted accounting principles. The auditors, however shall present their report to the board within a maximum period of four months following the end of the fiscal year.

Chapter Four
The Standards Specifications

Article (20)

The Authority shall issue the specifications approved by the board under the name “Standards Specifications of the State of United Arab Emirates”. No other party, however, may use, place, or draw any mark (token) containing the term (specifications of the State of United Arab Emirates) or (Standards Specifications of the State of United Arab Emirates), or any similar term, or its symbol in Arabic or other languages, or which gives its indication, except by permission from the Authority.

Article (21)

The procedures for preparing and issuing the approved standards specifications shall be organized, and the remuneration of the experts and technical committees shall be determined by a resolution from the board.

Article (22)

The application of the approved standards specifications shall be compulsory by a resolution from the Council of Ministers based on the board’s voting. Optional specifications, however, may be approved by a resolution from the board, provided that when ratifying the optional application, the following considerations will not be prejudiced:

1. Preservation of safety, public health and environment.
2. Protection of the consumer.
3. Guaranteeing the public interest.

Article (23)

The Authority shall register the marks, which shall all be known as the (Authority's Marks). The Authority, however, shall have the right to grant, renew, stop and cancel the use of its marks and their registration outside the State, in conformity with rules to be determined by the board. In all cases, however, the marks shall be published, after their issuance or approval, in the official gazette.

Chapter Five **Crimes and Penalties**

Article (24)

Any person who commits any of the two following acts shall be punished by imprisonment for a period of not less than one year, and by a fine of not less than (30000) thirty thousand Dirhams, or by one of the said penalties:

1. Impersonate the quality of an Authority's employee, who is empowered with the attribute of judicial verification.
2. Issue or use any mark without permission from the Authority.

Article (25)

Without prejudice to any stricter penalty provided for in the panel code or any other law, any person who prevents, impede or evades inspection or obtained from giving information or provides information which contradicts the reality shall be punished by imprisonment and by a fine of not less than (10000) ten thousand Dirhams, or by one of the two said penalties.

Article (26)

Without prejudice to any stricter penalty provided for in the panel code or any other law, any person who violates the binding approved standards specifications issued under this Law, shall be punished by imprisonment and by a fine of not less than Dirhams (30000) thirty thousand, or by one of the two said penalties, in addition to confiscation of the materials and products subject of the violation.

Article (27)

Without prejudice to any stricter penalty provided for in the penal code or any other law, any person who advertises, displays or sells a material or product pretending that it bears the quality of

the approved standard specifications, in contradiction to the reality, shall be punished by imprisonment and by a fine of not less than Dirhams (30000) thirty thousand, or by one of the two said penalties. In such case, all the materials subject of the violation shall be confiscated.

Article (28)

Any person who violates any other provision of this Law, shall be penalized by imprisonment for a period of not less than three months and by a fine of not less than Dirhams (25000) twenty-five thousand, or by one of the tow said penalties.

Article (29)

The court may, in case of recurrence, in addition to doubling the prescribed penalty, rule for the withdrawal of the establishment's license definitely.

Article (30)

The Authority's employees in whose determination a resolution shall be issued by the Minister of Justice, Islamic Affairs and Endowments in agreement with the Minister, shall have the attribute of judicial verification officers, with respect to the crimes occurring in the area of their jurisdiction and relating to their job duties.

Article (31)

The Council of Ministers shall issue a resolution specifying the fees for the services provided by the Authority.

Chapter Six
General and Interim Rules

Article (32)

The employees who are decided by the Minister to be transferred to the Authority, shall be transferred with their same grades and all their rights and benefits, provided that their situations will be settled in conformity with the provisions of the Authority's personnel affairs regulations, without prejudice to the salaries and allowances earned by them.

Article (33)

The Authority's personnel shall be liable to the civil service laws and regulations in force at the Government, pending the issuance of the Authority's personnel affairs regulations.

Article (34)

All matters which the Ministry of Defense decides to maintain their secrecy, shall be excepted from subjection to the provisions of this Law.

Article (35)

The board shall issue the necessary resolutions for the implementation of the provisions of this Law.

Article (36)

Without prejudice to the provisions of Federal Law No. (4) for 1979 concerning the suppression of fraud and deceit in commercial transactions, and to the provisions of Federal Law No. (9) for 1993 concerning the control of trade in valuable stones and precious metals and their imprinting with hallmarks, Federal Law No. (14) for 1976 referred to above shall be cancelled. Likewise, any provision of any law or other legislation contradicting the provisions of this Law, shall be cancelled.

Article (37)

This Law shall be published in the official gazette, and shall be implemented as of the date of its publishing.

Zayed Bin Sultan Al-Nahyan
President of The State of United Arab Emirates

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