

Cabinet Resolution No. (30) Of 2018

UAE Regulation to Control Vehicles Spare Parts

Cabinet:

- After perusal of the Constitution,
- Federal Law No. (1) of 1972, promulgating specialties of ministries, terms of reference of the ministers, as amended,
- Federal Law No. (28) of 2001, promulgating establishment of Emirates Standardization and Metrology Authority, as amended,
- Federal Law No. (24) of 2006, promulgating consumer protection, as amended,
- Federal Law No. (14) of 2016, promulgating violations and administrative penalties in the Federal Government,
- Cabinet Resolution No. (35) of 2015, promulgating UAE regulation of control on conformity assessment bodies, and
- Based on approval of the cabinet,

Decided:

Article (1)

Definitions

In applying provisions of this resolution, the following words and phrases shall have the meanings ascribed thereto hereunder unless the context indicates otherwise:

State: UAE

Authority: Emirates Standardization and Metrology Authority (ESMA)

Board: ESMA Board of Directors

General Manager: ESMA General Manager

Competent Body: Federal or local body concerned with application of the provisions of this resolution.

Standard: document to identify properties of the commodity, material, service, or anything subject to measurement, features, properties, quality level, dimensions and measurements, or requirements of safety and security, and also includes the terms, codes, testing methods, sampling, packaging, labels, and marks.

Approved Standards: standards approved from ESMA and referred to as UAE Standard, with symbol (UAE.S).

Emirates Conformity Assessment System (ECAS): the system issued by ESMA which is concerned with verifying that the product fulfilled the requirements as defined in the approved standard directly or indirectly through specified procedures performed by ESMA such as examination, testing, or calibration, and inspection or granting certificates of conformity.

Conformity Assessment Form B: form describing the procedure taken to ensure that a sample similar to the production fulfills the requirements of the regulation applicable, and also includes periodical inspection, withdrawal of samples from the market and/or firm to ensure sustainability of conformity.

Conformity Certificate: the certificate issued from ESMA to affirm that the product or any batch thereof conforms to the requirements of the approved standard.

Conformity Assessment Body: the body registered, approved, or accepted by ESMA according to the relevant laws; including examination and calibration laboratories, inspection bodies, efficiency testing bodies, certification bodies granting certificates to the systems, individuals, or products.

UAE Quality Label: the label approved by ESMA and granted to the product to signify conformity to the approved standards relevant to the product.

Badge: any drawing, mark, stamp, inscription, or image signifying ESMA or what is issued with respect to the standards, measurements, quality, and conformity, or that implies any international body relevant to the standards, measurements, quality, and conformity.

Supplier: the manufacturer, processor, importer, agent, assembler, carrier, product store keeper, any authorized or subsidiary distributor whose activity has impact on the properties and performance of the product, any commercial or legal representative responsible for importation of the product.

Customer: any person obtains commodity or service paid or unpaid to satisfy its personal need or needs of others.

Product: any product of the juices and beverages specified in the table enclosed with this resolution.

Supply Chain: all phases through which the product undergoes after manufacture until delivered to the consumer including packaging, importation, supply, transport, storage, delivery, assembly, wholesale or retailer, and any other relevant process.

Offering: any activity or procedure targeting sale, lease, trading, storage, display, marketing, promotion, or providing the product to the consumer, whether paid or unpaid.

Country of Origin: the country in which the product is manufactured.

Article (2)

Scope of Application

1. Provisions of this resolution are applicable to the products which standards are indicated in the table enclosed with this resolution.
2. The product prepared for importation is excluded from provisions of this resolution.

Article (3)

Responsibilities of the Supplier

The Supplier shall, in any phase of supply chain, abide by the following:

1. Practice its activity through company or individual organization registered and holder of license as per the relevant legislations.
2. Obtain conformity certificate prior to offering any product in the markets according to the Emirates Conformity Assessment System (ECAS) as per Conformity Assessment Form (B).
3. Obtain Emirates quality label for the product as per the procedures approved by ESMA.
4. Ensure that the product fulfills the technical requirements indicated in the approved standards as shown in the table enclosed with this resolution.

5. Prepare and store the product in healthy adequate conditions through effective application of the food safety system in the factory.
6. Cooperate with ESMA employees and the competent bodies as well as providing the documents required including testing reports, upon request.
7. Maintain reports proving safety of the product for a period not less than (10) ten years from date of last batch offered; provided that reports are updated as necessary.
8. Ensure that the product achieves requirements of this resolution.
9. Compliance with procedures of verifying the conformity as set forth in this resolution.
10. Submit all technical documents, certificates, all data and information to affirm conformity of the product to the requirements of this resolution.
11. Any other commitments as determined by ESMA in coordination with the competent body.

Article (4)

Technical Requirements

The product prepared for the purpose of offering or trading within UAE, should fulfill the following:

1. Requirements of the standard approved (UAE.S GSO 9).
2. The illustrative data on the label of the product should fulfill the standard requirements as specified in the table enclosed with this resolution.
3. The images and phrases used on the packet including the product should not contradict with the public order, common decency, and Islamic values prevalent in UAE.
4. Quantity in the packet should conform to the requirements indicated in the relevant approved standard as indicated in the table enclosed with this resolution.
5. The product should be packed in adequate packets in terms of health so as not to affect its properties, and fulfills the requirements of the approved standard as indicated in the table enclosed with this resolution.
6. The expiry periods should conform to the requirements indicated in the relevant approved standard as indicated in the table enclosed with this resolution.

Article (5)

Verification of Conformity

1. It is forbidden for all sale outlets in UAE to offer the product in the local markets, perform promotion campaigns, or product taste campaigns, unless the product is registered as per the Emirates Conformity Assessment Standard (ECAS).
2. ESMA and the competent body shall, as the case may be, prior to granting conformity certificate to the product, verify its conformity to the standards approved and specified in this resolution including verification of the following:

- A. The supplier has fulfilled all procedures to obtain the conformity certificate according to the Emirates Conformity Assessment System (ECAS), as per the conformity assessment form (B) prior to offering the product within UAE.
- B. The product fulfills all requirements of this resolution and conforms to the approved standards as indicated in the table enclosed with this resolution.
- C. The supplier effectively applies the food safety system in the factory, and has submitted the confirming certificates as issued by recognized bodies.
- D. All technical documents and certificates as well as the data and information affirm conformity of the product to the requirements of this resolution.

Article (6)

Requirements of Conformity Assessment Body

The conformity assessment body responsible to assess the product should fulfill the conditions and requirements as identified in the Cabinet Resolution regarding control on the Conformity Assessment Bodies.

Article (7)

Responsibilities of the Competent Bodies

The competent bodies undertake implementation of the provisions of this resolution, for this sake are entitled to the following:

- 1. Verify that the product fulfills conformity requirements of the standards approved, complete the technical documents required with enclosure with the shipment subject to examination.
- 2. Take all the administrative procedures required to withdraw the product not conforming to the requirements of this resolution.
- 3. Impose penalties as mentioned in Article (11) of this resolution in case any of the violations is committed as indicated therein.

Article (8)

Control and Market Survey

- 1. The product is subject to control upon offered in the markets, ESMA or the competent body undertake, as the case may be, taking the necessary actions to control the product to ensure sustainable conformity to the conformity certificate in all phase of supply chain; for this sake is entitled to take any of the following actions:
 - A. Ensure that all outlets offering the product in UAE are committed to prohibit importation or offering the product in the local markets; unless the conformity certificate is obtained.
 - B. Withdraw samples of the product, from sale outlets in the markets or from the warehouses of suppliers whether manufacturers or importers, in order to conduct the testing required and ensure extent of conformity to the requirements of this resolution.

- C. Take the necessary actions for the product that lacks any of the requirements for granting the conformity certificate or that miss any requirement; including suspending trading or from the local markets.
 - D. Obligate the supplier responsible for offering the violated product, to withdraw it from the local markets for the purpose of correcting the position, if possible, obligate the supplier to return it back to the country of origin, or destroy it in a way compatible with the legislations applicable in UAE in this respect. This is within the time limit specified by ESMA or the competent body, as the case may be.
 - E. Follow up implementation of the procedures referred to in this Article.
2. The supplier whose product has been sampled is considered responsible for non-conformity to the requirements of this resolution unless otherwise proved, within the time limit specified by ESMA or the competent body, as the case may be.

Article (9)

General Provisions

1. The standards approved and indicated in the table enclosed with this resolution are considered applicable in the UAE and this table is considered an integral part of this resolution.
2. ESMA take responsibility of receiving and studying the applications of product registration, and granting the conformity certificates as per provisions of this resolution, and is entitled to authorize any of the competent bodies or appoint accepted conformity assessment body to assess the product conformity, as per the Cabinet Resolution promulgating UAE regulation to control the conformity assessment bodies.
3. The competent body in each Emirate undertakes application of the control and inspection procedures on the product to ensure that requirements of this resolutions are implemented.
4. This resolution shall not prevent the inspectors of the competent bodies from control and sampling to conduct examinations on the product in implementation of other legislations.
5. ESMA may authorize conformity assessment bodies with some terms of reference accepted as per the law and resolutions issued in this respect.
6. All bodies subject to provisions of this resolution shall provide assistance and information as requested by the inspectors of the competent bodies and relevant to implementation of the provisions of this resolution.
7. The Board may amend any standard indicated in the table enclosed or approve another standard as required for implementation of this resolution, as per provisions of the mentioned Federal Law No. (28) Of 2001 promulgating establishment of Emirates Standardization and Metrology Authority (ESMA), as amended.
8. In the event, a case arises that could not be treated by virtue of provisions of this resolution, or controversy arises regarding interpretation or application, the matter will be raised to the General Manager to issue a decision as deemed fit for this case or such controversy to achieve the public interest.

Article (10)

Transitory Provisions

The Supplier offered a product in the markets, prior to publication of this resolution in the Official Gazette, shall be granted a period not exceeding one calendar year from date of publication to regularize the product as per the provisions of this resolution.

Article (11)

Violations and Penalties

1. Without prejudice to any penalty or procedure set forth in the Federal Law No. (28) of 2001, concerning establishment of the Emirates Standardization and Metrology Authority (ESMA), as amended and the other relevant legislations, in case of breaching any provision of Articles (3), (4), and (5) of this resolution; ESMA or the competent body is entitled, as the case may be, to impose one penalty or more of the following administrative penalties:
 - A. Coordination with the licensing authority to cancel the commercial license of the supplier responsible for the violation.
 - B. Charge the violator expenditures and costs of removal and treatment of the violation consequential damages in case not removed or treated.
2. In case ESMA or the competent body, as the case may be, could not determine the responsible person for non-conformity of the product to the requirements of this resolution, the person arrested with the violation is responsible for non-conformity unless proved otherwise.

Article (12)

Grievance Procedures

1. Grievance is allowed against the resolutions issued by virtue of the provisions of Article (11) of this resolution; provided to abide by the following:
 - A. Submit the grievance to the General Manager as per the procedures specified by ESMA, within a period not exceeding (14) working days from date the violator reports the resolution subject of grievance.
 - B. Enclose all the documents required to clarify reason of grievance.
2. The General Manager issues the resolution as deemed fit concerning the grievance submitted as per provisions of this Article within a period not exceeding (25) working days from date of submission. The resolution issued in this respect shall be final, and the grievance is considered rejected in case no action is taken within the period specified in this clause.

Article (13)

Cancellations

Any provision conflicting with or contradictory to the provisions of this resolution shall be superseded.

Article (14)

Publication and Enforceability

This resolution shall be published in the Official Gazette and shall come into effect on the day following its publication

Signed by:

Mohamed Bin Rashed Al-Maktoum

Prime Minister

Table Enclosed with Cabinet resolution No. (30) of 2018 promulgating UAE Regulation of Control on Juices and Beverages

#	Standard Number	Approved Standard
1	UAE.S GSO 1820	Juice and nectar of fruits.
2	UAE.S GSO 2201	Juices with milk.
3	UAE.S GSO 2208	Flavored artificial beverages.
4	UAE.S GSO 848	Powders of flavored artificial beverages.
5	UAE.S GSO 794	Fruit syrup.
6	UAE.S GSO 385	Guava nectar.
7	UAE.S GSO 2456	Fresh fruit juice (unpasteurized).
8	UAE.S GSO 9	Labels of packed foodstuff.
9	UAE.S GSO 21	Healthy conditions in food factories and employees.
10	UAE.S GSO 323	General requirements for transport and storage of refrigerated and frozen food.
11	UAE.S GSO R 87	Quantity of product in the packets.
12	UAE.S 150 – 1	Expiry periods of food products – part one – binding shelf life periods.
13	UAE.S 150 – 2	Expiry periods of food products – part two – Optional shelf life periods.
14	UAE.S GSO 839	Foodstuff packets part one: general requirements.
15	UAE.S GSO 2333	Requirements of nutritional and healthy food advertising.
16	UAE.S GSO 2233	Requirements of nutritional data on the label.
17	UAE.S GSO 1863	Foodstuff packets part two: plastic packets - general requirements.
18	UAE.S GSO 1694	General rules for healthy food.