

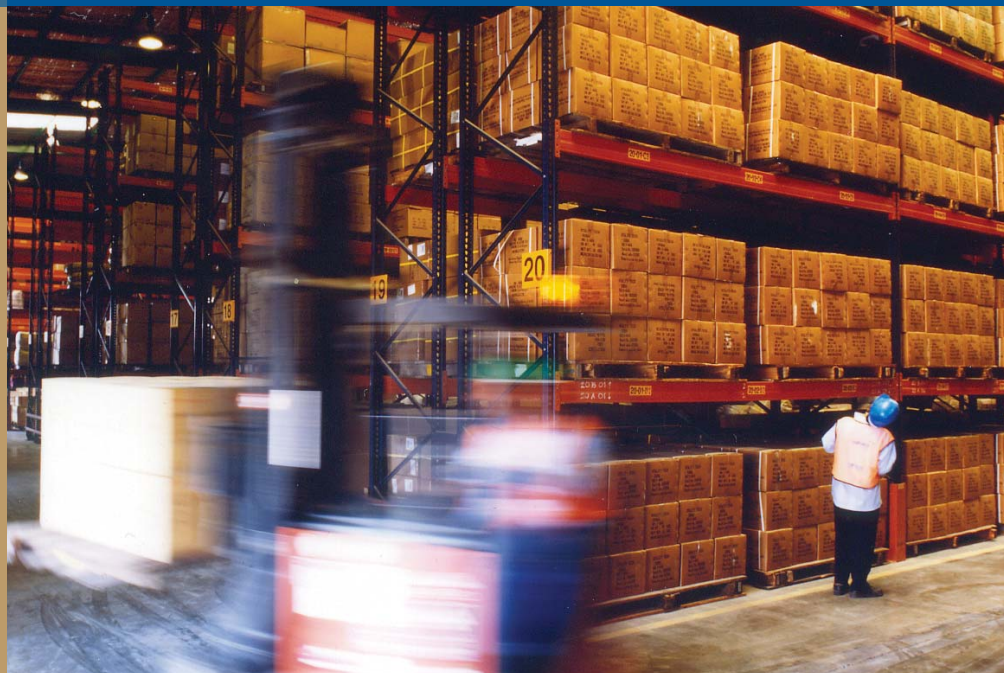
AL TAMIMI  
& COMPANY

*Advocates & Legal Consultants*

التميمي  
و مشاركوه

للمحاماة والاستشارات القانونية

# Standardisation & Classification in the UAE



## COMPANY PROFILE

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Al Tamimi & Company is the largest independent law firm in the United Arab Emirates, with offices in Dubai, Abu Dhabi, Sharjah, Dubai Internet City and Doha, Qatar.

The Firm acts in the all areas of business law, and provides specialized legal services in the fields of shipping, construction, property, commercial and Islamic banking, project finance, intellectual property, information technology, media law, arbitration and local and foreign litigation matters.

The Al Tamimi & Company team is comprised of qualified and experienced lawyers from the UK, North America, Europe, South Africa, the UAE, Iraq and other Arab countries.

Our clients depend on our proficiency in local and regional laws. Within the UAE we enjoy long established contacts within the public sector, and regularly confer with government departments and ministries, with respect to new legislation and regulations. Such local contacts and regional knowledge greatly assist our private sector clients and the international corporations that represent the majority of our client base.

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# STANDARDISATION AND CLASSIFICATION IN THE UNITED ARAB EMIRATES

## INTRODUCTION

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The UAE and the other members of the Gulf Cooperation Council countries (GCC), namely, the Kingdom of Bahrain, Kuwait, Sultanate of Oman, Kingdom of Saudi Arabia and State of Qatar, are collectively working on harmonizing their standards. Since the launch of the GCC Customs Union on 1st January 2003, the progress towards the harmonisation of standards and safety requirements, the removal of trade barriers and the simplification of trade procedures has provided increasing opportunities to foreign suppliers to the Gulf region, thus stimulating economic growth in the Arab Gulf economies. This has subsequently had an important impact for importers and trade in the GCC region. Until each GCC state has finalised its standards framework, each GCC State will still exert significant autonomy when it comes to the implementation of domestic and regional requirements.



## THE ROLE OF STANDARDS

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Standards play an important role in our lives as they ensure product quality, safety, reliability and compatibility with internationally recognised equipment used in industries and manufacturing units. Regulations provided by the agencies cover product characteristics, the materials, processes and quality control criteria used in producing them. Compliance with standards imposed by government regulations is obligatory. From the perspective of suppliers, procurement specifications set by major manufacturers are mandatory for doing business, as are government procurement standards.

## WHAT ARE STANDARDS?

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Definition of standards under the UAE Federal Law No. 28 of 2001

### **Article (1)**

A Standard Specification is a document describing the properties of a product, material, service and other measurable parameters, characteristics and features by reference to its quality, dimension, measurement and safety and security requirements. A Standard Specification includes proper procedural instruction relating to coding, testing, sampling, packaging, labelling and marking.

An Approved Standard Specification: An Approved Standard Specification is a specification approved by the Authority and denoted as a UAE standard specification by the following Code: UAE SS.

The Emirates Standardization and Metrology Authority (ESMA) is the department to contact in order to keep up to date with any changes in Standards and Regulations in the UAE and the GCC region. ESMA executes the UAE standardization and metrology programme, which focuses on developing and promoting the application of standards and compliance in industry and products in the UAE. In order to achieve this conformity, ESMA introduced the Emirates Conformity Assessment System (ECAS) that enables listed goods to conform to approved national or international specifications commencing next August.

Any manufacturing or production unit which produces the goods listed in cabinet resolution no. 114/2 (motor oil, toys, detergents, paints and batteries used in vehicles) in the UAE, will have to take quality accreditation from ESMA.

The new system will cover a set of select products in the first stage of its introduction mentioned above, however in the future, ECAS will bring more products, into its ambit, (Products manufactured locally or internationally).

The advantages of ECAS include:

1. Protecting importers of goods who have conformity certificates from unfair practices;
2. Reassure traders that their export shipments are not returned;
3. Offers exporters test exemptions on producing positive results from earlier tests.

The fees charged for the certification of products will be determined and announced in due course by ESMA.

## HOW TO OBTAIN INFORMATION ON STANDARDS

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A GCC catalogue for standards and specifications can be obtained from the offices of ESMA in Abu Dhabi and Dubai (see Appendix 1 for contact details). This is extremely useful for importers and those wanting to set up manufacturing facilities, as they will need to know the product characteristics, testing methods and related quality control criteria of the products they wish to manufacture. For the most part, local regulations are based on GCC Standards, when available

## STANDARDS AND SPECIFICATIONS IN THE UAE

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Standards and specifications stipulated in the GCC catalogue are divided between mandatory and voluntary standards. It is critical to conform to the mandatory standards and specifications, as these verify the quality of products and ensure public safety. ESMA formulates the voluntary standardisation that is generally applied to industries and production with, and frequently based on international standards. An obligatory conformity program for UAE manufactured goods, Emirates Conformity Assessment System (ECAS) has been established, effective 1 August 2004, which will ensure that all locally manufactured goods are registered with ESMA. ECAS's role will be to analyse and review technical data and issue conforming certificates for products in accordance with approved specifications issued by ESMA. The system will be mandatory for all listed products as part of the cabinet resolution no. 114/2, which calls upon all producers and traders to co-operate with ESMA.

All information on this new system can be obtained from ESMA.

The Municipalities apply their own standards and specifications in respect of food and engineering materials. Obtaining a technical approval for a product/material from the local Municipality is not mandatory. However, most construction companies obtain them for the purpose of contract documents, adding the specification in a contract agreement is seen to be beneficial and also enhances the products marketability. In addition, it reassures the engineering consultant, for example, when a material / product has a technical approval, he will be confident to use it in any construction work.

An application for a technical approval can be obtained from any Municipality; this approval accredits an engineering material and allows it to be used in any construction work

Samples are submitted for testing at the Municipality Laboratories. Based on the test results, if the sample meets the relevant criteria, a certificate of conformity will be issued.

## CONFORMITY ASSESSMENT PROCEDURES

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Foreign suppliers should be provided, on request, information on the processing period and the documentation required for assessing the conformity of the products they want to export. Conformity procedures will depend on global methods endorsed by the International Organisation of Standardisation (ISO) such as the random inspection of shipments prior to export or the inspection of goods and products at regional registration centres prior to shipment. However as of 1 August 2004, an obligatory UAE conformity system programme, ECAS, will have to be complied with.

## IS IT ESSENTIAL TO GET A TECHNICAL APPROVAL FOR STANDARD/ PRODUCTS?

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As mentioned previously, it is common practice for an engineering consultant to request a technical approval certificate. Inspectors from the municipalities are sent out to check building sites and factories, as the municipality must approve engineering materials standards for safety reasons. On discovery that the product / material is not approved, a fine may be imposed.

## APPLYING FOR TECHNICAL APPROVAL

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The manufacturer or his authorised representative would have to make an application for technical approval (in case the application is made by the representative, it must be accompanied by an authorization given by the manufacturer).

The details that should be included are:

- Name
- Company represented in the Emirate concerned
- Trade License No. and expiry date
- Product Identification – such as trade name(s) of the product, as will be given in the approval
- Manufacturer and plant location
- Product characteristics
- Description of the product and its intended use
- Previous assessment and approval made on the product
- Product usage

## FOOD AND SAFETY STANDARDS

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The health department of each municipality is responsible for enforcing food safety standards on locally produced and imported foods through its food control division. While information is shared between municipalities, they operate independently. The municipalities of Dubai, Abu Dhabi and Sharjah are the major entry points for imported food products, in descending order of importance.

Every consignment of foodstuffs arriving at any of the ports is physically inspected; there is no exception to this requirement.

On examination of the consignment, the documentation provided must be correct i.e. the labelling and dating should comply with the legislation and the foodstuffs must be physically fit for human consumption. Once this criteria has been fulfilled the consignment can then be released. This procedure from presentation of the consignment at the inspection dock to release will not take more than one hour subject to the number of items in a consignment and their availability for inspection.

Where a consignment requires sampling the consignment will not be released until the result of the analysis is known. In this case the consignment will be detained in the port of entry or if the consignee makes an application it can be released to the consignee's warehouse under a formal undertaking. (This is only applied if the warehouse is located in Dubai).

Where consignments have been sampled the results of the analysis and subsequent decision as to their fitness normally takes five days. Under certain circumstances this can be extended up to ten days.

## WHO MONITORS PRODUCT QUALITY?

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The municipalities and their laboratories in each emirate carry out their own regulatory procedures and have their own regulations, for instance, Dubai Central Laboratory monitors product quality, carries out testing, related services and enforces Dubai Municipality regulations. As mentioned earlier, rules concerning unification of standards and specifications, quality control and all related tasks including testing and measurement are published by ESMA.

## FOOD AND ENVIRONMENT

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The Food and Environment Laboratory sections in the municipalities analyse different items of food for physical, chemical and microbiological parameters, for their compliance with established standards and specification.

The samples are analysed to ensure the fitness of imported and locally manufactured food for human consumption and compliance with established standards and specifications. Samples are also analysed to detect possible causes of food poisoning and consumer complaints.

Under the municipality certification scheme, the products produced by the factories are grouped as one batch and certification inspectors carry out random sampling. The samples drawn are then submitted for testing at the municipal laboratories. Based on the test results, i.e. if the sample meets the relevant criteria, a certificate of conformity will be issued.

A team of inspectors inspects factories and construction sites to ensure full compliance with municipality regulations related to product certifications.

The procedures and documentation involved in importing and exporting from the UAE:

### 1. Documentation required

The following original documents must accompany each consignment of foodstuffs entering the UAE:

- a) Bill of Entry or Airway Bill
- b) Packing List
- c) Health Certificate
- d) Halal Certificate (for meat & poultry)

### 2. Labelling

- a) Labelling on each item must:
  - Be difficult to remove or alter
  - Be clear and easy to read
  - Specify the source of animal fat, meat enzymes, gelatin or any other animal product if the product contains any of these ingredients.
- b) The label must not be:
  - False, misleading or deceiving.
  - Suggest that it is another foodstuff.
  - Covered, altered or obliterated data
- c) The label must show the following:
  - The brand name
  - The name of the foodstuff (product name).
  - The ingredients in descending order according to volume.
  - The Net contents (weight or volume).
  - The country of origin.
  - Production and expiry dates.
  - The name and address of the manufacturer.
  - The names or E No. of all additives (if any).
  - The conditions of storage (if applicable).
  - The method of preparation for consumption (if applicable).

3. Dating of Foodstuffs. Must be stated

4. Rejection avoidance

To avoid consignment rejection the following should be ensured:

- The correct shelf life for the product is applied according to appropriate legislation.
- The label complies with the requirements laid down in the relevant legislation.
- (State further details)

5. Actions for rejected food (unfit)

Consignments of food found to be unfit for human consumption will be rejected. The foodstuff must either be re-exported to the country of origin or destroyed under the supervision of Food Control Section, in the Municipality concerned.

6. Actions for rejected food (non-complying)

Consignments of food found not complying with labelling, shelf life or compositional standards

Inspection and Clearance Procedures

- Every consignment of foodstuff arriving at any port is physically inspected (there is no exception to this requirement).

## WHAT DOCUMENTATION IS NEEDED FOR THE MOVEMENT OF GOODS?

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- (Import/ Export documentation)
- Supplier will initiate- invoices;
- Certificate of Origin;
- Bills of Exchange; and
- Bills of Lading/Air way Bill

## STANDARDISATION AND METROLOGY FOR VEHICLES

A separate system was established for the standardisation of vehicles and tyres in the UAE, the table stated hereunder states the fees requirements stipulated by the Cabinet Decision No.2 of 2003, revising and updating the Emirates Authority for Standardisation and Metrology's fees for services.

Article (1)

The fees charged for services provided by the Emirates Authority for Standardisation & Metrology are revised and updated as follows: -

**First:** Revision of fees for Establishing Compliance with the Requirements of Vehicle & Tyre Specifications

No.	Description of Fee	Fee (AED)
1	Fee for approving a factory issued certificate stating the conformity of a new vehicle imported directly from the factory with a particular make and model report	500
2	Fee for approving a factory issued certificate stating the conformity of a new tyre imported directly from the factory with a particular make and model report	300
3	Fee for the form used to document the results of the visual inspection carried out on a used vehicle or similarly classified vehicle imported by someone other than the registered agent in order to ensure compliance with the applicable standard specifications for the given vehicle	300

**Second:** Sale Prices of UAE Approved Standard Specifications:-

No.	Sale of Approved Standard Specifications under the following categories:-	Fee (AED)
1	Category (a) – Specification document consisting of 1-20 pages	50
2	Category (b) – Specification document consisting of 21-70 pages	100
3	Category (c) - Specification document consisting of 71 + pages	150

**Third:** Fees for the Emirates Quality Mark:-

No.	Description of Fee	Fee (AED)
1	Fee paid upon filing an application with the Authority to qualify for the use of the Emirates Quality Mark	1,000
2	Fee for obtaining a permit to use the Emirates Quality Mark	20,000
3	Yearly fee for renewing a permit to use the Emirates Quality Mark	10,000

## Article (2)

Local factories will be required to pay only half the amount of the fees specified in the first and third schedules of this Decision.

## CONCLUSION

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ESMA's board of directors is currently approving a new law and an accreditation system. In light of the new conformity assessment system, the requirements provided by the new scheme will ensure conformity in respect of product quality and safety, which as a result, will enhance confidence in local as well as imported products.

The implementation of GCC specifications on national products will also facilitate regional trade and entry procedures without the need for post-entry testing measures. Any specific enquiries on this topic can be directed to the Emirates Standardisation and Metrology Authority. (See Appendix 1. for contact details)

# APPENDIX 1

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## CONTACTS FOR FURTHER INFORMATION

### Standards and Specification Issues

Emirates Standardisation and Metrology Authority  
P.O. Box 2166  
Abu Dhabi, UAE

Tel: +9712 671 1110  
Fax: +9712 671 5999

Emirates Standardisation and Metrology Authority  
P.O. Box 48666  
Dubai, UAE

Tel: +9714 2944434

### For Food import requirements and pre export certification of labels and ingredients

Food Control Section  
Dubai Municipality  
P.O. Box 67  
Dubai, UAE

Tel: +9714 2064201  
Fax: +9714 2231905

Food and Environment Control Centre  
Abu Dhabi Municipality  
P.O. Box 3111  
Abu Dhabi, UAE

Tel: +9712 672 5008  
Fax: +9712 678 5961

Head Central Food Control Laboratory  
Sharjah Municipality  
P.O. Box 22  
Sharjah, UAE

Tel: +9716 552 4017  
Fax: +9716 552 3612

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The informative brochures listed below are available free of charge from the lobby of any of our offices in the UAE. We would also be happy to send them to you by post if you contact our Dubai office reception. Alternatively, the text of the brochures may be accessed on our website at [www.tamimi.com](http://www.tamimi.com)

*Arbitration: Theory and Practice in the United Arab Emirates*

*Laws Regulating Insurance in the United Arab Emirates*

*Summary of International Agreements signed between the UAE and other countries*

*UAE Immigration Laws and procedures in Dubai*

*E-Commerce and the UAE Law*

*Bankruptcy in the United Arab Emirates- Laws and Procedures*

*UAE Labour Law*

*Companies under the UAE Commercial Companies Law*

*Schedule of Trademark Charges*

*Registration of Industrial Patents, Drawings and Designs in the United Arab Emirates*

*The Copyright Law in the United Arab Emirates*

*UAE Construction Law and Dispute Resolution*

*Media Query- Setting up in Dubai Media City*

*IT Query - E-Commerce and the UAE Law*

*Framework for Litigation in the United Arab Emirates*

*Islamic Finance- A UAE Legal Perspective*

*Banking and Security law in the UAE*

*Establishing Offshore Companies in the Jebel Ali Free Zone*

*Customs Law in the GCC*

*Standardisation and Classification in the UAE.*

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