

## **Cabinet Resolution No. (30) of 2018**

### **Regarding the UAE Regulations for the Control on Juice and Beverage Products**

#### **The Cabinet:**

- Upon reviewed the Constitution,
- Federal Law No. (1) of 1972 on the Competences of Ministries and the Powers of Ministers, as amended,
- Federal Law No. (28) of 2001 Establishing the Emirates Authority for Standardization and Metrology, as amended,
- Federal Law No. (24) of 2006 on Consumer Protection, as amended,
- Federal Law No. (14) of 2016 on the Administrative Violations and Penalties in the Federal Government,
- Cabinet Resolution No. (35) of 2015 on the UAE Regulations for Control of Conformity Assessment Bodies,
- Based on the approval of the Cabinet,

#### **Hereby resolves as follows:**

### **Article (1)**

#### **Definitions**

For the purposes of applying the provisions hereof, the following words and expressions shall bear the meanings assigned thereto respectively, unless the context requires otherwise:

|                                |  |
|--------------------------------|--|
| <b>The State (UAE)</b>         | : The United Arab Emirates.  |
| <b>ESMA</b>                    | : The Emirates Authority for Standardization and Metrology.  |
| <b>The Board</b>               | : The Board of Directors of ESMA.  |
| <b>The Director General</b>    | : The Director General of ESMA.  |
| <b>The Competent Authority</b> | : The federal or local authority in charge of applying the provisions of this Resolution.  |
| <b>The Standard</b>            | : A document setting out the characteristics, description, properties, quality, dimensions, standards or requirements for safety and |

security of materials, goods, services or anything subject to measurement. It also includes the terms, symbols, testing methods, sampling, packaging, labeling and marking.

**The Approved Standard** : The standards approved by ESMA and referred to as the Standard of the United Arab Emirates or (UAE.S).

**The Emirates Conformity Assessment Scheme (ECAS)** : The scheme issued by the Board and is responsible for verifying that the Product meets the requirements of the approved standards, directly or indirectly, through specific procedures carried out by ESMA, such as inspection, testing, calibration or granting the Certificates of Conformity.

**Conformity Assessment Form (ECAS - B)** : A form that describes the procedure related to ensuring that a sample similar to production satisfies the requirements of the applicable relevant regulations, and also includes periodic inspection and taking samples from the market and/or the organization in order to ensure continuing conformity.

**Certificate of Conformity (COC)** : A certificate issued by ESMA confirming that the Product or any part thereof conforms to the requirements of the Approved Standard.

**Conformity Assessment Body** : A body registered with, accredited or approved by ESMA to conduct conformity assessment procedures according to the relevant legislation, including the examination and calibration labs, inspection bodies, worthiness test bodies, and certification bodies of systems, individuals or products.

**UAE Trademark** : A badge created by ESMA and affixed on the product to indicate that it is conforming to the Approved Standard on the relevant field.

**Badge** : Any drawing, sign, stamp, inscription or image symbolizing ESMA or any mark issued thereby in respect of the standards, metrology, quality and conformity, or that stands for any international body related to the standards, metrology, quality and conformity.

**The Supplier** : The manufacturer, filler, processor, importer, storer of the Product or any main distributor or sub-distributor, whose business may

have an impact on the characteristics of the Product; or any commercial or legal representative who is responsible for the import of the Product.

- Consumer** : Any person who acquires goods or services with or without consideration, to satisfy the personal needs of his own or of others.
- Product** : Any juice or beverage product set out in the Schedule attached hereto.
- The Supply Chain** : All processes the product goes through from initial production until reaching the end consumer, including its import, export, manufacture, processing, packaging, filling, labeling, transportation, storage, distribution, serving, offering for sale, wholesale or retail sale, and any other relevant process.
- Offering** : Any activity or action intended to sell, exhibit, trade in, market, promote or introduce the product to the consumer, with or without consideration.

## **Article (2)**

### **Scope of Application**

1. The provisions of this Resolution shall apply to the products whose Standards are shown in the Schedule attached hereto.
2. The product intended for export shall be excluded from the provisions of this Resolution.

## **Article (3)**

### **Supplier's Responsibilities**

At any supply chain stage, the Supplier shall comply with the following:

1. To carry on its business through a company or a sole proprietorship duly registered and licensed in accordance with the relevant legislation.
2. To obtain a Certificate of Conformity for the product before offering it for sale in the market, in accordance with ECAS and as per Conformity Assessment Form (ECAS –B).

3. To obtain UAE Trademark for the product according to ESMA-adopted procedures.
4. To ensure that the product satisfies the technical requirements set out in the Approved Standards, as shown in the Schedule attached hereto.
5. To process and store the product under appropriate health conditions through effective application of food safety system in the factory.
6. To cooperate with ESMA employees and the competent bodies and furnish the documents required, including the testing reports, upon demand.
7. To retain reports proving integrity of the product for not less than ten (10) years of the date of the last batch offered for sale, and get them updated whenever needed.
8. To ensure that the product satisfies the requirements of this Resolution.
9. To comply with the conformity verification procedures set forth herein.
10. To furnish all technical documents, certificates, all information and data that prove that the product conforms to the requirements of this Resolution.
11. Any other obligations designated by ESMA in coordination with the Competent Authority.

## **Article (4)**

### **Technical Requirements**

The product intended for offering or trading within the State shall satisfy the following requirements:

1. The requirements of the Approved Standard (UAE.S GSO 9).
2. The product label's explanatory data must satisfy the requirements of the Standard specified in the Schedule attached hereto.
3. The images and expressions on the product's package must not compromise the public order and morality and Islamic values prevailing in the State.
4. The product's quantity in the package must be conforming to the requirements set out in the relevant Approved Standard as shown in the Schedule attached hereto.
5. The product must be filled in appropriate packages that satisfy health requirements and the requirements of the approved standards shown in the Schedule attached hereto and do not affect its characteristics.
6. Its validity periods must be conforming to the requirements of the relevant approved standards shown in the Schedule attached hereto.

## **Article (5)**

### **Verification of Conformity**

1. All sale outlets in the State shall be prohibited from offering the product in the domestic market or launching promotional or marketing campaign of the product, unless the same is registered in accordance with ECAS.
2. ESMA and the Competent Authority shall, as the case may be, before granting the product a Certificate of Conformity, ensure that the same conforms to the Approved Standards specified herein, including verifying the following:
  - a. That the Supplier has satisfied all procedures of obtaining the Certificate of Conformity in accordance with ECAS and as per ECAS Form (B) before the product is offered for trading within the State.
  - b. That the product has satisfied all the requirements of this Resolution and is conforming to the Approved Standards shown in the Schedule attached hereto.
  - c. That the Supplier effectively applies food safety system at the factory, and has furnished supporting certificates to that effect issued by recognized bodies.
3. That all technical documents, certificates and all information and data confirm that the product conforms to the requirements hereof.

## **Article (6)**

### **Requirements of Conformity Assessment Bodies**

The Conformity Assessment Body that conducts assessment of the product's conformity shall satisfy the requirements and conditions set out in the Cabinet Resolution on the control of Conformity Assessment Bodies.

## **Article (7)**

### **Responsibilities of Competent Authorities**

The competent authorities shall implement the provisions hereof, and to such end, they shall be authorized to:

1. Verify that the product satisfies the requirements of conformity with the Approved Standards, and

that the technical documents required to be enclosed with the consignment undergoing examination are complete.

2. Take all administrative actions required for withdrawing or recalling the product that fails to satisfy the requirements of this Resolution.
3. Impose the penalties referred to in Article (11) of this Resolution in case any of the violations referred to therein is committed.

## **Article (8)**

### **Control and Market Survey**

1. When offered at the markets, the product shall be subject to control, and, to that end, either ESMA or the Competent Authority, as the case may be, shall take necessary actions for its control, in order to ensure that the product continues to abide by the Certificate of Conformity in all stages of the supply chain. For such purpose, ESMA or the Competent Authority may take any of the following actions:
  - a. Ensuring that all outlets of offering the product in the State are committed to the prohibition to import or offer the same in domestic markets until the Certificate of Conformity is issued.
  - b. Taking product samples from the sale outlets at the markets or from the suppliers' warehouses, whether manufacturers or importers, in order to conduct necessary tests and ensure that they conform to the requirements of this Resolution.
  - c. Taking appropriate actions against any product that does not satisfy or otherwise loses any of the conditions of granting the Certificate of Conformity, including the suspension of its trading or withdrawal from domestic markets.
  - d. Requiring the supplier who is responsible for offering the violating product to withdraw and recall the same from domestic markets, or to reconcile its status if possible, or to send the same back to the State of origin, or to destroy the same in accordance with the relevant legislation applicable in this regard, within the timeframe to be set by ESMA or the Competent Authority, as the case may be.
  - e. Following up on the implementation of the actions cited in this Article.
2. A supplier having possession the product from which sample is taken shall be responsible for failure to satisfy the requirements of this Resolution unless otherwise proven, within the

timeframe to be set by ESMA or the Competent Authority, as the case may be.

## **Article (9)**

### **General Provisions**

1. The Approved Standards, shown in the Schedule attached hereto, shall be mandatorily applicable in the State, and this Schedule shall be deemed an integral part thereof.
2. ESMA shall be responsible for receiving and examining the applications for registration and granting Certificates of Conformity of the Product in accordance with the provisions hereof. However, ESMA may authorize any competent body or appoint an acceptable conformity assessment body to assess the product's conformity, in accordance with the Cabinet Resolution on the UAE Regulations for Control of Conformity Assessment Bodies.
3. The Competent Authority in each Emirate shall implement the control and inspection procedures on the product, to ensure that the requirements of this Resolution are satisfied.
4. This Resolution shall not prevent the inspectors of the competent regulatory bodies from conducting control and taking samples to conduct examinations on the product in application of any other legislation.
5. All bodies, which are subject to the provisions of this Resolution, shall furnish to the inspectors of the Competent Authorities assistance and information they require which is relevant to the implementation of the provisions hereof.
6. The Board may amend any of the Standards set out in the attached Schedule or adopt any other Standard required for the implementation of this Resolution, in accordance with the provisions of the above-referenced Federal Law No. (28) of 2001 Establishing the Emirates Authority for Standardization and Metrology, as amended.
7. If any case arises, which cannot be handled under the provisions of this Resolution, or if any dispute arises out in connection with the interpretation or application hereof, the matter shall be referred to the Director General to make the appropriate decision on such case or dispute for the benefit of the public interest.

## **Article (10)**

### **Transitional Provisions**

The Supplier, who offers any product at the markets before this Resolution is published, shall be granted a time limit of not more than one calendar year from the date of publishing this Resolution in the Official Gazette to reconcile the status of such product in accordance with the provisions hereof.

## **Article (11)**

### **Violations and Penalties**

1. Without prejudice to any penalty or measure stipulated in the Federal Law No. (28) Establishing the Emirates Authority for Standardization and Metrology, as amended, and other relevant legislation, if a violation of any of the provisions of Articles (3), (4) and (5) of this Resolution is committed, either ESMA or the competent authority, as the case may be, may impose one or more of the following administrative penalties:
  - a. Make coordination with the licensing authority to revoke the trade license of the supplier who is responsible for the violation.
  - b. Charge the violator for the costs and expenses of removing and remedying the damage resulting from the violation if not removed or remedied.
2. In case ESMA or the Competent Authority, as the case may be, fails to identify the person responsible for the product's non-conformity with the requirements of this Resolution, the person with whom the violation is detected shall be held responsible for such non-conformity, unless otherwise proven.

## **Article (12)**

### **Grievance Procedures**

1. Grievance may be filed against the decisions issued under the provisions of Article (11) of this Resolution, provided that the following requirements are satisfied:
  - a. The grievance shall be filed to the Director General in accordance with the procedures set by ESMA, no later than (14) fourteen business days of the date of being notified of the decision under consideration in the grievance.

- b. All the necessary documents that establish the causes of the grievance shall be furnished.
2. The Director General shall make the decision he deems appropriate on the grievance that is filed in accordance with the provisions of this Article, no later than (25) twenty-five business days of the filing date thereof, and the decision made in this regard shall be final. In addition, the grievance shall be deemed to have been rejected if no action is taken within the timeframe specified in this Clause.

### **Article (13)**

#### **Repeals**

Any provision inconsistent with or repugnant to the provisions of this Resolution is hereby repealed.

### **Article (14)**

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

This Resolution shall be published in the Official Gazette and shall enter into force as of the day following the date it is published.

**Mohammed bin Rashid Al Maktoum**

**Prime Minister**

Issued by Us

Date: 6 Ramadan 1439 AH

Corresponding to: 22 May 2017 AD

## Schedule attached to Cabinet Resolution No. (30) of 2018

### Regarding the UAE Regulations for the Control on Juice and Beverage Products

| S.N | Standard No.   | Approved Standard   |
|-----|----------------|---|
| 1   | UAE.S GSO 1820 | Fruit juices and Nectars  |
| 2   | UAE.S GSO 2201 | Juices with milk  |
| 3   | UAE.S GSO 2208 | Flavored artificial drink   |
| 4   | UAE.S GSO 848  | Flavored artificial drink powders   |
| 5   | UAE.S GSO 794  | Fruit Drink   |
| 6   | UAE.S GSO 385  | Guava nectar  |
| 7   | UAE.S GSO 2456 | Fresh fruit juices (Unpasteurized)  |
| 8   | UAE.S GSO 9    | Labeling of prepackaged food stuffs   |
| 9   | UAE.S GSO 21   | Hygienic Regulations For Food Plants And Their Personnel                        |
| 10  | UAE.S GSO 323  | General requirements for transportation and storage of chilled and frozen foods |
| 11  | UAE.S GSO R87  | Quantity of Product in Prepackages  |
| 12  | UAE.S 150-1    | Expiration dates for food products - Part 1 : Mandatory expiration dates.       |
| 13  | UAE.S 105-2    | Expiration dates for food products - Part 2: Voluntary expiration dates         |
| 14  | UAE.S GSO 839  | Food Packages - Part 1: General Requirements                                    |
| 15  | UAE.S GSO 2333 | Requirements for nutrition and health claim in the food                         |
| 16  | UAE.S GSO 2233 | Requirements of nutritional labeling  |
| 17  | UAE.S GSO 1863 | Food packages - Part 2: Plastic package   |
| 18  | UAE.S GSO 1694 | General Principles Of Food Hygiene  |