

Cabinet Resolution No. (34) of 2019 On the UAE System for Control of Childcare Requirements

Cabinet:

- Upon review of the Constitution;
- Federal Law No. (1) of 1972 on the Functions of Ministries and the Powers of Ministers, as amended;
- Federal Law No. (28) of 2001 on Setting up of Emirates Specifications and Standards Authority, as amended;
- Federal Law No. (24) of 2006 on Consumer Protection, as amended;
- Federal Law No. (37) of 1992 on Trademarks, as amended;
- Federal Law No. (14) of 2016 on Breaches and Administrative Sanctions in the Federal Government;
- Federal Law No. (19) of 2016 on Combating Commercial Fraud;
- Cabinet Resolution No. (35) of 2015 on the UAE system for Control of Conformity Assessment Bodies;
- Cabinet Resolution No. (21) of 2018 on Regulating the Marketing of Infants and Toddlers Nutrition Products;
- Upon the Approval of the Cabinet;

Resolves:

Article (1)

Definitions

In the application of provisions of this Resolution, the following words and phrases shall have the meanings assigned to each, unless otherwise stated by the context:

State : UAE

Authority : Emirates Specifications and Standards Authority

Board	: Board of Directors of Authority
Director General	: Director General of Authority
Competent Body	: Federal or local body that is concerned with the application of provisions of this Resolution
Standard Specification	: A document identifies the attributes, descriptions, features, level of quality, sizes, measures or requirements of safety and security of the commodity, material, service or whatever is subject to measurement, it also includes the terms, symbols, methods of testing, taking samples and packaging, labels and marks.
Approved Standard Specifications	: Specifications approved by the Authority, it is referred to by the phrase United Arab Emirates Specifications and symbolized by (UAE.S).
Emirates Conformity Assessment System (ECAS)	: System issued by the Authority and intended for the verification of the product's fulfilment to the requirements specified in the approved standard specification, directly or indirectly, through certain procedures taken by the Authority, such as examination, testing, calibration and inspection and granting the conformity certificates.
Conformity Assessment Scheme (ECAS) B	: A scheme describes the procedure of verifying that the sample identical to the production fulfils the requirements of the regulation applicable thereto, it also includes the periodic inspection, collecting samples from the market or the establishment or both of them to verify the continuation of conformity.
Conformity Certificate	: The certificate issued from the Authority which ensures the conformity of the product or any batch therefrom to the requirements of the approved standard

specification.

- Conformity Assessment Body** : The body registered, approved or accepted by the Authority to take the procedures of conformity assessment according to the relative legalization, it includes laboratories of examination and calibration, inspection bodies, merits testing bodies and bodies of granting the certificates to the systems, individuals or products.
- Supplier** : Manufacturer, packer, processor, importer, product storage body, any main or sub distributor or any person whose activity affects the features of the product, or any commercial or legal representative who is responsible for importing the product.
- Consumer** : Any person gets a charged or free commodity or service in order to meet his personal needs or others' needs.
- Product** : Any of products of the childcare requirements which are specified in any of the two appendixes attached to this Resolution.
- Childcare Requirements** : Any non-food items aim at facilitating the dormitory, relaxation, cleanliness or a method to feed children whose requirements and features are specified in any of the two appendixes attached to this Resolution.
- Supply Chain** : All stages of the product starting from the primary production till reaching the consumer including its import, export, manufacture, preparation, processing, packing, wrapping, arrangement, transport, storage, distribution, presentation, offer, wholesale or retail sale or any other relative process.
- Launching** : Any activity or procedure aims at selling, offering, trading, marketing, promoting or providing the consumer with the product, with charge or free of charge.

Article (2)

Scope of Application

Provisions of this Resolution shall apply to the products whose standard specifications are stated in any of the two appendixes attached to this Resolution, whether to be launched at State markets or prepared for export.

Article (3)

Supplier Duties

Supplier, in any of the supply chain, must be committed to the following:

1. To practice the activity through an individual company or institution that is registered and has a license according to the relative legislation.
2. To get a conformity certificate for the product before being launched at the markets, in accordance with the Emirates Conformity Assessment System (ECAS) and Conformity Assessment Scheme (B).
3. To ensure the fulfilment of the product to the technical requirements provided in the approved standard specifications which are shown in the appendixes attached to this Resolution.
4. To cooperate with the employees of the Authority and competent bodies and to provide the required documents, including the testing reports, when requested.
5. To ensure the verification of the product to the requirements of this Resolution.
6. To adhere to the procedures of the conformity verification stipulated in this Resolution.
7. To provide all the technical documents, certificates and all data and information ensuring the conformity of the product to the requirements of this Resolution.
8. Any other obligations specified by the Authority in coordination with the competent body.

Article (4)

Technical Requirements

Product prepared in order to be launched or traded inside State is required to fulfil the following:

1. To fulfil the labelling shown on the label card of the approved standard specification identified

in the two appendixes attached to this Resolution.

2. To not violate the photos and phrases used on the package, which demonstrate the public order and morals and the Islamic values apparent in the State.
3. All information used in the labelling shall be correct and scientifically and laboratory proven.

Article (5)

Verification of Conformity

1. All sale outlets in State are prohibited to launch the product in the local markets or to organize promotional campaigns for the product, unless it is registered in accordance with the Emirates Conformity Assessment System (ECAS).
2. Authority and competent body, as the case may be, must verify –before granting the conformity certificate- the product’s conformity to the approved standard specifications which are specified in this Resolution, including the following:
 - a. Supplier fulfils all procedures of getting the conformity certificate in accordance with the Emirates Conformity Assessment System (ECAS) and Conformity Assessment Scheme (B) before launching the product inside State.
 - b. Product fulfils all requirements of this Resolution and conforms to the approved standard specifications shown in the two appendixes attached to this Resolution.
 - c. All technical documents and certificates and all data and information ensure the product’s conformity to requirements of this Resolution.

Article (6)

Requirements of Conformity Assessment Body

Conformity Assessment Body which undertakes the product’s conformity assessment must fulfil the terms and requirements specified by the Cabinet Resolution on the UAE system for control of Conformity Assessment Bodies.

Article (7)

Competent Body Duties

Competent bodies shall undertake the enforcement of provisions of this Resolution. For such purpose, it shall undertake the following:

1. To verify the product's fulfilment to requirements of the approved standard specification stated in any of the two appendixes attached to this Resolution, and to complete the technical documents required to be attached to the dispatch that is subject to examination.
2. To take all the administrative procedures required to withdraw or recall the product which does not conform to requirements of this Resolution.
3. To impose the sanctions referred to in Article (11) of this Resolution in case of committing any of the violations mentioned therein.

Article (8)

Control and Market Survey

1. Product, upon being launched at the markets, shall be subject to control. The Authority or competent body, as the case may be, shall take the procedures required for its control in order to verify the continuation of its conformity to the conformity certificate in all stages of the supply chain. Therefore, it may take any of the following procedures:
 - a. To verify that all outlets of launching the product in State are committed to the prohibition of its import and launching at the local markets, unless getting the conformity certificate.
 - b. To collect samples from the product from the sale outlets in the markets or the supplier's stores, whether manufacturers or importers, in order to do the required tests and verify its conformity to requirements of this Resolution.
 - c. To take the procedures necessary for the product which does not fulfil any of terms of granting the conformity certificate or loses any of them, including the suspension of its trade or its withdrawal from the local markets.
 - d. To oblige the supplier who is responsible for launching the violating product to recall or withdraw it from the local markets, regularize it if possible, or to oblige him to return it back to the country of origin or to damage it in accordance with the legislation applicable

in this regard, within the period specified by the Authority or the competent body as the case may be.

e. To follow-up the application of the procedures mentioned in this Article.

2. Supplier who owns the product from which the sample is taken shall be deemed responsible for its non-conformity to the requirements of this Resolution unless otherwise is proven, within the period specified by the Authority or the competent body as the case may be.

Article (9)

General Provisions

1. Approved standard specifications which are stated in Appendix No. (1) and Appendix No. (2) attached to this Resolution shall be enforceable in State; these two appendixes shall be deemed an integral part therefrom.
2. The Authority shall be responsible for receiving and studying the application of registering the product and granting it the conformity certificates according to provisions of this Resolution. It may authorize any of the competent bodies or appoint an approved conformity assessment body to assess the product's conformity, in accordance with the Cabinet Resolution on the UAE system for Control of Conformity Assessment Bodies.
3. Competent body shall undertake the application of procedures of control and inspection of the product to ensure the enforcement of requirements of this Resolution.
4. This Resolution shall not prevent the inspectors of the competent bodies from controlling and taking samples to examine the product, in enforcement to other legislation.
5. All bodies subject to provisions of this Resolution must provide the inspectors of the competent bodies with assistance and information they request relating to the application of its provisions.
6. The Board may amend any of the standard specifications provided in any of the appendixes No. (1) and No. (2) attached to this Resolution or approve any other standard specification required for the application of this Resolution, according to provisions of the mentioned Federal Law No. (28) of 2001.
7. In case of any status that may not be processed pursuant to provisions of this Resolution or if there is a dispute over its explanation or application, the matter shall be referred to the General Director to issue the resolution he deems proper for such status or dispute to realize the public

interest.

Article (10)

Transitional Provisions

The Supplier who launched a product in the market prior to the publication of this Resolution shall be granted a period of no more than one calendar year from the date of publication of this Resolution in the Official Gazette in order to regularize this product according to provisions of this Resolution.

Article (11)

Violations and Sanctions

1. Without prejudice to any punishment or procedure stipulated in the mentioned Federal Law No. (28) of 2001 and other relevant legislation, in case of violating any of the provisions of Articles (3), (4), (5) and (8) of this Resolution, the Authority or the competent body –as the case may be- may impose one or more of the following administrative sanctions:
 - a. To coordinate with the licensing authority to cancel the commercial license of the supplier responsible for the violation.
 - b. To oblige the violator of the costs and expenses of eliminating and correcting the damages resulting from the violation in case he does not conduct the elimination or the correction.
2. In case the Authority or the competent body –as the case may be- cannot identify the one who is responsible for the non-conformity of the product to requirements of this Resolution, the person with whom the violation is seized shall be deemed responsible for the non-conformity, unless otherwise proven.

Article (12)

Appeal Procedures

1. It is permissible to appeal from the resolutions issued under provisions of Article (11) of this Resolution, provided that the following shall be taken into mind:
 - a. To submit the appeal to the Director General according to the procedures specified by the

Authority within no more than (14) working days from the date of notifying the violator of the appealed resolution.

- b. To attach all the required documents which show the reason of appeal.
2. Director General shall issue the resolution he deems proper for submitted appeal according to provisions of this Article, within no more than (25) working days from the date of its submission. Resolution issued in this regard shall be deemed final and the appeal shall be deemed rejected in case of not taking any procedure within the period specified in this Clause.

Article (13)

Cancellations

Any provision that violates or contradicts the provisions of this Resolution shall be repealed.

Article (14)

Publication and Enforceability

This Resolution shall be published in the Official Gazette and shall come into force as of the day following its date publication.

Mohamed bin Rashid Al Maktoum

Prime Minister

Dated: 9 Ramadan 1440 H

Corresponding to: 14 May 2019 A.D

Annex 1

Appendixes Attached to Cabinet Resolution No. (34) of 2019 On the UAE System for Control of Childcare Requirements

(Appendix No. 1)

No.	Standard Specification No.	Approved Standard Specification
1	UAE.S/GSO 2079	Babies Elastomeric Feeding Bottle Teats.
2	UAE.S/GSO 2015	Soothers for Babies and Young Children— Part One: General Safety Requirements.
3	UAE.S/GSO 2016	Soothers for Babies and Young Children – Part Two: Chemical Requirements and Tests.
4	UAE.S/GSO 2073	Soothers for Babies and Young Children – Part Three: Physical Requirements.
5	UAE.S/GSO 2074	Soothers for Babies and Young Children – Part Four: Test Methods for Physical Requirements.
6	UAE.S/GSO 2164	Child Use and Care Articles— Drinking Equipment- Part One: General and Physical Requirements.
7	UAE.S/GSO 2168	Child Use and Care Articles— Drinking Equipment - Part Two: Test Methods for General and Physical Requirements.

8	UAE.S/GSO 2163	Child Use and Care Articles— Drinking Equipment - Part Three: Chemical Requirements.
9	UAE.S/GSO 2167	Child Use and Care Articles— Drinking Equipment - Part Four: Test Methods for Chemical Requirements.
10	UAE.S/GSO 1833	Single Use Disposable Baby Diapers.
11	UAE.S/GSO 839	Food Packages - Part One: General Requirements.
12	UAE.S/GSO 1863	Food Packages - Part Two: Plastic Packages- General Requirements.
13	UAE.S/GSO 2231	General requirements for the Materials Intended to Come into Contact with Food.

(Appendix No. 2)

Standard Specification No.	Reference Standard Specification
EN 14372	Child Use and Care Articles: Cutlery and Feeding Utensils - Safety Requirements and Tests.