Federal Law of Establishing ESMA
No. 28 of 2001

amended by Federal Decree - Law no. 5 dated 31/8 / 2009

القانون الاتحادي
رقم 28 لسنة 2001

بإنشاء هيئة الإمارات للمواصفات و المقاييس

معدل بالمرسوم الاتحادي رقم 5 لسنة 2009
Federal Law No. (28) of 2001
for establishing the Emirates Authority for Standardization and Metrology

After reviewing the UAE Constitution;

the Federal Law No. (1) of 1972 with respect to the authorities of ministries and powers of ministers and the laws amending it;

the Federal Law No. (7) of 1976 with respect to establishing the Inquisition Bureau;

the Federal Law No. (14) of 1976 with respect to establishing a Standardization and Metrology Department;

the Federal Law No. (1) of 1979 with respect to regulating industry affairs;

the Federal Law No. (4) of 1979 with respect to preventing cheating and fraud in commercial transactions;

the Federal Law No. (8) of 1984 with respect to trading companies and the laws amending it;

the Penal Code issued as part of the Federal Law No. (3) of 1987;

the Penal Proceedings Law issued as part of the Federal Law No. (35) of 1992;

the Federal Law No. (9) of 1993 with respect to controlling the trading in and hallmarking of precious stones and valuable metals;

the Federal Law No. (23) of 1999 with respect to exploiting and protecting live water resources in the UAE;

the Federal Law No. (24) of 1999 with respect to preserving and developing the environment;

and based on the proposal of the Minister of Finance and Industry, the approval of the Cabinet and the Federal National Council and the endorsement of the Supreme Council of the federation,

I, Zayed Bin Sultan Al Nahyan, President of the United Arab Emirates, have issued the following law:

Definitions:
(The term "chairman of the Board" shall be replaced by the term "Minister", wherever mentioned in the present Law, by virtue of Article 3 of the Federal Decree - Law no. 5 dated 31/8/2009.)

Article 1
In implementing the provisions of this law, the following terms and phrases shall have the meanings set beside each unless otherwise stipulated therein:
Chapter 1
The establishment and objectives of the Authority

Article (2)
A general authority called “The Emirates Authority for Standardization and Metrology” shall be established and shall have an independent legal entity and an independent budget which shall constitute a part of the UAE’s general budget. It shall report to the council of Ministers.

As amended by Federal Decree – Law no. 5 dated 31/8/2009

The Authority shall have the legal capacity as required to proceed with all works and actions to ensure achievement of its objectives and shall be responsible before the Minister.

Article (3)
The head office of the Authority shall be in Abu Dhabi City. However, offices for the Authority may be established inside the UAE by a decision by the Board as per the public welfare requirements.
Article (4)
Without prejudice to the provisions of the Federal Law No. (4) of 1979 with respect to
preventing any cheating and fraud in commercial transactions and the provisions of the Federal
Law No. (5) of 1993 with respect to controlling the trading in and hallmarking of precious
stones and valuable metals, the Authority shall be the only reference in the UAE for anything
related to standards, metrology, and quality and shall exercise all the powers and authorities
entrusted to it with a view to:
1. Providing health, economic and environmental safety and protection by ensuring that the
services, consumer commodities and other materials are of quality and in conformity with
the approved standards.
2. Supporting national economy and economic development plans by ensuring that the levels
of quality are appropriate for national industry and local production of commodities and
other materials enabling the same to enter the different fields of competition.
3. Keeping pace with the scientific development in the fields of activities of standards,
metrology, quality control and quality management systems.
4. Spreading awareness of the different standardization activities by all the possible means.

Article (5)
To achieve the objectives stipulated therein and by exploiting the available local capabilities,
the Authority shall exercise the following authorities and powers:
1. Preparing, approving, publishing, reviewing and amending the standards and issuing
decisions to apply the approved standards. Excluded from this shall be the human and
veterinary medicines and serums and the like.
2. Working out a national system for measurement and calibration and monitoring the
implementation of such system.
3. Developing and unifying the means and methods of measurement and calibration,
controlling and monitoring such means and methods.
4. Trying to co-ordinate the standards approved by foreign authorities so as to be in conformity
with the international, regional, Gulf or local standards besides approving such standards.
5. Adopting the international, regional, Gulf or local standards as approved standard
specifications besides issuing such standards in Arabic or any other language or both in the
light of a decision by the Board.
6. Following up and monitoring the implementation of the approved standards in the different
activities.
7. Determining the standards and validity date of commodities and products that should be
recorded on such commodities and products in line with the system selected by a decision
by the Board.
8. Keeping, saving and maintaining the approved basic measurement references for use in the
control, review and calibration of measurement equipment and tools besides regulating the
issuance of calibration certificates.
9. Setting up and operating the laboratories and institutes required for conducting the
examinations, tests, analysis and researches related to standards and metrology besides
examining and testing materials and products, calibrating instruments and equipment and
contracting with approved local or overseas laboratories.
10. Accreditation the examination and test laboratories as well as the calibration laboratories available at the federal and local government authorities, private sector and the qualified scientific authorities specialized in conducting examinations, tests and analysis for commodities and materials.

11. Awarding or approving quality certificates as well as conformity certificates for the approved standards and emblems besides regulating the issuance of such certificates and the controls of their uses.

12. Issuing, publishing, distributing and selling the publications related to approved standards as well as those related to standardization.

13. Conducting researches and studies related to the development of the Authority's works.

14. Developing relations and co-operating with the authorities, organizations and institutes concerned with the Authority's objectives or included in its membership.

15. Agreeing with the Gulf, regional and international organizations and authorities with respect to mutual recognition of emblems, quality certificates and conformity certificates in line with the system to be determined by the Board.

16. Representing the UAE in the Gulf, regional and international conferences, organizations, authorities, committees and meetings.

17. Preparing, training and boosting the efficiency of the Authority's personnel.

Chapter 2
Management of the Authority

Article (6). Amended by Federal Decree – Law no . 5 dated 31/8 / 2009 :
The Authority shall be managed by a board of directors to be chaired by the Minister and 10 highly experienced and qualified UAE members, provided that half of them at least shall be from outside the federal ministries. ESMA shall be managed by a Board of Directors constituted and its provisions determined by virtue of the Council of Ministers' decision. The membership in the Board shall be for three renewable years.

Article (7). Abrogated by Federal Decree – Law no . 5 dated 31/8 / 2009 :
The board shall be formed by a decision by the Cabinet based on the Minister's proposal for three years renewable. The Cabinet shall determine the bonus to be granted to the Board members.

Article (8)
In its first meeting, the Board shall select a vice-chairman from the members to act on the chairman's behalf in case of the chairman's absence.

Article (9)
The Board is the high authority of the Authority which shall manage it and shall exercise the following authorities in particular:
1. Working out the general policy of the Authority and supervising the implementation of such policy.
2. Approving the standards and their amendments.
3. Accreditation the specialized examination and test laboratories as well as the calibration laboratories available at the federal and local government authorities, private sector
establishments and scientific authorities as per the rules and regulations issued in this connection.

4. Issuing the rules and regulations with respect to awarding and approving emblems, quality certificates and conformity certificates for products.

5. Approving the formation of technical committees based on the director general’s proposal and the formation of any other committees to discuss the issues related to the authorities and objectives of the Authority.

6. Proposing draft laws with respect to the Authority’s work.

7. Contracting specialized authorities, scientific bodies, consultants, experts, accredited laboratories and other specialists from inside and outside the UAE to render services and conduct studies related to the Authority’s work.

8. Working out plans for managing and investing the Authority’s money.

9. Working out the organizational chart of the Authority, for which a decision by the Cabinet shall be issued.

10. Working out the financial regulations of the Authority as well as the personnel system, for which a decision by the Cabinet shall be issued.

11. Appointing senior officials of the Authority.

12. Approving the Authority’s draft annual budget and final statement of account and submitting the same for approval.

13. Appointing auditors and determining their fees.

14. Seeking the assistance of the viewpoints and proposals of the federal and local government authorities with a view to achieving the Authority’s objectives.

15. Issuing the necessary decisions for the progress of work at the Authority.

16. Submitting an annual report to the Cabinet on the progress of work and accomplishments of the Authority.

17. Delegating those deemed suitable for monitoring the implementation of standards as determined by the board.

**Article (10)**

Based on a call by its chairman, the Board shall meet at least once every three months. The chairman may call the Board for an extraordinary meeting based on the request of the director general or four board members at least.

The Board meetings shall be considered as proper only if attended by the chairman or vice-chairman and five board members at least. The Board’s decision shall be issued by absolute majority of votes. In the event of a tie, however, the side to which the chairman of the session belongs shall have the casting vote.

**Article (11)**

The minutes of the Board’s meetings shall be recorded and shall be signed by the chairman of the session and issued after being signed by the chairman or vice-chairman of the Board.

**Article (12)**

The Board may call any experienced people who are aware of the Authority’s powers to attend its meetings but they shall have no right to vote on the Board’s decisions.
Article (4)
The Authority shall have a director general of a grade of under-secretary of a ministry. The
director general shall be appointed by a federal decree based on a proposal by the board and
shall be responsible before the Board for implementing the general policy of the Authority and
for the good progress of work in it. He shall handle the Authority's technical, administrative and
financial affairs and shall supervise and co-ordinate among its bodies in line with the Authority's
laws, terms and regulations and the board's decisions. He shall exercise the following
authorities in particular:
1. Managing the Authority and developing the system of work in it.
2. Implementing and following up the decisions and general policy as laid down by the Board.
3. Appointing the Authority's officials and employees and issuing the decisions related to them
   in line with the stipulations of the personnel affairs system.
4. Working out regular reports on the progress of work at the Authority and submitting the
   same to the board.
5. Working out the Board's agenda.
6. Working out the Authority's draft annual budget and final statement of account and
   presenting the same to the Board.
7. Carrying out any other tasks entrusted to him by the Board.

Article (5)
The director general is the legal representative of the Authority who shall exercise all
authorities he is entitled to in this law and the regulations and decisions issued in
implementation thereof.

Chapter 3
Financial Provisions

Article (6)
The Authority's revenues shall consist of the following:
1. The annual allocations as allocated by the government to the Authority in the general
   budget.
2. The saving achieved in the Authority's budget against the previous fiscal years.
3. The grants, monetary aid and donations which the Board shall agree to accept and are not
   inconsistent with the Authority's objectives.
4. The other revenues achieved by the Authority as a result of exercising its activities.
5. The total revenues of investment of the Authority's money.

Article (7) The term "chairman of the Board" shall be replaced by the term "Minister", wherever mentioned in the present Law,
by virtue of Article 3 of the Federal Decree - Law no. 6 dated 31/8 / 2009.
Transfer from one section to another may be made by a decision by the Board based on a
proposal by the chairman. Transfer from one item to another in the same section of the budget
may also be made by a decision by the chairman based on a proposal by the director general.
The transfer from one clause to another in the same title of the budget may be allowed by virtue of a decision by the minister 2 of the Board upon the
proposal of the General Manager.

Article (8) As amended by Federal Decree - Law no. 5 dated 31/8 / 2009:
The Authority's money shall be considered as public money and the Authority shall be
exempted from prior control of the Inquisition Bureau.
Article (18)
The fiscal year of the Authority shall start on the 1st of January and shall end on December 31st every year. The first fiscal year shall start from the date this law becomes operative and shall end on December 31 the following year.

Article (19)
The Authority’s accounts shall be audited by an auditor or more in accordance with the recognized accounting principles. Auditors shall have to submit their report to the board within four months from the end of the fiscal year at the latest.

An auditor may not combine his job as an auditor and the Board membership or any other job at the Authority.

Chapter 4
Standards

Article (20)
The Authority shall issue the standards which shall be approved by the board as “Standards of the United Arab Emirates.”

No other authority may use, put or draw any emblem containing the phrase (Standards of the United Arab Emirates) or (Standards of the United Arab Emirates) or a similar phrase or symbol in Arabic or other languages or give the same meaning of such phrase unless licensed by the Authority.

Article (21)
The procedures for working out and issuing the approved standards and determining the bonus for experts and technical committees shall be regulated by a decision by the Board.

Article (22)
The application of the approved standards shall be mandatory by a decision by the Cabinet based on a proposal by the Board. Voluntary standards may be approved by a decision by the Board, provided that such decision shall not be contradictory with the following considerations:

1. Maintaining safety, public health and environment.
2. Protecting consumers.
3. Ensuring public interest.

Article (23)
The Authority shall register the emblems which shall be defined as (Authority’s emblems). The Authority shall have the right to issue, renew, suspend and cancel its emblems and to register them outside the UAE in accordance with rules to be determined by the Board.

In all cases, the emblems shall be published in the official gazette after being issued or approved.
Chapter 5
Crimes and Penalties

Article (24)
A jail term of no less than one year and a fine of no less than Dhs30,000 or either of the two penalties shall be imposed on anyone charged with the following:
1. Impersonating an official of the Authority who is entitled to act as a judicial policeman.
2. Issuing or using any emblem without obtaining a licence from the Authority.

Article (25)
Without prejudice to any stricter penalty stipulated by the Penal Code or any other law, a jail term and a fine of no less than Dhs10,000 or either of the two penalties shall be imposed on anyone who has prevented, hampered or evaded inquisition, has abstained from giving information or has given false information.

Article (26)
Without prejudice to any stricter penalty stipulated by the Penal Code or any other law, a jail term and a fine of no less than Dhs30,000 or either of the two penalties shall be imposed on anyone who has violated the mandatory approved standards issued in line with this law. The materials and products subject of the violation shall be confiscated.

Article (27)
Without prejudice to any stricter penalty stipulated by the Penal Code or any other law, a jail term and a fine of no less than Dhs30,000 or either of the two penalties shall be imposed on anyone who has introduced, offered or sold a material or a product as bearing the mark of the approved standards in contrast to the truth. In this case, all the materials subject of the violation shall be confiscated.

Article (28)
A jail term of no less than three months and a fine of no less than Dhs25,000 or either of the two penalties shall be imposed on anyone who violates any other provision of this law.

Article (29)
In the event of repeated violation, the court may rule that the licence of the establishment be finally withdrawn over and above doubling the already imposed penalty.

Article (30)
The Authority’s officials who are appointed by a decision by the Minister of Justice, Islamic Affairs and Awqaf in agreement with the Minister shall act as judicial police officials with respect to the crimes committed within their scope of competence and related to the functions of their jobs.

Article (31)
The Cabinet shall issue a decision with respect to the fees of the services rendered by the Authority.
Chapter 6
General and provisional regulations

The personnel decided by the Minister to be transferred from the Ministry shall be transferred to the Authority and shall keep their grades, rights and benefits, provided that their conditions will be settled in accordance with the provisions of the Authority’s personnel system without prejudice to the salaries and allowances paid to them.

Article (33)
The Authority’s personnel shall be subject to the civil service laws and regulations in force in the government until the Authority’s personnel system is issued.

Article (34)
Excluded from being subject to the provisions of this law shall be what is deemed necessary by the Ministry of Defence to keep confidential.

Article (35)
The Board shall issue the decisions necessary to implement the provisions of this law.

Article (36)
Without prejudice to the provisions of the Federal Law No. (4) of 1979 with respect to preventing cheating and fraud in commercial transactions and without prejudice to the provisions of the Federal Law No. (9) of 1993 with respect to controlling trading in and hallmarking of precious stones and valuable metals, the Federal Law No. (14) of 1976 shall be cancelled, and so shall be any provision in any other law or legislation which is in conflict or contradictory with the provisions of this law.

Article (37)
This law shall be published in the official gazette and shall be effective from the date of publishing.

Zayed Bin Sultan Al Nahyan
UAE President

Issued by us in the Presidential Palace in Abu Dhabi
on Ramadan 6, 1422 A. H.
corresponding to November 21, 2001.