

Federal Law No. (10) of 2018 On Product Safety

We, Khalifa bin Zayed Al Nahyan, the President of the United Arab Emirates,

- Having reviewed:
- The Constitution;
- Federal Law No. (1) of 1979 Regulating Industry Affairs;
- Federal Law No. (18) of 1981 Regulating Commercial Agencies, as amended;
- Federal Law No. (35) of 1992 Enacting the Law of Criminal Procedure, as amended;
- Federal Law No. (37) of 1992 on Trademarks, as amended;
- Federal Law No. (18) of 1993 Enacting the Law of Commercial Transactions, as amended;
- Federal Law No. (24) of 1999, on the Protection and Development of Environment, as amended;
- Federal Law No. (28) of 2001 on the Establishment of Ministry of Industry and Advanced Technology, as amended;
- Federal Law No. (8) of 2004 on Financial Free Zones;
- Federal Law No. (1) of 2006 on Electronic Transactions and Commerce;
- Federal Law No. (24) of 2006 on the Consumer Protection, as amended;
- Federal Law No. (5) of 2009 on Organic Inputs and Products;
- Federal Law No. (15) of 2009 on Tobacco Control;
- Federal Law No. (2) of 2015 on Commercial Companies, as amended;
- Federal Law No. (8) of 2015 on the Federal Customs Ministry;
- Federal Law No. (10) of 2015 on Food Safety;
- Federal Law No. (11) of 2015 on the Control over Trading in, and Hallmarking Precious Gemstones and Metals;

- Federal Law No. (14) of 2016 on Infractions and Administrative Penalties in the Federal Government;
- Federal Law No. (19) of 2016 on Combating Commercial Fraud;
- Based on the Proposal of the Minister of Economy – Chairman of Ministry of Industry and Advanced Technology, the approval of the Cabinet and the Federal National Council and the ratification of the Federal Supreme Council,

Hereby enact the following Law:

Article (1)

Definitions

For the purpose of applying the provisions of this Law, the following words and expressions shall have the meanings assigned thereto respectively, unless the context requires otherwise:

State	: The United Arab Emirates.
Ministry	: Emirates Ministry for Standardization and Metrology.
Competent Ministry	: The entity or local authority concerned with applying the provisions of this Law in the State.
Customs Authorities	: The Federal Customs Ministry and local customs departments in each emirate.
Product	: Every product in its final form intended for the consumer's use or utilization, even if such use is in the course of providing services, and such product has been supplied under a paid or unpaid business or professional transaction including new product, used operable product which are in good condition and re-conditioned product.
Safe Product	: The product valid to be introduced in the State in the normal or potential conditions of use, including the period of use, installation and maintenance, and such product does not give rise to risks or falls under the minimum risk category, in conformity

	with the product use; provided that it is acceptable and complies with the maximum protection of health and safety of its users.
Unsafe Product	: Every product lacking the conditions of safety, pursuant to Article (4) of this Law.
Consumer	: Anyone who gets a paid or unpaid commodity or service to meet his personal needs or the needs of others.
Supply Chain	: All phases which the product goes through following its production until reaching the consumer, including the operations of importation, storage, wholesale, installment sale, delivery and any other relevant operations.
Market Control	: Procedures and measures adopted by the Competent Ministry to ensure that the products introduced or to be introduced in the State are safe, pursuant to this Law.
Product Withdrawal	: Any procedure aiming at preventing the introduction of an unsafe product into the State.
Product Recall	: Any procedure by which the supplier recalls the unsafe product from the consumer after supplying it to the same.
Supplier	: Includes the following: 1. Product manufacturer in case of residing in the State, everyone introducing himself as a product manufacturer by naming the product after his name or any relevant commercial description or everyone undertaking the product renewal. 2. Manufacturer's agent in the State in case the manufacturer resides abroad, or the importer in case of having no representative in the State. 3. Every professional from the supply chain whose activity has an impact on the product safety attributes.
Artifact	: A commodity that has an incorporeal, material or historical value and not intended for consumption.

Introduction	: Any process that the product undergoes with a view to selling, renting, offering or presenting it to the consumer, or its possession for such purposes, whether paid or unpaid.
Standard	: A document outlining the specifications of the commodity, material, service or anything subject to standardization or its description, characteristics, level of quality, dimensions, measures or requirements of safety and security, along with the terminology, symbols, testing methods, sampling, packaging, labels and marks.
Approved Standards	: Standards approved by the Ministry, referred to as UAE standards and referred to using the characters (UAE.S).
Label	: A label that includes any data written, printed, drawn, engraved or hallmarked on products, containing all the relevant information thereof and required according to the relevant technical controls and standards.

Article (2)

Objectives of the Law

This Law aims at the following:

1. Ensuring the safety of products introduced into the State through developing a legislative framework for introducing products into the market, in line with the international statutes and practices, technical regulations, standards and risk assessment reports.
2. Defining the requirements of safe product and precautionary and remedial measures, as well as specifying responsibilities to control the trade of products manufactured in the State and imported ones.
3. Supporting and protecting the State's economy, security and environment from unsafe practices and products, or products which are not in conformity with technical regulations and approved standards.

4. Facilitating commercial traffic between the State and international markets, along with promoting tourism and investment through increasing the confidence in the products traded in markets and developing a legislative infrastructure for standardization and quality activities.

Article (3)

Applicability and Exceptions

The provisions of this Law shall apply to all the products introduced into the State, including free zones and the like, except for the following products:

1. Human and veterinary medicines, vaccines and serums and the like.
2. Commodities imported as artifacts.
3. Used products which need repairing, reconditioning or adjustment, within the period prior to introducing the same into the State.

Article (4)

Safe Product

1. A product is deemed to be safe in any of the following cases:
 - a. The product complies with the relevant laws, resolutions or technical regulations issued by the authority defining the product specifications and characteristics, as well as the compulsory requirements of the processes that it undergoes or any other technical requirements.
 - b. The product complies with the approved standards covering safety aspects of the product, or with any other standards set by an acceptable entity abroad and approved by the Ministry, in accordance with the controls defined by the Executive Regulations of this Law.
2. If the two cases set forth in the above Item No. (1) are not applicable to the product, a risk assessment report of the product or its aspects, issued by an acceptable entity, shall be presented to the Ministry and it shall be perused and accepted by the same, in accordance with the controls set forth in the Executive Regulations of this Law, subject to

the following requirements:

- a. Product characteristics, including components, packaging and assembly and maintenance instructions.
- b. Product impact on other products if it is expected to be used with another product.
- c. Presenting the product, its label, any instructions related to the product use or disposal after use and any other instructions defined by the factory.
- d. Identifying categories and ages of consumers at risk when using the product, particularly children, the disabled and the elderly.
- e. Any other requirements set forth in the Executive Regulations of the present Law.

Article (5)

Prevention of Unsafe Product Entry

The Customs Authorities in the State shall prevent the entry of an unsafe product, in accordance with the controls defined by the Executive Regulations of this Law.

Article (6)

Obligations of Supplier

The supplier shall comply with the following:

1. Not introducing unsafe products into the State.
2. Ensuring that the product will remain safe after the introduction and during the normal and repetitive use.
3. Taking necessary precautionary and remedial measures defined by the Executive Regulations of the present Law in case a change is discovered in the product characteristics and its transformation to an unsafe product due to the normal use.

Article (7)

Grievance of Supplier

The supplier may file a grievance against resolutions issued in application of the provisions of the present Law, regarding his products that were proved to be unconforming with the

requirements of a safe product, in accordance with the following controls:

1. The supplier shall file his grievance in writing to the Ministry within (10) working days from the date of being notified of the resolution. The grievance shall not be accepted, if submitted after the aforesaid deadline.
2. The supplier shall attach the necessary documents indicating the reason for the grievance.
3. During the period of deciding on his grievance, the supplier shall apply the resolution against which he filed the grievance, until the Ministry issues a resolution to the contrary.
4. The Ministry shall take the necessary procedures in relation to deciding on the filed grievances, including the examination of such grievances and verifying the soundness of the same, based on the information provided by the supplier or any other relevant and credible sources.
5. The Ministry shall take its decision on any grievance within a period not exceeding (10) ten working days from the date of receiving it, and its decision shall be final.

Article (8)

Penalties

Whoever commits any of the below acts shall be penalized by imprisonment and/or a fine not less than (AED 500,000) five hundred thousand Dirhams and not exceeding (AED 3,000,000) three million Dirhams:

1. Introduced a product that is incompatible with the safe product requirements set forth in Article (4) of the present Law.
2. Continued to introduce a product though a decision is issued to withdraw or recall the same.
3. Introduced a product which has been seized until the safety verification procedures are completed.

Article (9)

Whoever commits any of the below acts shall be penalized by imprisonment and/or a fine not less than (AED 100,000) one hundred thousand UAE Dirhams and not exceeding (AED 1,000,000) one million UAE Dirhams:

1. Introduced a product into the market before submitting a risk assessment report of the product or its aspects at the request of the Competent Ministry, or introduced the product after submitting this report but before being accepted by the Ministry.
2. Refusing to cooperate with the Competent Ministry to avoid risks which may be caused by the unsafe product.
3. The supplier does not take the actions necessary for monitoring the product safety while being offered in the State.
4. Not implementing the withdrawal decision or does not recall the product during the period set by the Competent Ministry.

Article (10)

Without prejudice to the penalties set forth in this Law, whoever violates any of the provisions of this Law, for which no penalty is stipulated or resolutions issued in implementation thereof, shall be penalized by a fine not exceeding (AED 100,000) one hundred thousand Dirhams.

The Cabinet shall issue a resolution stating the violations and the amount of fine prescribed for each one.

Article (11)

The penalties set forth in this Law shall not prejudice any severer penalty set forth in any other law.

Article (12)

Non-Exemption from Penalty

The supplier shall not be exempted from the penalty prescribed in this Law even if the

consumer is aware that the product is unsafe.

Article (13)

Supplementary Penalties

When the court passes a judgment of conviction under the provisions of this Law, it may decide the following:

1. Seizure of infringing products.
2. Destroying infringing products.
3. Closing the shop for a period not exceeding six months.
4. Revocation of the license.

In all the cases in which seizure or destruction is adjudicated, the violator shall pay the costs.

Article (14)

Reconciliation

1. A criminal action for the crimes set forth in Article (10) of this Law may be instituted only upon a written request from the Ministry.
2. Subject to the provisions of Federal Law No. (14) of 2016, referred to hereinabove, reconciliation may be made for the crimes set forth in Article (10) of the present Law, before referring the legal action to the competent court , in return for the payment of an amount equivalent to half the fine prescribed therefor. The criminal action shall then be dismissed upon paying the reconciliation amount.
3. If the violator refuses the reconciliation, the matter shall be referred to the Public Prosecution.

Article (15)

Executive Regulations

The Executive Regulations of this Law shall indicate the following:

1. Procedures of control over markets.
2. Procedures of products' withdrawal and recall when an unsafe product is found.

3. Controls and procedures necessary for providing and updating all the relevant information pertaining to risks, injuries, accidents and complaints related to products.

Article (16)

Fees

The Cabinet shall issue a resolution setting the fees related to the implementation of this Law.

Article (17)

Supervision and Control by the Ministry

The Ministry shall supervise and control the implementation of the provisions of the present Law. The relevant local Ministry in each emirate shall coordinate with the Ministry to implement the provisions of this Law.

Article (18)

Judicial Officers

The employees identified by a resolution of the Minister of Justice, in agreement with the head of the Competent Ministry, shall have the judicial officers' capacity in proving the incidents taking place in violation of this Law, its Executive Regulations and the resolutions issued in implementation thereof, within the purview of each of them.

Article (19)

Issuance of the Executive Regulations

The Cabinet shall issue the Executive Regulations of the present Law within six months from the date of its publication.

Article (20)

Repeals

Any provision contradicting or conflicting with the provisions of the present Law shall be repealed.

Article (21)

Publication and Entry into Force

This Law shall be published in the Official Gazette, and shall enter into force six months following the date of its publication.

Khalifa bin Zayed Al Nahyan

The President of the United Arab Emirates

Issued by us at the Presidential Palace in Abu Dhabi:

Dated: 10th Rabi' Al Akhar 1440 AH,

Corresponding to: 18th December 2018 AD