



EUROPEAN COMMISSION
Directorate-General for Trade

Directorate F - WTO, Legal Affairs and Trade in Goods
Tariff and Non-Tariff Negotiations, Rules of Origin

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Trade Policy Committee	
m.d. :	421/15
source :	Commission
for :	Information
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NOTE FOR THE ATTENTION OF THE TRADE POLICY COMMITTEE

SUBJECT: Entry into force of legislation of the United Arab Emirates for the certification and labelling of halal products

ORIGIN: Commission DG Trade Units F3 and D3

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OBJECTIVE: *For information and discussion*

REMARKS: The Commission would like to:

- inform the Committee of the entry into force in 2016 of legislation regarding certification and labelling of halal products in the United Arab Emirates and;
- invite Member States to disseminate the information to relevant stakeholders.

The United Arab Emirates (UAE) adopted in 2014 Cabinet Decree No 10 of 2014 '*UAE Regulations for Control on Halal Products*' (see enclosed). This measure is already in force but not yet fully implemented.

The scope of the measure would include food and beverages, cosmetics, pharmaceuticals and potentially also services such as hospitality and healthcare. ESMA (Emirates Standardization and Metrology Authority¹) will be in charge of the implementation of the measure. In accordance with the measure, products claiming to comply with halal requirements in the UAE shall be certified by a body accredited by ESMA and shall bear the 'Halal National Mark'.

In accordance with the information received from ESMA (Emirates Standardization and Metrology Authority), the milestones for implementation of the Decree are the following:

- By 1st March 2016 all certification bodies wishing to have the capacity to issue halal certifications in accordance with the measure, including EU certification bodies, shall be registered with ESMA
- By 1st January 2017 all certification bodies shall be accredited in accordance with the certification scheme of ESMA.
- By 1st January 2017 non-compliant certificates will not be recognised any more by UAE authorities

The Commission invites Member States to disseminate this information to manufacturers and exporters of halal products, as well as to certification bodies and other relevant stakeholders. It is important to make sure that all exporters become aware of the requirement as otherwise EU products with non-compliant certificates risk being excluded from the UAE market starting from 1st of January 2017.

More detailed information on the procedures can be found on the attachments.

Enclosed: *Cabinet Decree No. (10) for 2014 on UAE Regulations for Control on Halal Products (translated)*

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¹ <http://www.esma.gov.ae/en-us/Pages/index.aspx>

قرار مجلس الوزراء رقم (10) لسنة (2014) بشأن
النظام الإماراتي للرقابة على المنتجات الحلال

مجلس الوزراء:

- بعد الاطلاع على الدستور،
- وعلى القانون الاتحادي رقم (1) لسنة 1972 بشأن اختصاصات الوزارات وصلاحيات الوزراء والقوانين المعدلة له،
- وعلى القانون الاتحادي رقم (1) لسنة 1979 بشأن تنظيم شؤون الصناعة،
- وعلى القانون الاتحادي رقم (4) لسنة 1979 بشأن قمع الغش والتدليس في المعاملات التجارية،
- وعلى قانون الاتحادي رقم (3) لسنة 1987 بإصدار قانون العقوبات والقوانين المعدلة له،
- وعلى القانون الاتحادي رقم (35) لسنة 1992 بإصدار قانون الإجراءات الجزائية والقوانين المعدلة له،
- وعلى القانون الاتحادي رقم (28) لسنة 2001 بإنشاء هيئة الإمارات للمواصفات والمقاييس والقوانين المعدلة له،
- وعلى القانون الاتحادي رقم (24) لسنة 2006 في شأن حماية المستهلك والقوانين المعدلة له،
- وعلى القانون الاتحادي رقم (16) لسنة 2007 بشأن الرفق بالحيوان ،
- وعلى قرار مجلس الوزراء رقم (22) لسنة 2004 بشأن اللائحة التنفيذية لنظام الاعتماد الوطني.

– وبناءً على موافقة مجلس الوزراء،
قرر:

Cabinet Decree No. (10) for 2014

On

UAE Regulations for Control on Halal Products

The Cabinet;

After reviewing the Constitution;

- The Federal Law No. 1 of 1972 regarding the Capacities of Ministries and powers of Ministers and the laws amending thereof;
- Federal Law No. 1 of 1979 regarding Organization of the Industry Affairs;
- Federal Law No. 4 of 1979 regarding Suppression of Fraud and Deception in the Commercial Transactions;
- Federal Law No. 3 of 1979 issuing the Penal Code and the laws amending thereof;
- Federal Law No. 35 of 1992 issuing the Penal Procedure Law and the laws amending thereof;
- Federal Law No. 28 of 2001 regarding the Establishment of the Emirates Authority for Standardization and Metrology and the laws amending thereof;
- Federal Law No. 24 of 2006 regarding Consumer Protection and the laws amending thereof;
- Federal Law No. 16 on the Animal Welfare;
- The Cabinet Decree No. 22 of 2004 concerning the Executive Regulations for the National Accreditation as amended; and
- In the light of the approval of the Cabinet;

Resolved as follows:-

Article (1): Definitions

In the Application of this Decree, the following terms and expressions shall have the meanings assigned to each of them, unless context requires otherwise:-

- State** : United Arab Emirates
- Authority Board** : Emirates Authority for Standardization and Metrology
- Director General** : Authority Director General
- Competent Body** : Federal or local competent authority in UAE which is in charge of enforcing these Regulations.
- Standard** : Document stating the specifications of the commodity, material, service or any matter that can be measured or specifications, characteristics, quality level, dimensions, measurements, and safety conditions thereof. Standard shall also include the expressions, codes, testing methods, sampling, packing, labels and marks.
- Standards** : Standards approved by the Authority, referred to as UAE Standards and shortened as (UAE.S).
- Mandatory Standard (Technical Regulations)** : A mandatory standard that shall be applied upon a decree issued by the Cabinet or a proposal thereof.
- Conformity Assessments** : Any measure used directly or indirectly to ensure that the product or the service satisfies a specific standard or other technical requirements.
- Conformity Assessments Body** : Body approved by the Authority to conduct the conformity Assessments including testing and calibration labs, investigation entities, Bodies issuing certificates for systems, individuals and products according to the requirements of these Regulations.

Accreditation	A procedure by which the Authority officially acknowledges that the Conformity Assessments Body is competent and able to conduct certain assignments.
Approved Accreditation Body	: An accreditation Body the activities of which are approved by the Authority following having obtained the recognition of respective accreditation International Organizations or upon a mutual recognition agreement concluded between said Body and the Authority.
Supplier	Manufacturer, carrier, packer, assembler, processor, agent, warehouse operator, main or secondary distributor whose activities affect the features of the product; or any legal or commercial agent in charge of importing products governed by the provisions of these Regulations.
Supply Chain	All stages the product goes through from initial product until consumer's table including product import, export, manufacture, preparation, processing, packing, packaging, transport, storage, distribution, promotion, display and sale.
Launch	Selling, leasing, handling, storing, displaying, marketing, promoting, or serving the product to the consumer for or without a consideration.
Halal Certificate	A document certifying that the products, services, and production systems thereof are in conformity with the provisions of the Islamic Shari'a including Halal Slaughter Certificates, Certificates of Establishments, Slaughter Houses and Facilities classified as Halal, Certificates of components and additives to Halal Products and any other components in which meat and secretions thereof are included, rennet, and animal gelatin, fat oils and derivatives thereof.

Establishment	Any fixed or movable facility authorized to handle foods and Halal products in any stage of the supply chain.
Slaughter House	Any establishment authorized for animal testing, slaughtering, skinning and preparing the same for human consumption.
Halal National Mark	The mark approved by the Authority and which should be granted for the product, services or products systems meeting the requirements of these Regulations.
Mark License	A certificate granted by the Authority authorizing the use of Halal National Mark to be affixed on products, facilities, or production systems meeting the requirements of these Regulations.
Label	Any card, mark, brand, image, or any other descriptive data whether written, printed, stamped, affixed, engraved or embossed on the packet in an irremovable manner.
Halal Products	products which are not in conflict with the provisions of Islamic Shari'a together with satisfying the technical requirements referred to in the Standards stated herein.
Services	Any activity associated with Halal Products such as transportation, storage, packaging, packing, display, handling and any other relevant activities.
Production Systems	Integrated processes associated with Halal Products which are designed to work together for carrying out a previously determined process or processes.

Article (2)
Application

The provisions of these Regulations apply to all Halal Products including production systems and services associated with these products.

Article (3)
Liabilities and Obligations

- a- Conformity Assessments Bodies(Halal certification Bodies) shall:
- 1- Apply the approved standards set out in the Annex attached hereto so that the same becomes a reference for them during Assessments , inspection, certification, or use of any other standards acceptable to the Authority for the purpose of applying these Regulations.
 - 2- Supervise establishments and slaughter houses and ensure that they comply with the technical requirements set out in Article (4) hereof and the requirements set out in the approved standards set out in the Annex attached hereto.
 - 3- Enforce the decree issued by the Authority concerning the Halal National Mark and Halal Certificate.
- b- The Establishment shall:-
- 1- Obtain Halal Certificate for its final products and raw materials included in the production from Halal Certificate Issuing Bodies approved by the Authority unless it has obtained said certificate from the supplier.
 - 2- Fulfill any regulatory requirements determined by virtue of a decree issued by the Authority or the competent Body.
- c- During all stages of the Supply Chain, the Supplier shall:-
- 1- Provide Competent Bodies with test results evidencing that the products comply with the provisions of these Regulations.

- 2- Produce Halal Certificate or Report issued by the Conformity Assessments Body evidencing that the product is Halal and has complied with the requirements of these Regulations during production thereof.
- 3- Comply with the requirements of the explanatory data set out in the labels stated in the Approved Standards.
- 4- Comply with the decrees issued by the Authority in relation to Halal National Mark or the requirements of any other foreign mark for Halal acceptable to the Authority provided that same is in accordance with the mutual recognition agreements entered into between the Authority and other countries in relation to Certificates or Marks.

Article (4)

General Requirements

Halal Products and production systems and services associated therewith shall satisfy the following general requirements:-

- 1- They shall not be inconsistent with the provisions of the Islamic Shari'a and shall satisfy the requirements set out in the Approved Standards set forth in the Annex attached hereto.
- 2- They shall adopt any international recognized quality assurance system in addition to product safety systems, Good Manufacturing Practices (GMP), or Good Health Practices (GHP) associated with Halal Product in force worldwide and acceptable by the Authority.
- 3- They shall not conflict with the public order, morals and Islamic values prevailing in the UAE.

Article (5)

Halal National Mark and Halal Certificate

- 1- The Authority shall issue the Decree required for the form of Halal National Mark or Halal Certificate provided that said Decree

shall include the procedures required for obtaining the Mark and the conditions for use thereof and all provisions and measures associated therewith.

- 2- The Authority shall be the exclusive owner of the intellectual property rights for Halal National Mark (the Mark) and Halal Certificate Form.

Article (6) **Control and Market Survey**

- 1- The Authority and Competent Bodies may take out samples of any products governed by the provisions of these Regulations in order to conduct the required tests to ensure that said products comply with the requirements and conditions hereof.
- 2- If it is difficult to determine whether or not the product complies with the requirements and conditions provided for herein, the Body discovered to be in breach shall be responsible for any violation unless the party in breach proves otherwise during the period to be determined by the Authority or the Competent Body.

Article (7) **Procedures and Penalties**

- a- When the Authority discovers any breach of the provisions hereof, the Authority or the Competent Body shall, as the case may be, take the actions required for remedying said breach and consequences thereof by:-
 - 1- Ordering the Body in breach responsible for launching this inconsistent product to recall same from the markets to recondition said product, return the same to the country of origin, or destroy it

- with the time period to be determined by the Authority or Competent Body, as the case may be.
- 2- All necessary actions shall be taken by the Competent Body to recall said products, seize or destroy them or take any other actions required for removing the breach. The Authority has the right to advertise for recalling the products from the market and the Body in breach shall incur all costs arising out of the same.
 - b- Without prejudice to any stricter penalty set out in the applicable legislations, those who breach the provisions hereof shall be subject to the penalties set out in the Federal Law No. (28) of 2001 concerning the Establishment of the Emirates Authority for Standardization and Metrology and the laws amending the same.
 - c- The Authority shall have the right to take the proper actions against any products that do not comply with the provisions hereof including but not limited to withdrawing or revoking Halal Certificate issued for said breaching products and removing any inconsistent products from the market.

Article (8)

Interim Provision

Every Conformity Assessment Body (Halal certification Body), supplier, and the establishment shall satisfy the requirements included in the provisions of these Regulations within a year following the publication of these Regulations in the Official Gazette.

Article (9)

General Provisions

- 1- For the purposes of the provisions hereof, the Approved Standards set out in the annex attached hereto shall approve Mandatory standards that shall be applied in UAE.

- 2- The Annex attached hereto including the terms and definitions included in the Approved Standards shall be deemed an integral part hereof. The Board of Directors shall have the right to amend said annex, when necessary.
- 3- The Board of Directors may approve any other Standard required for the applications hereof.
- 4- No products marked as consistent with the provisions of Islamic Shari'a or as Halal shall be launched unless they comply with the provisions hereof.
- 5- Halal Product Certificate or Halal National Mark shall not be used in a manner that may breach the provisions of these Regulations. Further, said Certificate or Mark shall not be advertised or remain in use upon the expiration, cessation or termination thereof.
- 6- Halal Certificate or Halal National Mark shall be used for products it was issued for; it shall not be used in a confusing manner that may have a negative impact on the health, safety and environment of the consumer.
- 7- No Halal Products for which a Ban Decree has been issued by the Competent Bodies shall be imported.
- 8- All cases that may be conflicting with the Islamic Shari'a shall be submitted to Fatwa Official Body in the UAE to make the recommendations it deems fit in relation thereto.
- 9- The provisions of these Regulations shall not prevent the inspectors of the Competent Bodies to conduct any other tests to ensure that the products subject hereof comply with the mandatory conditions provided for in the other technical laws and regulations.
- 10- All Bodies governed by the provisions of these Regulations shall provide all assistance and information that may be requested by the inspectors of the Competent Bodies in relation to the applications of the provisions hereof.

11- In the event of any case that may not be addressed according to provisions hereof or any conflict in relation to the interpretation or application thereof, said issue shall be referred to the Director General to issue the decision he deems fit in relation to said case or conflict for achieving the best public interest.

Article (10)
Decision Making

The Board of Directors shall issue the decisions required for the application of the provisions hereof.

Article (11)
Cancellations

Any provision stated in any other regulations shall be cancelled to the extent it conflicts with the provisions of these Regulations.

Article (12)
Publication and Validity

These Regulations shall be published in the Official Gazette and put into force following the date of the publication thereof. All Competent Bodies shall comply with the provisions of these Regulations.

Mohammed Bin Rashid Al Maktoum
The Prime Minister
Signed

Issued on: 18 Rabie Al Awal 1435 A.H
Corresponding to: 19 January 2014 A.D

**The Approved Standards Annex attached to the Cabinet Decree No. (10)
of 2014**

S.N	Standard Name	Standard Number
1	General Requirements for Halal certification bodies	UAE.S.GSO2055-2
2	General Requirements for halal accreditation bodies accrediting halal certification bodies	UAE.S GSO 2055-3