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**Law No. (9) of 2016 regarding Specifications and Measures**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution;

Legislative Decree No.(14) of 1973 regarding the Regulation of Notification;

Law No. (3) of 1975 regarding Public Health, as amended;

Penal Code promulgated by Legislative Decree No. (15) of 1976, as amended;

Legislative Decree No. (6) of 1977 regarding Balances, Measures and Weights, as amended by the Legislative Decree No. (8) of 1983;

Legislative Decree No. (8) of 1977 approving the accession to the Arab Specifications and Measures Organization of the League of Arab States;

Legislative Decree No. (3) of 1985 regarding the Control of Imported Foodstuffs;

Legislative Decree No. (16) of 1985 regarding Specifications and Measures, as amended by the Legislative Decree No. (13) of 1992;

Commerce Law, promulgated by Legislative Decree No. (7) of 1987, as amended;

And the Legislative Decree No. (6) of 1990 regarding the Control of Precious Metals;

And the Legislative Decree No. (10) of 1990 regarding the Control of Pearls and Precious Stones;

Legislative Decree No. (7) of 1994, ratifying the Document of Establishment of the World Trade Organization;

Legislative Decree No. (21) of 1996 regarding Environment, as amended by the Legislative Decree No. (8) of 1997;

Criminal Procedures Law promulgated by Legislative Decree No.(46) of 2002, as amended;

Law No. (33) of 2005 approving the Statute of the Standardization Organization for The Gulf Cooperation Council;

Law No. (11) of 2006 regarding Trademarks, as amended by Law No. (3) of 2011;

And the Law No. (35) of 2012 regarding the Protection of Consumers;

Law No. (6) of 2014 approving the Law (System) of Trademarks for the Gulf Cooperation Council;

Law No. (62) of 2014 regarding Anti-Commercial Fraud;

Legislative Decree No. (27) of 2015 regarding the Commercial Registry;

Legislative Decree No. (19) of 2014 regarding Bonuses of Presidents and Members of Councils and Government Committees;

The Shura Council and the Council of Representatives have approved the following law, which we have ratified and enacted:

**Article (1)**

In applying the provisions of this Law, the following words and expressions shall have the meanings assigned to them below, unless the context requires otherwise.

**Ministry:** Ministry concerned with Commercial Affairs.

**Minister:** Ministers concerned with Commercial Affairs.

**Competent Administration:** Administration of Specifications and Measures at the Ministry.

**National Committee:** National Committee for Specifications and Measures established under this Law.

**Standard Specification:** A document approved by the Board of Directors that sets, for normal and frequent use, rules and instructions or characteristics of products, operations and relevant production methods, the compliance therewith is not compulsory. Such document may particularly include or cover terms, definitions, packaging and marking or labelling requirements to be applied to products, operations or production methods.

**National Standard Specifications:** Standard specifications issued by the Ministry.

**Technical Regulations:** A mandatory document that specifies the characteristics of products and associated processes, including the applicable administrative rules. It may specifically include the terms, definitions, packaging and marking or labelling requirements to be applied to products, operations or production methods which may be specific technical regulations for any product or may be general technical regulations that define the general requirements for the safety of products for which no specific technical regulations are available.

National Technical Regulations: Technical regulations issued by the Ministry.

**Conformity Assessment Procedures:** A set of procedures aimed at verifying that specific requirements in national technical regulations or national standard specifications have been met. This shall include conformity assessment procedures as well as procedures for sampling, testing, inspection, evaluation, registration, accreditation, acknowledgement, issuance of certificates for products and services, as well as any joint procedures among these procedures, with the objective of ensuring conformity verification.

**Conformity Assessment Authority:** The competent administration or authority to which that administration grants the authority to perform conformity assessment procedures.

**Accreditation:** Third-party endorsement of a conformity assessment authority, officially indicating its competence to carry out specific conformity assessment tasks.

**Accredited Laboratory**: A laboratory for testing, examination or calibration for which accreditation has been granted.

**Conformity Mark:** A distinctive conformity mark placed on a product or conformity acknowledgement to indicate its compliance with the essential requirements specified in its national technical regulation.

**Quality Label:** The label granted to a specific commodity indicating that it conforms to its relevant standard specifications.

**Conformity Certificate:** The document confirming that a commodity, service, production method or a management system conforms to the standard specifications or technical regulations.

**Measures (Metrology):** The science of measures that includes theoretical and practical aspects, including the uncertainty of measurement, in the fields of science, technology and their applications.

**Measurement Tool:** A technical device designed for the purpose of measurement.

**Legal Measurement Tools**: Measurement tools that comply with all mandatory legal requirements according to Legislative Decree No. (6) of 1977 as amended by Legislative Decree No. (8) of 1983 regarding Balances, Measures and Weights.

**Calibration:** A process through which is determined the relationship between the value of a measurement standard with the value given by a measurement system. It is performed under specified conditions and includes determining the uncertainty of measurement.

**Legal Metrology**: It is that part of metrology related to the mandatory legal measurement requirements, measurement units, measurement tools and measurement methods, practised by official accredited authorities.

**Industrial Metrology**: It is that part of metrology related to the accuracy of measurements used in industry and production processes.

**Statement** **Label:** A document, mark, trademark, image or any other descriptive data written, printed, sealed or affixed to the product package or attached to it in a non-removable manner.

**Package:** A material in which the product is packed for sale as an independent unit, whether fully or partially packaged, and may include units or types of packaging when presented to the consumer or according to approved specifications and technical regulations.

**Article (2)**

The competent administration shall be the only approved reference for standardization, production quality control and the development of national standard specifications and the issuance of national technical regulations.

The aim of the competent administration is to achieve the following:

1) Adopt a national system for specifications and measures in accordance with international practices.

2) Preserve public health and safety of the consumer and protect them from fraud and deception and preserve the environment.

3) Ensure the quality of goods in accordance with the standard specifications.

4) Enhance production efficiency and improve the reputation and quality of national products and establish the standard means of work and production to achieve economic growth.

**Article (3)**

The competent administration is responsible for carrying out the following tasks and powers to achieve its objectives:

1) Developing, amending and cancelling national standard specifications and submitting them for approval to the National Committee. as well as publishing the approved ones.

2) Preparing, amending and cancelling national technical regulations, and publishing them after issuance by the Minister.

3) Developing and implementing conformity assessment procedures, granting certificates and conformity marks for national technical regulations.

4) Preparing and approving guidelines related to specifications, conformity and measures.

5) Issuing, publishing and selling publications related to specifications, conformity and measures.

6) Verifying the conformity of local and imported products, whether in the form of raw materials, semi-finished or finished with the approved technical regulations.

7) Issuing licenses to practice activities of granting certificates of conformity, consulting or training related to specifications, conformity and measures, in accordance with the conditions and controls determined by the Ministry.

8) Issuing, renewing, suspending and cancelling the use of conformity certificates and marks for approved national standard specifications and national technical regulations, quality marks or conformity marks for different products and authenticating conformity certificates and marks issued by third parties.

9) Issuing, renewing, suspending and cancelling certificates and marks for products exported to other countries, in accordance with the requirements of those countries and the conditions and controls determined by the Ministry.

10) Adopting of the national reference measuring standards for calibrating measuring tools and carrying out legal and industrial metrology activities.

11) Performing the duties of the inquiry authority functions of the World Trade Organization concerning the Agreement on Technical Barriers to Trade.

12) Observing the rights and obligations of the Kingdom of Bahrain regarding relevant international, regional and bilateral conventions related to this law.

13) Cooperating and coordinating with authorities, organizations and agencies working in the field of specifications, measures, conformity assessment, proposing affiliation to such bodies and representing the Kingdom in their meetings.

14) Collecting fees for the services provided in accordance with Article (16) of this law.

15) Recommending the establishment of committees to support the activities of the administration, provided that a decision is issued by the minister.

16) Establishing and operating national laboratories to support the activities of the administration or seek the assistance of laboratories of the private sector locally, regionally and internationally.

17) Seeking the assistance of study and research centres to support the activities of the administration.

18) Raising awareness about specifications, conformity assessment and measures activities, preserving documents, publishing statistics and related information.

**Article (4)**

A committee called the "National Committee for Specifications and Measures" shall be established, presided by the Minister and composed of the director of the competent administration and no more than five representatives from relevant authorities involved in the activities of specifications, conformity assessment and measures. Each representative shall hold a position of no less than a director of administration, and three members shall be nominated by the Bahrain Chamber of Commerce and Industry, and two members with experience and competence nominated by the Minister.

The committee shall be formed by a decision from the Prime Minister, based on the Minister's nomination and in coordination with the relevant ministries, authorities and the Bahrain Chamber of Commerce and Industry. The term of membership in the committee shall be four years, renewable for two similar periods.

During its first meeting, the committee chooses a vice-president who will act as a replacement of the president in case of his absence.

The remuneration of the members of the committee, its subsidiary committees and committees supporting the activities of the competent administration shall be determined by a decision of the Prime Minister.

**Article (5)**

The Committee shall have jurisdiction over the following:

1) Setting the general policy for specifications and measures.

2) Adopting national standard specifications and national technical regulations.

3) Forming technical committees to contribute to the preparation and study of specifications projects. These committees shall include in their formation representatives of producers, traders, consumers, relevant authorities and experts.

4) Establishing the internal regulation governing the committee's work.

**Article (6)**

The National Committee shall holds its meetings at least four times a year or as necessary, upon the invitation of its president or vice-president in the absence of the president. The meeting shall be considered valid if a majority of the members are present, including the president or the vice-president.

The committee may invite whomever it deems appropriate with experience and competence to attend its meetings to seek its opinion without the right to vote.

Decisions of the committee shall be issued by the absolute majority of its attending members, and in case of a tie, the side from which the president of the meeting belongs shall prevail.

In order to carry out its functions, the Committee may delegate some of its tasks to a committee of its members.

**Article (7)**

The terms "National Standard Specifications" and "National Technical Regulations" shall refer specifically to the specifications and technical regulations issued in accordance with this law. Without written authorization from the competent administration, it shall not be permitted to use any mark, shape, symbol or sign that implies "Bahraini standard specifications" or "Bahraini specifications" or any similar terms or abbreviations in Arabic or any other language.

**Article (8)**

The Minister shall issue decisions regarding national standard specifications and national technical regulations, and such decisions shall be published in the official gazette.

**Article (9)**

National technical regulations shall be considered the basis for import operations, and government authorities, entities, public and private institutions shall comply with such regulations in their transactions and purchases, except in cases where the public interest requires otherwise, and in such cases, a decision by the Council of Ministers shall be issued based on the Minister's proposal.

**Article (10)**

The Minister, based on the recommendation of the competent administration, may consider technical regulations of other countries as equivalent to national technical regulations if it is evident that they sufficiently achieve the objectives of the national technical regulations.

Similarly, the Minister, based on the recommendation of the competent administration, may consider the results of conformity assessment procedures in other countries as equivalent to the applicable national procedures, in accordance with the international conventions to which the Kingdom is a party.

Furthermore, the Minister, based on the recommendation of the competent administration, may adopt and implement technical regulations or conformity assessment procedures related to a product immediately if urgent reasons related to national security, the national economy, religious beliefs or the requirements of public safety, environment and health so require without following the prescribed procedures in this regard.

**Article (11)**

The competent administration shall be responsible for monitoring the implementation of the approved technical regulations, and it may delegate any other authority in a specific area of its competence for a specified period of time.

**Article (12)**

The local manufacturer and trader shall bear the responsibility for the safety of their products in the local markets and shall carry out all necessary conformity assessment procedures for the product.

**Article (13)**

The ministry shall have the right to prohibit the circulation or sale of any product until it is confirmed that it complies with the national technical regulations, within a suitable period of time, taking into consideration the nature of the product.

If the results of the examination and testing conducted on the samples taken, carried out by the competent administration in designated laboratories, are found to be in conformity with the national technical regulations, the ministry shall bear the costs of the examination and testing. However, if non-conformity is identified, the manufacturer or trader shall bear all the costs incurred by the relevant administration for the examination and testing.

**Article (14)**

It is prohibited to manufacture, import or trade the following products:

1) Products that do not comply with the approved technical regulations.

2) Products that are harmful to health, safety and the environment.

3) Products that are not suitable for their intended purpose.

4) Products that do not indicate their country of origin.

The minister shall determine, by decision, the precautionary measures to be taken against the infringing products, as well as the locations of their manufacture, storage and display.

**Article (15)**

The competent administration shall have the right to request from government authorities, entities, public and private institutions, the information, reports and statistics it needs within the limits of its competence and these authorities shall provide it with the requested information.

**Article (16)**

The categories of fees for services provided under the provisions of this law shall be issued by a decision of the minister, with the approval of the Council of Ministers.

**Article (17)**

Employees of the competent administration who are seconded by a decision from the Minister of Justice, in conjunction with the Minister, shall have the capacity of Judicial Investigation Officers for the crimes provided for in this Law, which fall under their jurisdictions and are related to their duties.

Such employees shall have the right to enter relevant places and premises, detect violations and prepare necessary reports.

The reports prepared for these violations shall be referred to the Public Prosecution by a decision issued by the minister or his authorised delegate.

**Article (18)**

Without prejudice to criminal or civil liability, the minister shall have the right, based on the recommendation of the competent administration, to issue a warning by means of a registered letter with acknowledgement of receipt to the violating establishments, instructing them to rectify the acts in violation of the provisions of this law within a reasonable period specified for that purpose. If they refuse to comply, the minister may issue a decision to seize the confiscated items at the site of the violation until the cause of the violation is removed or a judicial judgement is issued.

Those concerned parties may file a grievance against this decision with the competent minister within thirty days from the date of its notification. The minister shall respond to the grievance within fifteen days from the date of its submission otherwise it shall be considered as a rejection of the grievance.

The deadline for appealing the minister's decision before the competent court shall be of sixty days from the date of notification of the rejection of the grievance or from the date the grievance is deemed rejected.

**Article (19)**

Whoever engages in any of the following acts shall be punished by imprisonment for a period not exceeding three years, or a fine of not less than one hundred dinars and not exceeding ten thousand dinars or either of these two penalties:

1) Manufacturing, selling or using illegal measuring instruments or manipulating legal measuring tools.

2) Preventing Judicial Investigation Officers from entering any factory, commercial premises, warehouse or any facility to carry out their duties.

3) Tampering with any seal, stamp or mark used by the administration, or falsifying any report or certificate issued by the said administration.

4) Manufacturing, importing or offering for sale products or services that do not comply with national technical regulations or that are harmful to health, safety or the environment or are unsuitable for their intended purpose or those having no indication of the country of origin.

5) Selling or offering for sale national technical specifications or launching phrases, shapes or symbols that are understood to be national specifications in violation of the provisions of this law.

6) Manipulating the information contained on the statement label and printing counterfeit packages or labels.

7) Writing a phrase on the statement label that suggests compliance with the national standard specifications or technical regulations without obtaining written approval from the relevant institution or authority.

In the event of conviction, the court shall rule to confiscate the violating materials, and it is permissible to publish a summary of the conviction judgement in two daily newspapers at the expense of the convicted person. The court may as well order the closure of the premises for a period not exceeding three months, and in case of repeated violation, the minister may order the administrative closure of the premises for a period not exceeding three months without awaiting a criminal judgement.

Without prejudice to the liability of the natural person, the legal entity shall be held criminally liable if any crime specified in this law is committed in his name, on his behalf, through his agencies, representatives or employees, and shall be sentenced to a fine equivalent to the prescribed fine for the committed crime.

The court may order the suspension of the legal entity's activities related to the crime for a period not exceeding one year, and in the case of recurrence, the court may impose a suspension of activities for a period not exceeding five years or revoke the license issued for practising the activity permanently.

In all cases, the court shall order the confiscation of the seized items in the event of conviction, and it is permissible to publish a summary of the judgement in two daily newspapers at the expense of the convicted person.

**Article (20)**

Legislative Decree No. (16) of 1985 regarding Specifications and Measures, shall be repealed, as well as every provision that contradicts the provisions of this Law.

**Article (21)**

The minister shall issue the Implementing Regulation of this Law within six months from the effective date thereof.

And shall issue the necessary decisions to implement the provisions of this Law, and until such decisions are issued, the decisions currently in force shall remain in force in as much as they do not conflict with the provisions of this Law.

**Article (22)**

The Prime Minister and the ministers - each within his jurisdiction- shall implement this Law, and it shall come into force from the day following the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

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