

Republic of Yemen
Ministry of Legal Affairs &
House of Representatives' Affairs

Law No. 44 of 1999 with regard to Standardization Metrology
& Quality Control Organization

In the name of the Public,
The President of the Republic,
Having reviewed the Constitution of the Republic of Yemen,
And after the approval of the House of Parliament,
Issued the following law :

Chapter One
Designation, Definitions, & Objectives

Article (1)

This law is called Standardization Metrology & Quality Control Law.

Article (2)

For implementation of the provisions of this law, the words and expressions below shall have the meanings indicated opposite to them, unless otherwise is provided by the context:

The Republic : Republic of Yemen

Organization : Yemen Standardization Metrology & Quality Control Organization.

Chairman of the Board : Chairman of the Organization's Board of Directors.

General Director : Chairman of the Executive Organ.

Standard Specifications : Properties of the goods and other qualities subject to standardization and other features, characteristics, standard of quality, dimensions, measures, or safety requirements, including terminologies, codes, testing methods, sample taking, packaging, and other data.

Recognized Standard Specifications: Yemeni standard specifications and all specifications approved by the Board of Directors, as suitable for other countries, or regional and international organizations.

Measurement Tool : This represents the technical tool and instrument used for measurement, and includes direct gauges, measures, lengths, etc. and also includes indirect gauges, such as thermometer, water meter, barometer, electric meter, etc.

Recognized Laboratory : Testing & calibration laboratories of the Standardization Metrology & Quality Control Organization, or any laboratories approved by the said Organization.

Measurement References: Highly accurate measurement instruments used for calibration of less accurate instruments.

Weight & Measure Instruments : Instruments used to specify and define the quantity of materials with respect to weight and volume.

Quality Mark : This represents the mark granted to a certain local product, indicating that the product is in conformity with the recognized standard specifications as minimum technical conditions established by the Standardization Metrology & Quality Control Organization.

Compliance Certificate : A document issued by the Standardization Metrology & Quality Control Organization, certifying that certain goods, material, or product is consistent with the recognized standard specifications .

Standardization : A group of operations certifying under certain circumstances the relationship between the value of a measure instrument and the value represented by a primary gauge, and the corresponding known value of the measured quantity.

Goldsmith : Everyone who takes as an occupation the job of formulating the gold, silver, or platinum jewels, selling and buying the same.

Jewelry : The metal pieces made of gold, silver, platinum, or precious stones.

Precious Metals : Gold, silver, and platinum in the form of wrought metal, casts, or coins.

Legal Caliber of Jewelry : Figures (grade) that distinguish the pure metal among the precious metals, as prepared by the Organization.

Stamp :

1- A sign on weight, measure, and calibration instruments indicating their conformity with the accredited standard specifications.

2- A seal with which the jewelry or casts are stamped, containing the stamp or caliber or both.

Pure Unit: One part out of thousand (1/1000).

Article (3) :

This law is intended for :

1- The establishment of a national system for standardization and metrology based on scientific modern and sophisticated principles.

2- Protection, safeguarding the health, safety of people, their properties and preservation of environment by ensuring that goods and products are consistent with the recognized standard specifications. -

3- Support of national economy by ensuring high quality of local goods and products through the appropriate standard specifications, which enhance the efficiency of goods and products and upgrade their capacity of competition.

4- Enhancing the capabilities of the exporters of industrial, agricultural products, and other locally manufactured goods and products by provision of data, information, and specifications of the countries which import these goods and products.

Article (4) :

Pursuant to the Public Corporations & Companies Act, a metrology and standardization organization shall be established through a Republic Decree according to the provisions of this law.

Chapter Two

Provisions of Jewelry & Precious Metals

Article (5) :

The jewels defined under article 2 of this law are divided into three kinds as follows :

- 1- **Gold Jewels** : These represent the metal pieces made of gold containing 18 carat or at least 750 pure units.
- 2- **Silver Jewels** : These represent the metal pieces made of silver containing at least 600 units of pure silver.
- 3- **Platinum Jewels** : These represent the metal pieces made of platinum, containing at least 850 units of pure platinum.

Article (6) :

The legal caliber of the jewels are as follows :

1- Gold Jewelry Caliber :

- a- 24 Carat or 999.99 units of pure gold.
- b- 22 Carat or 916.6 units of pure gold.
- c- 21 Carat or 875 units of pure gold.
- d- 18 Carat or 750 units of pure gold.

2- Silver Jewelry Caliber :

- a- Caliber 90, containing 900 units of pure silver.
- b- Caliber 80, containing 800 units of pure silver.
- c- Caliber 60, containing 600 units of pure silver.

3- Platinum Jewelry Caliber :

Caliber 85, containing 850 units of pure platinum.

Article (7) :

- 1- The caliber of all jewelry (consisting of welded or joined parts including the welding material) should not be less than the legal caliber of the jewelry.
- 2- It is allowed to have excess of 2/1000 (two parts in one-thousand) in all legal caliber of jewelry and precious stones.

Article (8) :

The Organization may add other calibers or provisions of jewelry and precious stones that are not stated under this chapter.

Article (9) :

The jewels and precious stones are sold and bought in grams.

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Chapter Three

Penalties

Article (10) :

Without prejudice to the most severe penalties stated under applicable penalties, the penalties stated in this chapter shall be applied .

Article (11) :

A commitment of any violation stated hereunder shall be subject to a penalty of maximum Y.R. 250,000.00, or imprisonment of maximum of six (6) months. In all cases the violated goods shall be seized and confiscated, or damaged on the expense of the violator:

- 1- Cheating the weights, sizes, measures, or ingredients of materials.
- 2- Making or selling illegal measure tools; cheating the legal measure tools; or using illegal or unsealed measure tools for cheating or misleading.
- 3- Adding any prohibited and health harmful substance to the product with the intention to affect the validity of the product, or to give higher value .

Article (12) :

1- A maximum imprisonment of one year or financial penalty of maximum Y.R. 200,000.00 shall be imposed on anyone who allow clearance of casts, coins, gold, silver, or platinum jewelry or precious stones from the customs departments or post office without being tested by the Organization.

2- A minimum imprisonment of one year or financial penalty not exceeding the value of the violated materials shall be imposed on anyone who cheats the legal caliber of jewelry, after being stamped in any way that would affect the safety of the product or deceive and mislead the consumer.

3- A maximum imprisonment of six months or financial penalty not exceeding Y.R. 100,000.00 shall be imposed on anyone who carries on the craft of jewelry and precious stones without license from the Organization.



4- A minimum imprisonment of six months or financial penalty not exceeding Y.R. 100,000.00 shall be imposed on anyone who prevents the staff of the Organization from checking the illegal violations; or from entering the establishments or business stores for the purpose of coordination, inspecting, or testing any merchandise, substance, jewelry, precious stones, measure or weight, or scale made, used, or displayed for sale in that establishment or business store, provided that this inspection should have been assigned by the competent authority during the regular working hours.

Article (13) :

A minimum financial penalty of Y.R. 75,000.00 and maximum of Y.R. 250,000.00 shall be imposed on anyone who commits one of the following violations :

- 1- Anyone who has produced or imported any merchandise with a statement of the clarifications specified by the Organization, according to the nature of the merchandise. The produced merchandise shall be sent back to the factory on the expense of the producer in order to state the clarifications.
- 2- Any jewels or precious stones sold, displayed, or acquired for the purpose of trading or cheating, unsealed by the producer and inconsistent with the accredited standard specifications, shall not be given back to the owner unless they are broken by the Organization with the due charges and duties paid.

Article (14) :

a- A penalty of maximum Y.R. 500,000.00 or an imprisonment of maximum six (6) months shall be imposed on anyone who has produced false goods, and in this case the false goods shall be confiscated or damaged on the expense of the producer.

b- A penalty of maximum Y.R. 300,000.00 or an imprisonment of maximum three (3) months shall be imposed on anyone who has started to counterfeit the goods, and in this case the goods shall be confiscated or damaged on the expense of the producer.

Article (15):

Anyone who has committed one of the following violations, shall be penalized with forgery, provided under Penal Law:

- 1- Forgery or interference with the validity labeled on the product by the manufacturer for the purpose of increasing the specified period of validity.
- 2- Forgery or imitation of any signature, stamp, seal, or mark used by the Organization for implementation of this law or any consequent regulation, rule or decision.

Article (16) :

- a- The imported goods and products inconsistent with the recognized standard specifications shall be re exported on the expense of the importer within fifteen (15) days from the date of notice, and in case the importer has failed to act accordingly, the goods and products shall be destroyed without referring to him unless the said destruction is harmful to health or environment.
- b- No materials inconsistent with the specifications shall be give access into the country, and such materials shall-on the expense of the importer- be sent back on the same means of transportation .
- c- A minimum of three months' imprisonment or minimum financial penalty of Y.R. 200,000.00 shall be imposed on anyone who has imported, allowed, or facilitated the entry of any materials inconsistent with the recognized standard specifications.

Article (17) :

The Organization shall issue an order for lockup or suspended production of any industrial institution which does not abide by the accredited standard specifications; the affected party has the right to recourse to courts.

Article (18) :

The penalties under Articles 11, 12, 13, 14 of this Chapter shall be double in case the same violation is committed for the second time.

Chapter Four

General Provisions

Article (19) :

No license shall be issued for the establishment of new industrial institutions or enterprises unless the standard or laboratory specifications of production are registered in the Standardization Metrology & Quality Control Organization according to the data issued. The proprietors of the existing industrial institutions or enterprises should register their present standard specifications at the Organization within two months from the issuing date of this law, and the concerned authorities should not issue a license for the establishment of an industrial institution or enterprise unless the said specifications are registered in the Organization; those to whom the license is not issued may complain to the Chairman of the Organization if their standard specifications are conformable to the legal provisions.

Article (20) :

Any natural person or body corporate dealing with the jewels and precious stones shall have in advance a license for practicing the craft of making or dealing with jewels according to the conditions legally stipulated by the Organization, and anyone practicing or dealing with this craft before the issuance of this law, shall- within two months from the issuing date of the law-apply for registration at the Organization in order to be granted the license. The concerned authorities may not issue any license for practicing or dealing with this craft without registration at the Organization.

Article (21) :

It is not allowed to register any institution, establishment, center, company, title, patent, or trademark that is consistent with or similar to the marks, symbols, signs, or names issued by the Organization, and without a written permission from the Organization, nobody shall be allowed to use any quality sign, design, code, or symbol.

Article (22) :

The expression *recognized standard specifications* shall be used only for the specifications issued by the Organization, and no specifications or

standards issued by any other authority shall be considered as *recognized standard specifications* unless the same is approved by the Organization.

Article (23) :

The specifications or conditions established by any institution for its own purposes are called *laboratory specifications*.

Article (24) :

Mass media, advertising & publicity offices may not advertise any goods or material unless it is conformable to the recognized standard specification. The Organization shall specify the list of the goods and materials subject to this article.

Article (25) :

The Organization shall contact the ministries, public corporations, companies, mixed, private, and cooperative sectors in order to receive the information, data, and statistics required; and these authorities should cooperate and supply the Organization with all the needful. The Organization shall also extend the technical consultations and any other information pertaining to the specifications and standards that may serve the purposes of these authorities.

Article (26) :

The concerned authorities in the ports and customs inlets throughout the Republic of Yemen shall undertake the following:

- a- Not to allow exportation of any goods or materials without compliance certificate issued by the Organization.
- b- Not to release any imported goods or materials unless they are conformable to the standard specifications recognized by the Organization and unless a compliance certificate from the country of origin is submitted.

Article (27) :

- 1- The staff of the Organization designated through a resolution from the Minister of Justice as proposed by the Board of Directors shall enjoy the capacity of legal discipline.

2- The staff of the Organization who enjoy the capacity of legal discipline pursuant to the provisions of the above paragraph shall check the crimes and violations of the provisions of this law, execute minutes in which they state the type of violation, date, and name of violator. They are also authorized to investigate, check, and inspect any factory, business, or warehouse, and take samples of jewels and precious stones, measure, weight, and calibration tools, as well as the leftover of the manufactured and sold goods, for testing, checking, analyzing, and calibrating the same to ensure that such goods is conformable to the recognized standard specifications or legal caliber of the jewelry.

Article (28) :

a- The Organization is considered to be a higher authority like other similar corporations and institutes, and the related staff of researchers are treated on the same footing with the staff of the scientific research centers and institutes with respect to salaries, allowances, health care and other privileges, due to the risks caused by the chemicals.

b- The staff of the Standardization Metrology & Quality Control Organization are given incentives and allowances that would help them achieve better performance of their tasks.

Article (29) :

The staff of the Organization are not authorized to practice any work activities directly or indirectly associated with the nature of the work they carry out in the Organization unless they have obtained a prior permission from the chairman of the Board of Directors on a case to case basis.

Article (30) :

The instruments, tools, machines, equipment, and related accessories used for scientific purposes shall be exempted from all taxes and customs duties.

Article (31) :

The Standardization Metrology & Quality Control Organization is considered to be the only authority entrusted with the execution of the

competences of the concerned authority provided under law No. 28 of 1992 with respect to gauges, meters, measure and weight instruments.

Article (32) :

Any provision or clause violating the provisions of this law shall be considered as void and null.

Article (33) :

The concerned ministries and authorities shall issue the resolutions required for the execution and implementation of this law.

Article (34) :

The chairman of Board of Directors shall issue the organizational bylaw as well as all codes, regulations, resolutions, and executive instructions of this law after the approval of the Board of Directors .

Article (35) :

Anything not provided under this law shall be referred to the provision stipulated under Public Authorities, Corporations, and Companies Act.

Article (36) :

This law is effective as of its issuing date, to be published in the official daily.

Issued in the President ship House, Sana'a .

Dated 4 Rajab 1420 A.H. (13 Oct., 1999 A.D.)

Ali Abdulla Saleh

President of the Republic.