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United Arab Emirates

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

Section I. Food Laws: GCC-Wide Developments

The United Arab Emirates (UAE) is a member of the Gulf Cooperation Council (GCC), six countries that include the United Arab Emirates (UAE), Bahrain, Kuwait, Oman, Qatar and Saudi Arabia. The Office of Agricultural Affairs (OAA) in Dubai covers Bahrain, Kuwait, Oman, Qatar and UAE (also known as the GCC-5).

Food Standards: Yemen joined the Gulf Standards Organization (GSO) in early 2010 to bring the number of GSO member countries to seven. Formerly, GSO consisted only of the 6 GCC member countries. GSO is responsible for developing food and other standards in the GCC. The GSO food standards committee has been actively updating GCC food standards. Over the past few years, the committee has been working to harmonize existing standards within the guidelines of the Codex Alimentarius, ISO and other international organizations. However, in some cases, differences still exist between some of the proposed new standards and existing international guidelines.

In theory, each GCC member should notify the WTO of a proposed new standard. However, typically, one or two member countries usually submit the notification. Interested parties who review these notifications should bear in mind that, while a notification may be submitted by a single GCC member, the proposed standard will eventually apply to all GCC member countries. Once a new standard is approved by the GSO food standards committee, each member country should officially adopt the standard, thus making it a national standard as well as a GSO standard.

The shelf life and labeling that were updated in 2007 are being reviewed by GSO member countries. These standards earlier replaced old versions that were issued in the nineties and were disputed among GCC member countries as well as other foreign countries. The current standards bring the GCC into closer compliance with the guidelines of Codex Alimentarius and, for the most part, offer more flexible requirements for importing foods from foreign markets.

The GSO has created subcommittees to follow-up on other issues related to food.

1. Bio-technology and organic food subcommittee that is chaired and hosted by the UAE
2. Labeling subcommittee that is chaired and hosted by Oman.
3. Additives subcommittee that is chaired and hosted by Saudi Arabia

The GSO also, when the need arises, forms working groups to address specific issues. For instance, a working group has developed two Halal standards. The first standard outlines general Halal requirements while the second standard outlines requirements for approving foreign centers, certifications and Halal labeling.

Customs and Tariffs: In January 2003, the “GCC Unified Customs Law and Single Customs Tariff” (UCL) was released. The UCL established a unified customs tariff of five percent on nearly all processed food products. Under the UCL, live animals, fresh fruits and vegetables, some seafood, grains, flour, tea, sugar, spices and seeds for planting are exempt from tariffs. It also established a single entry point policy. In other words, a product entering any GCC member market would pay the appropriate duty only at point of entry and would then be permitted duty free transit among GCC member countries. In practice, this policy is employed only with unopened containers transshipped between GCC markets. Partial shipments tend to be subject to the five percent import duty again in the country of destination. However, it is expected that all goods, even partial shipments from opened containers, will eventually receive single-entry treatment once customs procedures are fully unified within the next few years.

Food Import Procedures: In 2007, the GCC Food Safety Committee developed a “Guide for Food Import Procedures for the GCC Countries.” This guide was meant to unify the applied procedures for clearing food consignments, as well as to unify the required import certificates for different types of foods. The intent was to help facilitate the movement of food products within the GCC once customs unification is fully implemented. In 2008, the GCC member countries decided to postpone the application of the guide to ensure that it complies with the guidelines of international organizations such as Codex Alimentarius, World Animal Health Organization and International Plant Protection Consortium. The guide is still being reviewed by members of the GCC.

UAE Developments

The Emirates Authority for Standardization and Metrology (ESMA) is the responsible body, in cooperation with other members of the GSO, for developing or adopting all standards. A senior official from ESMA represents the UAE at GSO meetings. The UAE, through the GSO, Codex and ISO, has approved more than 700 food standards. While the OAA Dubai has a number of these standards on file, a complete listing of standards is available from ESMA.

The Ministry of Environment and Water (MOEW) is now responsible for establishing and enforcing food safety regulations and laws based on recommendations made by the GSO and the National Food Safety Committee (NFSC) on food related matters, and by the Veterinary Committee (VC) on meat and poultry related matters. The MOEW is also the coordinating body between the eight municipalities of other UAE federal entities.

The National Food Safety Committee (NFSC) consists of:

Two representatives each from the Abu Dhabi, Dubai and Sharjah municipalities

One representative each from the remaining five municipalities of the UAE

One representative each from the Ministries of Foreign Affairs, Economy & Planning, Environment and Water Resources and Health

One representative from ESMA

One representative from Al Ain University.

The Veterinary Committee (VC) consists of:

One representative from the veterinary section of the eight municipalities of the UAE;

- One representative from the Animal Wealth Department, Ministry of Environment and Water.

In each of the country's eight municipalities the respective health department is responsible for enforcing the federal food safety standards on locally produced and imported foods through its food control section. The representatives of the eight food control sections of the emirates meet regularly to discuss and coordinate issues of mutual interests and share information. However, each operates independently of one another. The municipalities of Dubai, Abu Dhabi, and Sharjah are the major entry points for imported food products, in descending order of trade volume and value. Food is also imported via other land and sea ports, but in smaller volumes. Occasionally, municipalities act independently when issuing regulatory requirements, which can be disruptive to trade if proper prior notice is not provided.

Food products are regularly inspected at the time of entry, at production facilities and at the point-of-sale. Fines are levied and products destroyed for severe violations. Imported and locally produced food products are subject to the same food safety regulations and labeling requirements. At present there are no environmental laws regulating food product packaging.

Most UAE officials work with companies to ensure that food and agricultural imports are not unduly disrupted or delayed at ports of entry. In cases where OAA Dubai has been asked to facilitate the clearance of detained shipments, officials have often worked to find a fair resolution of the situation. However, greater transparency in the regulatory system and broader public dissemination of regulatory changes could further reduce the number of detained shipments. As a general rule, Abu Dhabi prefers to import food directly rather than have it transshipped from Dubai. Exporters are encouraged to consult closely with importers on product requirements prior to shipment.

Section II. Labeling Requirements:

A. General Requirements:

The UAE has adopted Gulf standard GSO 9/2007 and GSO 150/2007 for labeling and shelf life as its domestic standards.

The Food Department of the Dubai Municipality took the initiative to draft a food import "mechanism" which translates the labeling and shelf life standards into a manual for easy dissemination to and use by stakeholders. It also provides both the importer and the exporter further clarification of the standards and the method of application. The "mechanism" is still being discussed among UAE municipalities for a federal application. However, the Dubai Municipality has adopted the mechanism.

Labeling regulations: Gulf Standard GSO 9/2007 is the updated GCC labeling standard. While the UAE has accepted English-only labels in the past, bi-lingual labels are now required. Arabic stickers and labels should be legible and show, at least, the following information:

1. Product description;
2. Ingredients;
3. Country of origin; and
4. Net weight

Products intended for institutional use, may be exempt from the Arabic labeling requirement, but the “mechanism” is designed to eventually provide greater clarity on this point. Exporters should work closely with their importers to ensure that their products will meet the needs of retailers.

Labeling regulations apply to all products shipped in bulk and in institutional-sized containers. Bulk cartons of fresh fruits and vegetables must contain most label information, but need not carry production/expiry dates. In general, the contents of standard U.S. labels satisfy most UAE label requirements. However, production dating continues to be a key difference. A food label must contain the following information:

- Product name (name of the food) in a prominent position on the label;
- Ingredients in descending order of proportion;
- Additives. Using their “E” number and group names are accepted
- The source of the animal fats (beef, buffalo, etc...) 1/;
- The foodstuff and ingredients which are known to cause hypersensitivity shall always be declared;
- Net content in metric units;
- Production and expiry dates 2/;
- Country of origin;
- The name and address of the manufacturer, producer, distributor, importer, exporter or vendor shall be declared on the label;
- Special storage and preparation instructions, if any;
- Foods making health claims must be labeled accordingly and require pre-approval by the Ministry of Health;
- Lot identification.

1/ Animal fats and ingredients should be sourced from animals that are Halal slaughtered. The use of pork fat, as with all pork related products as ingredients, is prohibited, unless the products are retailed with all pork products in restricted sections of the retail stores which are clearly marked for non-Moslems. Labels for pork and pork containing products must comply with the general labeling requirements and must clearly state that the product contains pork. Food labels may not include pictures of pork, nor may recipes list pork. To avoid confusion with regulatory officials and consumers, exporters may wish to steer clear of names traditionally associated with pork or non-pork products such as turkey ham or beef bacon.

2/ Production/expiry dates must be engraved, embossed, printed or stamped directly onto the original label or primary packaging at the time of production, using indelible ink. P/E dates printed on stickers are not an acceptable alternative, as well as U.S. bar coding in lieu of P/E dates. Only one set of P/E dates on the label is permitted. P/E dates must be printed in the following fashion, depending upon the shelf life of the product:

- Day/month/year for products with a shelf life of three (3) months or less
- Month/year for products with a shelf life longer than three (3) months

Under the month/year format, the last day of the month is considered the expiry date. Exporters who list the first day of the month following the expiry date have run into issues when trying to clear shipments. The month may be printed in numbers or letters. For example, both 3/08 and March 08 are acceptable formats.

The word “Production” or the letter “P” must precede the production date. The expiry date must be preceded by one of the following statements: “Expiration (date)”; “Fit for.....from the date of production”; “Use by (date);” “Use before (date);” “Sell by (date);” “Valid until (date) from the date of production;” or the letter “E.”

Alcoholic beverages and alcohol containing products can be imported but only through authorized importers who run their

own retail shops. There are no special labeling requirements for alcoholic beverages beyond what is typically required in the country of origin.

As with food products, labels for pet foods must be printed in Arabic. Arabic/English labels are permitted, as are Arabic stickers in lieu of Arabic labels. The pet food label must contain the statement "Not fit for human consumption." Production/expiry dates are required for pet foods.

Most major municipalities offer the following services to facilitate food product imports:

Pre-shipment approval of:

- Food Labels - Copies of labels can be sent (fax copies or e-mails are acceptable) directly or through one of the importers to health officials for review and registration, at no cost. When approved and registered, the products bar code will be added to the municipality's list of approved and registered products. This procedure is meant to facilitate the importation of products and reduce clearance time. While pre-approval is not required, OAA Dubai strongly encourages exporters to have labels for new products pre-approved.
- Products - Officials will analyze a product to determine compliance with food ingredient standards. Costs involved vary, depending on type of product and ingredients. Laboratory testing is required on first consignments to the UAE. The same product may be subject to future random laboratory testing. While pre-approval is not required, OAA Dubai encourages exporters to have their ingredients pre-approved for new products.
- Item Registration: Food products will not be permitted entry to Dubai unless they are registered. This may be done by sending a copy of the label to the concerned department or physically bringing samples to the concerned offices which are located in entry points and in the municipal buildings.

Occasionally, local health officials will permit the importation of food products with minor labeling infractions. Exemptions are granted on a one-time basis and the sale of such products is usually limited to institutional end users.

The import "mechanism" prepared by the Emirate of Dubai allows the following products to carry English labels only. Application of this procedure is still in its early stages and is currently only being applied in Dubai. Exporters should verify labeling requirements with their importers before shipping.

1. Products imported specifically for the HRI sector
2. Food ingredients for further processing or packaging
3. Food intended for special patient groups and not sold to ordinary consumers
4. Food intended for re-export
5. If the largest surface area of the package is less than 10 square cm

Shelf life: The GSO revised and simplified its shelf-life standard in 2007. The new/revised GSO 150/2007 (Expiration Periods of Food Products), fully enforced since November 1, 2008 in the UAE, provided less restrictive shelf life requirements for food products. Except for the 22 food items falling under section 4.4.1.1 which includes perishable products and baby foods, food exporters will be allowed to ship products with the manufacturer's recommended shelf life.

The following products are exempt from expiration dating - salt, white sugar, dried legumes, dried vegetables, spices and other condiments, tea, rice, fresh fruits and vegetables and vinegar. However, importers tend to prefer to have such products labeled with production and expiry dates, as consumers often are not aware of this exemption.

Small packages, where the area largest surface area is less than 10 square centimeters, may be exempted from the requirements stipulated.

B. Requirements Specific to Nutritional Labeling

Labels for specialty foods, such as diet, health and baby foods, must contain detailed information about the product's vitamin and mineral contents, nutritive value per 100 grams and proper use and storage. The U.S. nutritional panel is acceptable. There is no RDA labeling requirement, thus far. In general, U.S. nutritional labeling is acceptable and may eventually be the

basis for local nutritional labeling standards. However, if a food product carries certain health claims such as “maintains sugar of blood pressure for certain number of hours”, they must be cleared by one or more of the following bodies.

1. The food control section of the importing municipality.
2. The medical clinic of the municipality.
3. The federal Ministry of Health.

Section III. Packaging and Container Regulations:

There are no special packaging or container size requirements for food products.

GS 839/1999, adopted as UAE Standard #839/2000, addresses “General Requirements for Food Packages – Part I. The standard stresses the need to use suitable materials that protect the integrity of the food, its wholesomeness and characteristics. GSO 1683/2008 Food Packages Part II was issued to address general requirements for plastic packaging.

Section IV. Food Additives Regulations:

1. UAE Standard 23/2000 (GS 23/1998): Regulates the use of food coloring additives.
2. UAE Standard 356/1995 (GS 356/94): Regulates the use of food preservatives.
3. UAE Standard 357/1995 (GS 357/94): Regulates the use of antioxidants.
4. UAE Standard 381/1995 (GS 381/94): Regulates the use of emulsifiers, stabilizers and thickeners.
5. UAE Standard 707/1997 (GS 707/96): Regulates the use of flavors.
6. GSO 995/1998 Sweeteners permitted for use in food products

UAE officials are referring increasingly to the Codex Alimentarius and other internationally recognized bodies to determine permitted food additives, particularly for those not listed in relevant Gulf Standards. Rarely is an illegal food additive or ingredient detected in U.S. origin products. Nevertheless, the U.S. exporter is encouraged to work closely with his importer to ensure the product meets UAE food additive requirements. UAE health authorities look closely at the addition of food coloring, preservatives, antioxidants and non-nutritive sweeteners when reviewing new-to-market products. The Food Control Section of the respective Municipality should be contacted for further details.

If a food additive is not listed in any of the approved GCC standards, laboratory officials usually refer to Codex, EU or the U.S. standards.

Section V. Pesticides and Other Contaminants:

UAE Standard 382/95 (GS 382/94) Part I establishes limits of pesticide residues in agricultural and food products. UAE Standard 383/95 (GS 383/94) Part II discusses the same concern. UAE.S/GSO 02/2007 addresses the maximum residue limits for veterinary drugs in foods. The UAE and GSO have also issued several standards addressing acceptable limits of aflatoxin and other toxics, radiation and irradiation in food products. In the absence of a GSO or UAE standard, the UAE recognizes the Codex Alimentarius standard governing pesticide and other contaminant residue levels. Chemical contamination is a growing concern of UAE authorities and efforts are underway to update local guidelines and improve testing procedures. Food products meeting U.S. residue standards will most likely meet future UAE standards. It is very rare that U.S. origin products are rejected due to pesticide or other contaminant residue.

The UAE Ministry for Environment and Water is responsible for registering all types of agricultural chemicals that are permitted whether they are locally produced or imported. A permit must be issued to any importer prior to placing orders to buy any type of agricultural chemicals.

Section VI. Other Regulations and Requirements:

All imported food products must be accompanied by:

An original health certificate issued by the appropriate government agency in the United States, attesting to the product’s

fitness for human consumption. 1\

For meat and animal products, a Halal slaughter certificate issued by a UAE-approved U.S. Islamic Center and notarized by the UAE Embassy/Consulate. The U.A.E. requires Halal certificates for meat and animal products originating only from the United States, Brazil and China. 2\

Commercial Invoice

Bill of Entry or Airway Bill

Packing list

- Country of Origin Certificate

1\ The Emirate of Dubai has agreed to accept "Free Sale Certificates" on a trial basis in lieu of "health certificates" for products that are not regulated by the Food Safety Inspection Service (FSIS), the Food and Drug Administration (FDA) or other established U.S. regulatory agencies. This exception is intended for processed food products for which a health certificate is not typically issued by a federal or state regulatory authority. Many U.S. exporters report difficulties in obtaining health certificates for processed food products and this trial exception is designed to explore the possibility of lessening that regulatory burden. This temporary exception is valid until April 20, 2011. Exporters interested in taking advantage of this exception should contact OAA Dubai at atodubai@usda.gov before exporting.

2\ The Halal certificate and the accompanying health certificate are the only documents that UAE food control authorities require to be legalized by the UAE Embassy/Consulate in the United States. While local food authorities do not require a duplicate legalization by the Arab American Chamber of Commerce in the United States, OAA Dubai understands that UAE diplomatic missions will not legalize a certificate if it has not first been legalized by the Arab American Chamber of Commerce. Exporters and importers should be aware that neither the Chamber of Commerce nor the Embassy (both of which charge a considerable amount of money for this practice) will verify the accuracy or consistency of the documents and products are occasionally detained upon arrival even when accompanied by legalized documents.

Aside from the Halal certificate and accompanying health certificate, exporters are not required to have any other documents legalized for export to the UAE. However, many importers request that exporters have health certificates for other products, certificates of origin and other documents legalized. Many importers believe that legalization helps to reduce the occurrence of detained shipments.

The UAE issued a decree in December 2006 requesting that foreign slaughter plants and Halal certifiers pay annual fees before exporting or certifying exports of products to the U.A.E. Halal certifiers are paying these fees and the Government of the UAE is also requesting U.S. slaughter plants to pay these fees, as well.

There are no specific requirements for imported food samples. Samples for food shows and other promotional events are routinely exempt from local labeling and shelf life requirements, yet they must be accompanied by a health certificate. Product samples must be clearly marked as samples and accompanied by a statement claiming that they are not for sale or commercial use. Meat and poultry samples must be accompanied by a Halal certificate and FSIS export health certificate.

Since 1998 the UAE Customs Authority has levied a commercial invoice legalization fee (equivalent to 1 percent of the consignment value) on all imported products. The fee can be paid at the UAE Embassy/Consulate in the United States or in the UAE upon arrival. Products will not be released from Customs until the fee is paid. This is separate from the 5 percent import duty and legalization for Halal and health certificates.

Section VII. Other Specific Standards:

The UAE adopts several GSO standards that regulate "baby food based on milk, (#254/1995)" and many other related matters such as methods of testing baby foods, methods of determining minerals and vitamins in infant and baby foods as well as determining the levels of folic acid and butane. There are no special standards for specialty food products, diet, or health foods.

Inspection officials routinely check for salmonella in poultry products. If salmonella is detected in more than 20 percent of tested samples, the shipment will be rejected.

Imports of alcoholic beverages are strictly controlled. Only a few local companies are licensed to import and sell alcoholic beverages. These products are exempt from local labeling requirements. The import of non-alcoholic beverages is permitted, but these products cannot contain more than 0.05 percent of alcohol by volume.

The Ministry of Environment & Water in UAE is the government body responsible for regulating the importation of live animals and plants. UAE officials typically respond to disease developments in exporting countries. Consequently, import requirements for live animals & plants can and do change. Exporters should ensure that their importers have been in touch with the Ministry of Environment & Water prior to shipping.

For import and re-export of live plants, a phytosanitary certificate is required, issued from the country of origin. The plants should be either without soil or in artificial soil. For import and re-export of live animals a veterinary health certificate is required from the country of origin.

For contact details refer to Appendix I or contact the Office of Agricultural Affairs in Dubai.

Section VIII. Copyright and/or Trademark Laws:

The UAE is tightening trademark and brand name protection rules. Trademark registration is not mandatory but protection may be limited unless officially registered. Trademark infringement problems are rare in the food sector.

Trademark registration is the responsibility of the Trademark Section, Ministry of Economy and Commerce. A foreign company may register a product/brand directly with the Ministry. To speed the process, however, it is recommended that a local law firm be retained.

Since 1996, the UAE no longer permits sole agency agreements for food brand names. In 2006, the UAE cancelled the exclusive agency agreements that were grandfathered from before 1996 for foods considered basic commodities. The action was taken in an effort to reduce retail food prices. Some pre-1996 agency agreements continue to be recognized for products such as chocolate.

Section IX. Import Procedures:

The UAE boasts some of the most modern air and seaport facilities in the world. Food shipments are usually offloaded, inspected by health officials and cleared through customs within few hours of arrival at port. Dubai ports are the primary entry points for food products.

Every food shipment is subject to visual inspection upon arrival to ensure compliance with label and shelf life regulations by health inspectors who, jointly with customs officials ensure that documents are in order. Shipments are subject to random laboratory analysis. Baby foods and edible oils are subject to 100 percent sampling. Other food products are sampled in accordance with the sampling policy manual, which sets out the frequency of sampling based on food type, brand, and country of origin. A consignment undergoing laboratory analysis is stored under a bonded warehouse selected by the importer, within the same emirate of product entry. Laboratory results are generally known within 5-10 days. New-to-market food products are subject to thorough laboratory analyses. Following the initial shipment, repeated shipments will be subject to random sampling as are other food products available in the market. A product will be rejected if found unfit for human consumption or non-compliant with labeling requirements. In either case, the product would be destroyed by the local municipality or re-exported to the country of origin within 30 days, at the importers discretion. Products not conforming to label requirements may be re-exported to a third country (non-GCC). Fines may be imposed, depending on the severity of the violation.

A product rejection may be appealed to the Health Department having jurisdiction over that port. The municipality will convene a special committee to review the petition and issue a final decision, normally within a week. The committee's decision is final.

In case of a minor label infraction, a shipment may be permitted entry on a one-time basis for limited sale, i.e., to institutional end-users only. A major infraction, such as improper labeling of products containing pork or tampering with P/E

dates, is severely punished, particularly those infractions discovered after import. Such products are automatically banned from import, usually for several months, and the brand name and importer are often reported in the press.

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Plant imports

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