

Annex 8

Annex on Standardisation, Metrology, Conformity Assessment and Accreditation

Under Article 25 of the Agreement

Article 1

Definitions

1. All terms and phrases defined in the Agreement shall have the respective meaning set forth therein as if the same were transposed herein and reproduced verbatim, save for the following additional terms that shall have the meanings set forth herein:

“**Accreditation**” means third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks;

“**Accreditation body**” means an organization, whether public or private, that is considered responsible for accreditation services in its territory by the Tripartite Member State;

“**ARSO**” refers to the African Regional Standards Organization;

“**AFRIMETS**” refers to Inter Africa Metrology Systems

“**AFRAC**” refers to African Accreditation Cooperation

“**Calibration**” means the set of operations which establish, under specified conditions, the relationship between values indicated by measuring instrument of a system, or values represented by a material measure or a reference material and the corresponding values of a quantity realised by a reference standard;

“**Certified reference material**” or “**CRM**” means material, accompanied by a certificate, which has one or more properties whose value is certified by a procedure that establishes traceability to the accurate realization of the unit in which the values of the properties are expressed, and for which each certified value is accompanied by a stated uncertainty with a given level of confidence;

“**Conformity assessment**” means the demonstration that specified requirements relating to a product, process, system, person or body are fulfilled;

“**IAF**” refers to International Accreditation Forum;

“**IEC**” refers to International Electro-technical Commission;

“**ILAC**” refers to International laboratory accreditation cooperation;

“**ISO**” refers to the International Organization for Standardisation;

“**Legal metrology**” means that part of metrology relating to activities which result from statutory requirements and concern measurement, units of measurement, measuring instruments and methods of measurement and which are performed by competent bodies;

“**Market**” means the world at large to which a particular product, originating in the Tripartite region are traded or directed and presented either for import and export, and includes a person or a group of people;

“**Metrology**” means the science of scientific, legal and industrial measurements;

“**National metrology institute**” means an organization, whether public or private, that has been given the responsibility for scientific metrology in its territory by a Tripartite Member State; “**National standards body**” means an organization, whether public or private, that is considered the most representative of standardisation in its territory by the Tripartite Member State;

“**OIML**” refers to International Organisation for Legal Metrology;

“**Products**” means goods and services designated to be released or launched in a market;

“**Quality**” means the specified nature, character, attribute and trait of goods and services produced or originating with any manufacturer, producer or packer of the stated product;

“**Quality infrastructure**” means the totality of the organizations (public and private) required to establish and make available standardisation, metrology (scientific, industrial and legal), testing, certification (product and system), inspection and accreditation services necessary to provide demonstrable and acceptable evidence that products and services meet defined requirements, be they required by authorities or the market;

“**SI**” refers to International System of Units of measurement;

“**Standard**” means a document, established by consensus and approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context, with which compliance is not mandatory;

“**Standardisation**” means the activity of formulating, issuing and implementing standards for common and repeated use, aimed at the achievement of the optimum degree of order in a given context, the improvement of the suitability of products, processes and services for their intended purposes, the prevention of barriers to trade and facilitation of technological cooperation;

“**Technical regulation**” means a document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply to a product, process or production method; and

“Testing” means a technical procedure consisting of the determination of one or more characteristics of a given product, process or service, in accordance with a specified procedure;

“Tripartite Standard” or **“TS”** means a standard recommended by the Tripartite Standards Committee and approved by the Council;

“Tripartite Standards Committee” means the Committee established under subparagraph 7 of Article 3 of this Annex;

2. Other terms and phrases used in this Annex and defined in:
 - (a) the latest edition of the ISO/IEC Guide 2, Standardisation and related activities – General vocabulary, and/or
 - (b) the latest edition of ISO/IEC – Conformity assessment – Vocabulary and general principles, as amended from time to time or subsequent replacement,

shall have the respective meanings as set out in the said international documents.

Article 2 Application

1. In relation to organizations this Annex shall apply to standardisation, metrology, accreditation and conformity assessment service providers in the Tripartite region, whether public or private, in both the regulatory and non-regulatory or market domains.
2. In relation to products, this Annex shall apply to:
 - (a) all products whether manufactured, produced, or packaged within the Tripartite region and without limitation to the products originating in a third country, which are significantly or minimally altered by either reproduction or repackaging within the Tripartite region and exported or imported or traded in any other way or form under a label of a producer, manufacturer, or packer in the Tripartite region;
 - (b) products manufactured, produced or packaged in a third country and traded as such products within the Tripartite region and without significant or with minimal alteration;
 - (c) services offered in the manufacture, production, handling, packaging or delivery of products traded within the Tripartite region;
 - (d) the natural environment in the Tripartite region.

Article 3

Role of Standardisation, Metrology, Conformity Assessment and Accreditation

1. The Tripartite Member States agree that collaboration between national and regional authorities dealing with Standardisation, Metrology, Conformity Assessment and Accreditation matters, in both the public and private sector, is important to

facilitate trade in the region and between the region and other parts of the world, as well as for the overall process of regional integration. To this end:

2. The Tripartite Member States shall evolve and apply a common policy:
 - (a) on standardisation, metrology, conformity assessment and accreditation as being fundamental to national and regional quality infrastructure;
 - (b) on the relationship of the national standards bodies, national metrology institutes, conformity assessment bodies and accreditation authorities with international, regional and other organizations concerned with standards, metrology, conformity assessment and accreditation; and
 - (c) in the development of activities in standardisation, metrology, conformity assessment and accreditation within the objectives of the Tripartite region.
3. The Tripartite Member States shall endeavour to promote and foster regional cooperation in standardisation, metrology, conformity assessment and accreditation activities undertaken within their respective territories, and develop their technical capacities in these areas commensurate with the needs at the national and regional levels.
4. The Tripartite Member States shall endeavour to promote the use of standards and their related conformity assessment in industry and trade.
5. Each Tripartite Member State shall for its part promote and enforce technical regulations relating to public health and safety, the protection of the environment and the prevention of deceptive practices for products traded within the Tripartite region, with such technical regulations based on appropriate standards, and the related assessment of conformity provided by accredited testing and certification bodies.
6. Tripartite Member States recognize that the purpose of harmonization or making compatible is not necessarily to establish identical technical regulations, standards and conformity assessment procedures for the protection of human, animal or plant life and health, safety, prevention of deceptive practices and protection of the environment, but to also facilitate and increase trade in goods and services; enhance consumer protection and support industry productive competitiveness.
7. Tripartite Member States shall foster harmonization of and co-operation in standardisation, metrology, accreditation and conformity assessment within the Tripartite region, by establishing a Sectoral Committee to be known as the Tripartite Sub-Committee on Standardisation, Metrology, Conformity Assessment and Accreditation (SMCA).

Article 4

Co-operation in Standardisation

In establishing standards the Tripartite Member States shall:

- (a) apply uniform rules and procedures for the development and publication of their national standards that are in compliance with international requirements and best practices;

- (b) establish a programme to develop and publish Tripartite Standards through the adoption of suitable international standards and the harmonisation of national standards;
- (c) adopt and implement Tripartite Standards as national standards and simultaneously withdraw national standards of similar scope; and
- (d) apply the principle of reference to standards in their national legislation, so as to facilitate the harmonization of their technical regulations.

Article 5

Co-operation in Metrology

1. In metrology the Tripartite Member States shall:
 - (a) adopt and implement the International System of Units, SI, as the basis for a harmonised system for scientific, legal and industrial metrology activities;
 - (b) provide for national metrology standards that realize the internationally accepted units of measurement at uncertainty levels commensurate with the needs of the Tripartite Member State and the Tripartite Region;
 - (c) promote the establishment of traceability chains from the national metrology standards to measuring instruments used in industry, trade, medicine and law enforcement through national calibration systems;
 - (d) harmonize calibration procedures and formulate modalities for the mutual recognition of calibration certificates issued by the national metrology institutes and accredited calibration centres within the Tripartite Member States;
 - (e) promote the co-ordination of the use of existing facilities with the view to making them accessible to one another.
2. In legal metrology the Tripartite Member States shall:
 - (a) harmonize legal metrology requirements in the Tripartite region on the basis of OIML recommendations, and ensure the promulgation of national legal metrology systems corresponding with the same;
 - (b) harmonize preferred packaging sizes and metrology labelling requirements of products within the Tripartite region; and
 - (c) formulate modalities for the mutual recognition of inspection and testing certificates and approvals relating to legal metrology issues by national legal metrology departments.

Article 6

Co-operation in Accreditation

1. The Tripartite Member States undertake to establish an internationally acceptable Tripartite Accreditation cooperation system to promote recognition of test and calibration laboratories, inspection bodies and certification bodies within and outside the Tripartite region.
2. In accreditation Tripartite Member States shall:
 - (a) adopt harmonised schemes for the accreditation of conformity assessment service providers such as testing and calibration laboratories, certification and inspection bodies, and related personnel registration bodies in the Tripartite region;
 - (b) provide for the establishment of a focal point that can facilitate accreditation services for those member states without a national accreditation body;
 - (c) allow for the recognition and support for regional multi-economy accreditation bodies operating within the tripartite region, and
 - (d) encourage and support accreditation bodies operating in their territory and the Tripartite region to gain international recognition.

Article 7

Co-operation in Conformity Assessment

1. In conformity assessment the Tripartite Member States shall:
 - (a) harmonise procedures for inspection, sampling, testing and certification of products traded within the Tripartite region for conformity to standards;
 - (b) develop and encourage the use of harmonised documentation for the evaluation of the quality of products and commodities traded, produced, manufactured or packaged in the Tripartite region; and
 - (c) develop adequate capacities for assuring quality of products traded, produced, manufactured or packaged in the Tripartite region.
2. In certification the Tripartite Member States shall:
 - (a) adopt and apply a harmonised scheme for certification of products traded, produced, manufactured or packaged in the Tripartite region;
 - (b) adopt common rules and procedures for the certification marks to be applied on goods produced and traded in the Tripartite region and for the mutual recognition of each other's national certification marks; and
 - (c) adopt and apply harmonised schemes for the certification of management, environmental and other systems in the Tripartite region.
3. In inspection the Tripartite Member States shall:

- (a) adopt and apply a harmonised scheme for inspection of products traded, produced, manufactured or packaged in the Tripartite region; and
 - (b) adopt common rules and procedures for the certification marks to be applied on goods produced and traded in the Tripartite region and for the mutual recognition of each other's national inspection reports.
4. In testing and calibration the Tripartite Member States shall:
- (a) develop technical competence in testing and calibration and promote recognition of test and calibration certificates;
 - (b) encourage validation of test methods and inter-laboratory testing among laboratories as precursors to accreditation;
 - (c) co-operate in the development and establishment of Certified Reference Materials; and
 - (d) co-ordinate the use of existing facilities with a view to making them accessible to one another.

Article 8

Co-operation in Movement of Goods

1. In working closely with customs and other relevant authorities, Tripartite Member States undertake to:
 - (a) provide for the ease in movement of metrology standards, test equipment and reference materials sent for calibration or inter-laboratory comparisons within and outside the Tripartite region;
 - (b) facilitate and ensure ease in the movement of samples issued for the purpose of testing within and outside the Tripartite region; and
 - (c) harmonise documentation for evaluating quality of products traded, produced, manufactured or packaged in the Tripartite region, due for custom clearance.
2. To facilitate rapid movement of goods in the Tripartite region, Tripartite Member States undertake to:
 - (a) standardise all aids for the recognition and movement of goods and their containers such as labels and transit documents; and
 - (b) apply harmonized safety codes for handling and shipment of products traded within the Tripartite region.

Article 9

Co-operation in Standardisation Related to the Environment

On standardisation related to the environment, the Tripartite Member States undertake to:

- (a) develop and harmonise environmental standards within the Tripartite region; and
- (b) adopt international standards and use them to promote and meet the established environmental requirements of products and commodities traded, produced, manufactured or packaged within the Tripartite region.

Article 10

Documentation and Information

The Tripartite Member States undertake to adopt compatible documentation and information systems regarding standardisation, metrology, accreditation and conformity assessment to facilitate exchange of information on SMCA among them.

Article 11

Training

The Tripartite Member States undertake to:

- (a) consult one another through the Regional Economic Community (REC) Secretariats, concerning their common training needs in the field of standardisation, metrology, accreditation and conformity assessment;
- (b) co-ordinate among themselves to facilitate the accessibility and use of existing facilities by all Tripartite Member States;
- (c) establish in conjunction with relevant international Standardisation, Metrology and Conformity Assessment organisations, training programmes designed to meet the specific needs of the Tripartite region; and
- (d) harmonise their syllabi for training in standardisation, metrology, accreditation and conformity assessment.

Article 12

Publicity

The Tripartite Member States shall endeavour to make all the activities of standardisation, metrology, accreditation and conformity assessment known to all concerned through seminars, advertisements, publications, films, discussions, participation of the national quality infrastructure institutions in trade fairs, special national and regional awards and the creation of national quality associations and any other available means within the Tripartite Member States.

**Article 13
Amendments**

This Annex may be amended by decision of the Council of Ministers of the Tripartite region.

**Article 14
Conflict of Provisions**

In the event of a conflict between this Annex, and the FTA Agreement, the latter shall prevail.