

COMISSÃO DA CEDEAO

ECOWAS COMMISSION



COMMISSION DE LA CEDEAO

SEVENTY EIGHTH ORDINARY SESSION OF THE ECOWAS COUNCIL OF MINISTERS

Monrovia, 1st – 2nd June 2017

REGULATION C/REG.10/6/17 ON TEXT ON THE ORGANIZATION AND OPERATION OF THE REGIONAL ACCREDITATION SYSTEM

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the Revised ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions,

MINDFUL of Article 26(3.1) of the Revised ECOWAS Treaty on the adoption of common standards and appropriate quality systems by Member States;

MINDFUL of Supplementary Act A/SA.1/02/13 on adoption of the ECOWAS Quality Policy (ECOQUAL) and its implementation framework;

MINDFUL of Supplementary Act A/SA.2/07/10 on the adoption of the West African Common Industrial Policy (WACIP) and its plan of action;

MINDFUL of Regulation C/REG.19/12/13 on the Adoption of the Regional Quality Infrastructure Scheme of ECOWAS;

MINDFUL of Regulation C/REG.14/12/12 on the adoption of the ECOWAS Standards Harmonization Procedures (ECOSHAM);

CONSIDERING that there are many stakeholders in the field of conformity assessment in the market (certification bodies, inspection bodies and testing laboratories, etc.);

CONSIDERING that it is essential to have a regional mechanism to check their competence, their integrity and impartiality.

CONSIDERING that accreditation is the only way to put on a footing, all conformity assessment bodies and a pledge of confidence for buyers and the authorities, who can accept the results of accredited conformity assessment bodies, in trust.

CONSIDERING that only a Regional Accreditation System may prevent disputes on the results of the assessment carried out in the ECOWAS Member States; *PK*

ON THE RECOMMENDATION of the Meeting of Ministers in charge of Quality of the ECOWAS held in Abidjan, Côte d'Ivoire, on the 21st April 2017.

ENACTS

CHAPTER I: GENERAL PROVISIONS

SECTION I: DEFINITIONS AND PURPOSE

ARTICLE 1: DEFINITIONS

Article 1: Definitions

a. Conformity Assessment

Demonstration that specified requirements relating to a product, process, system, person or body are met.

The specified requirements can be formulated in standards and regulatory documents such as standards and technical specifications.

b. Conformity Assessment Body

Organization whose activity reports the Conformity assessment and may be subject to a certification in accordance with requirements defined by normative documents recognized at the international level.

c. Conformity Assessment System

All the rules, procedures and management used to carry out the Conformity assessment


d. Certification

Attestation issued by a third party, related to products, processes, systems or persons

e. Certification body

Organization that is conducting one or more of the following certifications, including the award or denial of quality labels: Product certifications; Management system certification; Certification of personnel.

f. Certification Mark

Sign, attesting the certification of a product and imperatively including the name of the certification body (in print) and optionally the certification program logo. 

g. Certification Program

The Implementation of a system of certification of products for the assessment of systems of production, processing, handling and marketing according to given standards.

h. Inspection

Review of the design of a product, service, process or a facility, and determination of their Compliance with specific requirements or, on the basis of professional judgement, to the General requirements. The term "control" is to be regarded as synonymous with the term "inspection";

Inspection of the process may include inspection of personnel, facilities, technology or methodology

i. Inspection Body

Organization conducting the inspection.

j. Test

Technical operation for determining one or more characteristics of materials, products or processes, according to a specified procedure

k. Testing Laboratory

Laboratory Conducting Test

l. Accreditation System

System developed from specific rules, conditions, procedure and management aimed at the accreditation of certification bodies, inspection bodies and testing laboratories, analysis and calibrations

m. Accreditation

Attestation issued by a third party, related to a Conformity assessment body (certification body, inspection body, testing laboratories, calibration and analysis), constituting a formal recognition of the competence to carry out specific Conformity assessment activities.

n. Certificate of accreditation

Formal document comprising of a main page and a technical annex stipulating that the accreditation or approval has been granted for a scope defined by a competent authority.

o. Calibration

Activity that aims to establish, under specified conditions, the relationship between the values of the size indicated by a device or a measuring system, or values represented by a material measure or a reference material, and the corresponding values of the size made by standards; *W*

p. Calibration Laboratory

Body which carries out calibrations;

q. Reference Materials

Material or substance which one or more values of the properties is or are sufficiently homogeneous and well defined to allow its use for the calibration of an apparatus, the assessment of a measurement method or the assignment of values to materials;

r. Reference materials producer

Technically competent body (organization or firm, public or private) who is completely responsible for assigning the certified properties or others of the reference materials that it produces and distributes;

s. Aptitude Test

Performance assessment of a laboratory for tests or calibrations using inter comparisons. Inter comparison, means the Organization, execution and assessment of tests or calibrations of identical objects or similar by at least two different laboratories in predetermined conditions;

t. Organizer of Aptitude Tests

Body which manages the aptitude tests.

u. Peer Review

Evaluation of a body, according to specified requirements, by representatives of other organizations that are part of an agreement group, or having their candidature for this agreement group.

v. Approval

Authorization to commercialize or use a product or a process or in defined conditions

w. Appointment


Appointment by a Government of a Conformity assessment body to carry out specified Conformity assessment activities.

x. Appointing authority

Body established within the Government, or authorised by it, responsible for appointing the Conformity assessment bodies, to suspend, remove or reassign their appointment

y. **AFRAC**: African Accreditation Cooperation

z. **IAF** : International Accreditation forum

aa. **ILAC** : International Laboratory Accreditation Co-operation 

Technically competent body (organization or firm, public or private) who is completely responsible for assigning the certified properties or others of the reference materials that it produces and distributes;

ARTICLE 2: PURPOSE

The purpose of this Regulation is to specify the rules for the organization and operation of the Regional Accreditation System (RAS) established by Article 7 of Regulation C/REG.19/12/13 on the Regional Quality Infrastructure Scheme of ECOWAS.

SECTION II: OBJECTIVES AND MISSIONS

ARTICLE 3: OBJECTIVES

The objectives of the Regional Accreditation System are:

- a) To implement a reliable and credible mechanism to check the competence, integrity and impartiality of the stakeholders in the field of the conformity assessment in the market (certification bodies, inspection bodies and testing laboratories);
- b) Reassure buyers and the authorities, so that the results of accredited conformity assessment bodies are accepted with confidence.


Ensure that the national or regional accreditation organizations of ECOWAS work in accordance with the international norms and standards;

- c) Ensure that accreditation makes all conformity assessment bodies on an equal footing.

ARTICLE 4: MISSIONS

1. Pursuant to article 8.6 of C/REG.19/12/13 Regulation on the adoption of the Regional Quality Infrastructure Scheme of ECOWAS, the missions of the Regional Accreditation System will be carried out by its two sub-committees: West African Forum for Cooperation in Accreditation (FOACA) and the Assessment Committee of the National Product Certification Body.

2. The FOACA missions are to:

- a) Coordinate the cooperation between the national or sub-regional accreditation bodies in place for the benefit of the region, in accordance with the principle of territoriality;
- b) Define the criteria of belonging to the Regional Accreditation System and mutual recognition of the organizations of the system; 

- c) Set up the relevant technical committees;
- d) Set up a regional network of peer evaluators (quality and technique);
- e) Evaluate the accreditation bodies owned or soliciting their recognition by the RAS;
- f) Ensure that the competence of ECOWAS conformity assessment bodies are recognized at the international level;
- g) Ensure the harmonization of the accreditation procedures in the region, especially by encouraging the accreditation structures component to mutual recognition by the regional and international forums existing (AFRAC, ILAC, IAF);
- h) Facilitate the acceptance of the results of conformity assessment services in ECOWAS states without recourse to other reviews;
- i) Ensure that all accreditation services are available in the region and at an affordable cost;
- j) Encourage and support the development of accreditation bodies of ECOWAS with a view to obtaining international recognition;
- k) Cooperate with regional and international forums for cooperation in accreditation (including AFRAC, ILAC, IAF);
- l) Promote accreditation in the region.

3. The Committee's missions are to:

- a) To define the rules and procedures of assessment of national certification bodies for products under their entrustment for the issuance of the regional brand of conformity to ECOWAS standards;
- b) To ensure the assessment of national certification bodies of the Member States of ECOWAS for their entrustment. *KK*

ARTICLE 5: MEMBERS

1. MEMBERS OF FOACA

- a) FOACA is composed of sub regional and national accreditation bodies of ECOWAS. In the Absence of national or regional bodies, States may be represented by the National Focal Points.
- b) The directors of national accreditation bodies are the National Accreditation Focal Points (NAFP).
- c) In the absence of a national or regional accreditation body, the NAFP shall be appointed by the Member States taking into account the following criteria:
 - i. He shall be recognized expert in his country, in accreditation and conformity assessment;
 - ii. He shall be available to participate in the work of the Regional Accreditation System;
 - iii. He shall be regular at the community and/or international quality activities.

2. MEMBERS OF THE COMMITTEE FOR ASSESSMENT OF PRODUCT CERTIFICATION BODIES

- a) The Committee for Assessment of Product Certification Bodies consists of:
 - i. A representative of the ECOWAS Trade Department;
 - ii. A representative of the Department of Customs and the Free Movement;
 - iii. A representative of each accreditation body of the region;
 - iv. A representative of the Department in charge of Quality of ECOWAS;
 - v. Two private sector representatives in the field of accreditation or conformity assessment;
 - vi. A representative of the consumer rights advocacy organizations recognized by the ECOWAS Commission.
- b) The members of the Regional Accreditation System are:
 - i. The National Focal Points of Accreditation;
 - vii. The directors of sub-regional accreditation bodies; *NAK*

- viii. Two representatives of the private sector specialized in accreditation and conformity assessment;
- ix. A representative of the consumer rights advocacy organizations recognized by the ECOWAS Commission.

TITLE II: ORGANIZATION AND OPERATION

Chapter I: ORGANIZATION

ARTICLE 6: ORGANS

The organs of the Regional Accreditation System are:

- a) The Office of the President;
- d) Permanent Secretariat
- e) The Committees.

ARTICLE 7: THE OFFICE OF THE PRESIDENT

1. There shall be a President of the Regional Accreditation System, assisted by a Vice-President. The President and Vice-President shall be appointed from among and by the members of the Committee by election.
2. The President and Vice-President shall hold their offices for a period of three years, renewable.
3. The President chairs all meetings of the Committee. He is assisted by the Vice-President and two rapporteurs for each session.
4. The President shall determine the draft agenda of each session taking into account the demands of all members or of the ECOWAS Commission.
5. He shall report regularly to the Permanent Secretariat on all the activities of the Committee.
6. He shall ensure the implementation of the outcome of the sessions and the approval of the minutes of the meetings held by the Permanent Secretariat.
7. The President represents the Regional Accreditation system with respect to third parties. *AK*

ARTICLE 8: COMMITTEES

1. The Regional Accreditation System has two committees: West African Forum for Cooperation in Accreditation and the Assessment Committee of the National Product Certification Body. The committees shall have specific texts on their missions, organization and operation.
2. The activities of the West African Forum for Cooperation in Accreditation are overseen by the President of the Regional Accreditation System.
3. The activities of the Assessment Committee of the National Product Certification Body are overseen by the representative of the Department in charge of Quality of the ECOWAS Commission.
4. The Committee reports are presented at sessions of the Regional Accreditation System.

ARTICLE 9: PERMANENT SECRETARIAT

1. The Regional Quality Organism shall be responsible for the Permanent Secretariat of the Regional Accreditation System as mandated for this purpose in the framework of a Memorandum of Understanding pursuant to Section 12 paragraph 4 of Supplementary Act A/SA.1/02/13 on adoption of the ECOWAS Quality Policy.
2. The Permanent Secretariat shall:
 - a) assist the Chairman of the Committee in the Organization of the meetings of the General Assemblies of all meetings of the Committee;
 - a) assist the rapporteurs at meetings of the Committee;
 - b) follow the progress of the work undertaken by the Committee in collaboration with the President;
 - c) contribute to the establishment of the working group;
 - d) manage all common relationships, especially between the members of the Committee, the ECOWAS Commission and external partners;
 - e) Ensure the participation of the Committee in all meetings of ECOWAS relating to quality, to the functioning of the common market, the safety of consumers and the protection of the environment.
3. The Permanent Secretariat is the custodian of the various acts and archives Committee.

SECTION II: OPERATION OF THE REGIONAL ACCREDITATION SYSTEM

ARTICLE 10: RULES OF PROCEDURE

All other modalities of organization and functioning of the Regional Accreditation system, including the Organization and operation of the working groups are specified in the rules of procedure.

ARTICLE 11: FINANCIAL PROVISIONS

An enabling rule shall set forth modalities for funding the Community Council for Quality, the Community Committee for Technical Regulations.

CHAPTER III: FINAL PROVISIONS

ARTICLE 12: CONFIDENTIALITY

1. Members of the Regional Accreditation System, observers, resource people and members of the working groups are bound to secrecy on the content of the discussions during the meetings.
2. The draft documents of the Regional Accreditation system are restricted unless otherwise decided by the President.

ARTICLE 13: COOPERATION IN ACCREDITATION

The Regional Accreditation System in conjunction with the Regional Quality Organism shall organize the terms of cooperation between the Member States and the Commission and other regional and international trade blocs.

ARTICLE 14: INTERVENTION OF THE REGIONAL QUALITY ORGANISM

Activities of implementation of accreditation policy at the operational level are carried out by the Regional Quality Organization mandated for this purpose as part of a Memorandum of Understanding in compliance with paragraph 4, section 12 of the ECOWAS Quality Policy adopted by Supplementary Act A/SA.1/02/13.

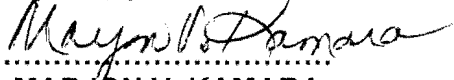
ARTICLE 15: REPEAL / REVIEW

1. The present text repeals and replaces all earlier contrary provisions.
2. If a Member State wishes to the revise this regulation, it shall notify the President of the Commission with a reasoned request. *MK*

ARTICLE 16: ENTRY INTO FORCE AND PUBLICATION

This Regulation shall enter into force after its signature by the Chairman of the Council of Ministers and shall be published by the Commission in the Official Journal of the Community within thirty (30) days. It shall also be published by each Member State in its Official Journal thirty (30) days after notification by the Commission.

DONE IN MONROVIA, THIS 2ND DAY OF JUNE 2017



MARJON V. KAMARA

THE CHAIRPERSON,

FOR THE COUNCIL

SIGNED ON THIS *5th* DAY OF *June* 2017 AT MONROVIA