



**SEVENTY FIRST ORDINARY SESSION OF
THE COUNCIL OF MINISTERS**

Abidjan, 16 to 17 December 2013

**REGULATION C/REG.19/12/13 ADOPTING THE SCHEME FOR
THE ECOWAS REGIONAL QUALITY INFRASTRUCTURE**

THE COUNCIL OF MINISTERS,

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

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

MINDFUL of Supplementary Act A/SA.2/07/10 adopting the West Africa Common Industrial Policy (WACIP /PICAO) and its actions plan;

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

CONSIDERING that in view of the technical aspect of the quality concept, a need arises to put in place a regional Quality Standards Scheme;

CONSIDERING that the set up of a regional Quality Standards Scheme within the ECOWAS zone requires the establishment of adequate technical and scientific facilities;

CONSIDERING that a scheme for the harmonization of the accreditation, compliance assessment, standardization and metrology activities shall contribute towards the improvement of the trade of goods and services both within the community and world wide and the creation of a framework of actions aiming at deepening and consolidating the common market while ensuring a better protection of economic operators and including the consumers;

ON THE RECOMMENDATION of the Meeting of the Ministers in charge of the ECOWAS Quality held at Abidjan on 27 November 2013;

ENACTS

CHAPTER I: GENERAL PROVISIONS

Article 1: Definitions

1. All the definitions listed in the following three international instruments are applicable in the context of this Regulation:

- International vocabulary of general and basic terms of Metrology (VIM)
- ISO 9000 «Quality Management Systems - Fundamentals and vocabulary»
- ISO IEC 17000 "Compliance assessment - Vocabulary and general principles"

2. These definitions are not included in this Regulation to take constantly into account their last applicable official version. They are supplemented by the following definitions:

ECOWAS: Economic Community of West African States;

Member State: any Member State of ECOWAS;

Commission: the ECOWAS Commission as created by the provisions of the Article 17 of the ECOWAS Revised Treaty;

BIPM: International Bureau of Weights and Measures;

IEC: International Electro technical Commission;

Compliance assessment: the demonstration that specified requirements relating to a product, process, system, person or body are fulfilled

ISO: International Organization for Standardization;

Quality infrastructure: the whole institutional framework (public or private) required to establish and implement the standardization, metrology (scientific, industrial and legal), accreditation and compliance assessment services (inspection, testing and calibration, and certification of products and systems) required to provide acceptable evidence that products and services meet specified requirements, may they be required by the regulatory authorities (technical regulation) or market (contractually or implied);

Compliance Brand: the recognized symbol by a State or by the Commission demonstrating the compliance of a product or a service.

Meteorology: the science of measurement and its applications. It covers all both theoretical and practical aspects related to measurements, regardless of the uncertainty of the latter in any field of science whatsoever.

Standardization: exact activity to perform facing actual or potential problems, provisions intended for common and repeated use, to obtain the optimum degree of order in a given context activity. This activity covers in particular, the formulation, dissemination and implementation of standards.

Standards: The document approved by a recognized body, that provides, for common and repeated uses, related production rules, guidelines or characteristics for products or processes and procedures, the compliance of which is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging requirements, marking or labeling requirements for a product, a service, a process or a given production method;

OIML International Organization of Legal Metrology;

Technical Barriers to Trade (TBT): Barriers to regional and international trade in goods and services resulting from:

- the divergence of standards and technical regulations,
- the inconsistent application of such standards and technical regulations, or
- the non-recognition including compliance assessment systems, registrations or approvals.

Technical Regulation: the document which lays down product characteristics or their related processes and production methods related thereto, including administrative provisions that apply, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, requirements of packaging, marking or labeling requirements for a product, a service, a process or a given production method;

Article 2: Purpose

1. This Regulation aims at defining and adopting the scheme for the harmonization of standardization, metrology, compliance assessment, accreditation and quality promotion activities within the ECOWAS zone, in accordance with guidelines set by the ECOWAS Quality Policy (ECOQUAL).
2. The implementation of this scheme is to promote:
 - the free movement of goods and services within the Community as well as the rest of the world, including the gradual elimination of technical barriers to trade;
 - mutual recognition of national regulations and standards in a community framework and increasing the competitiveness of goods and services on the market, creating a favorable environment for their free movement;
 - the enjoyment of the rights by the Member States and respect of their obligations under the World Trade Organization Agreements (WTO) and other cooperation Agreements;
 - creativity and innovation, the development of trade in goods and services that are the subject of intellectual property rights, the promotion of sustainable development and the protection of consumers;
 - the capacity building of the Member States in the development and application of rules relating to accreditation, certification, standardization and metrology in order to promote quality;

- the involvement of the ECOWAS Member States in activities of international and regional standards, accreditation and metrology organizations.

Article 3: Scope

This Regulation applies to the technical activities intended to ensure the quality of goods and services in the Community, including the standardization, metrology, technical regulation and compliance assessment (analysis and testing, certification, inspection). It contributes to the free movement of goods and services within the ECOWAS zone.

Article 4: General Principles of Compliance

- 1) The ECOWAS Member States have all joined the World Trade Organisation (WTO). Therefore, they are required to develop quality infrastructures that meet international standards to reduce the Technical Bureau to Trade (TBT). This commitment contributes significantly to improving the free movement of goods and services within the ECOWAS zone; a principle considered as a priority for the Commission.
- 2) To meet this commitment and better participate in the international trade, the Member States must implement, for all the areas covered by the Regional Quality Policy, the International Guidelines on Technical Barriers to Trade (TBT) enacted in the framework of the WTO Agreements.
- 3) According to these principles, the Member States shall:
 - a. avoid developing, adopting and implementing non required standards, technical regulations, accreditation, compliance assessment procedures and metrology measures;
 - b. identify and eliminate permanently, the said barriers to the free movement of goods and services;
 - c. grant to goods and services from other Member States with regard to standards-related measures, authorization procedures and metrology, a national treatment no less favorable than that granted to the similar goods and services in any other country;
 - d. prepare, adopt, implement and maintain measures relating to standardization, authorization procedures and metrology that allow them to achieve their legitimate objectives;
 - e. adopt consistent methods and harmonized procedures to determine, declare and eliminate these barriers identified by means of an appropriate community information system.

CHAPTER II: SCHEME OF THE REGIONAL QUALITY INFRASTRUCTURE

Article 5: Presentation of the regional quality Scheme

1. The ECOWAS regional quality scheme including the attached organizational chart is hereby approved.
2. The regional quality scheme is steered by the ECOWAS Commission through the three operational levels below:
 - a. regional quality structures established by the ECOWAS Commission, including a Department in charge of the quality and the specialized structures, Community technical councils or committees consisting of the representatives from the States;
 - b. national structures with regional vocation entrusted with certain regional technical missions by the Commission;
 - c. existing national quality structures (or to be put in place by the Member States where they do not exist) and responsible for the implementation of the national quality policy developed in line with the regional quality policy (ECOQUAL).

3. The regional quality structures are directly administered by the ECOWAS Commission to implement the regional technical missions entrusted to the Commission by the Regional Quality Policy. They include structures established within the Commission, or technically independent of it, as well as the community technical councils and committees. The latter, consisting of representatives from the Member States, are set up to rely on the expertise from the countries in the management or implementation of some regional technical missions. They also provide an appropriate framework for cooperation among the Member States in the design and decision making for the quality promotion in the region. The Technical Secretariat of the Councils or community technical committees is usually managed by the Commission or by an external competent structure.

4. The national structures with a regional vocation are geographically located in a Member State but have regional outreach. They are appointed by the Commission on a proposal from the Directorate of Quality due to their level of technical progress in a given field of regional interest. They operate under the authority of the country but are assigned operational responsibilities throughout the ECOWAS zone for the given field of competence. The management of these national structures with a regional vocation shall be subject of a particular regulation.

5. The national quality structures are exclusively the responsibility of the Member States. Their activities should be conducted in line with the regional dynamics as defined in Chapters III and IV of this Regulation. They are responsible for implementing the national quality policy, which must be established in compliance with the regional quality policy, according to the rules of mutual recognition and harmonization of practices.

Article 6: Role and responsibilities of the ECOWAS Commission

1. Pursuant to Article 19 of the ECOWAS Treaty of 1993, the Commission is responsible for the coordination, monitoring and evaluation of all the activities related to the implementation of the Regional Quality Policy.

2. To this end, it shall perform the following general tasks:
 - a. Committing the Council of Ministers of ECOWAS to take any rules required for the implementation of the ECOWAS quality policy,
 - b. Establishing the different structures of the Regional Quality Infrastructure as provided by this Regulation,
 - c. Adopting the Execution Regulations required for the implementation of this Regulation,
 - d. Involving the West African private sector, relevant international technical institutions including donors respectively in the technical implementation and funding of the Regional Quality Policy activities,
 - e. Informing the Governments of the Member State about the implementation of the Regional Quality Policy and sensitizing them on the national measures to be taken for the quality promotion in the region,
 - f. Providing the structures of the regional quality infrastructure with the required resources for the implementation of their activities and proposing a regional strategy for the financing of the activities related to quality.
3. The Commission is also authorized to approve by means of Execution Regulations the regional standards developed in accordance with ECOSHAM procedures adopted by the Council of Ministers.

Article 7: Creation of regional quality structures:

1. A Regional Quality Infrastructure (RQI/IRQ) is created in accordance with the Regional Quality Policy and responsible for supporting, advising and making the necessary recommendations to the Member States as well as the ECOWAS Commission for the establishment and operation of the Regional Quality Infrastructure.
2. To this end, the ECOWAS Commission is authorized to create or appoint the following:
 - a. A technical directorate within itself in charge of quality,
 - b. A Community Council for Quality (CCQ),
 - c. A Community Committee for Metrology (CCM),
 - d. A Community Committee for Compliance Assessment (CCEV/CCCA),
 - e. A Regional System for Accreditation (RSA),
 - f. A Community Committee for Technical Regulation (CCTR),
 - g. National structures with a regional vocation in the different areas of quality.
3. The Management Committee established under the Regulation on the scheme and for standards harmonization procedures constitutes the Community Committee for Standardization.
4. The Commission may establish any other required technical committee to implement the ECOWAS Quality Policy.
5. The Commission has the responsibility to provide these structures with all the required means to carry out their missions.

Article 8: Missions of the regional quality structures

1) Missions of the Directorate in charge of Quality at the ECOWAS Commission

According to the Regional Quality Policy, the Directorate responsible for the quality will be in charge of:

- a. **Preparing the implementation of the general tasks mentioned above in Article 6 and their monitoring by the Commission;**
- b. Ensuring the Permanent Secretariats of the Community Quality Council and Community Technical Committees established or to be set up as required; To this effect, it provides mainly logistical support towards the meetings organization of the latter and ensures, where necessary, the transmission of the results of their proceedings to the ECOWAS authorities for validation or to the Member States.
- c. **Ensuring the management of a Regional Compliance Brand with regional standards**
- d. Ensuring the quality promotion:
 - **Managing a Regional Quality Award**
 - **Informing and raising awareness on the quality and taking the quality oriented incentives**
 - **Providing information and protection of consumers in respect of quality**

2) Missions of the Community Council for Quality

- a. The Community Council for Quality (CCQ) has the general duties to assist the Commission in the implementation of the community policy in terms of quality.
- b. The CCQ coordinates the activities of the five community committees in the fields of Standardization, Metrology, Compliance Assessment, Accreditation and Technical Regulation.
- c. It deliberates in full independence and shall, where necessary, transmit the results of its proceedings for validation by the ECOWAS authorities through the Department of the Commission in charge of quality.

Missions of the Community Standards Committee (CSC)

3. The missions of the Community Standards Committee are defined in Article 5.2.4 of the Rule related to the scheme and procedures of standards harmonization (ECOSHAM).

Missions of Community Committee for Metrology (CCM)

4. The Community Committee for Metrology mission is to assist the ECOWAS Commission to carry out the tasks related to metrology, as defined in the quality policy of ECOWAS.

Missions of the Community Committee for Compliance Assessment (CCCA)

5. The Community Committee for Compliance Assessment (CCCA) shall, according to the three technical fields, have the following missions:

I. Concerning analysis and testing

- a. Ensuring the harmonization of analysis and testing methods
- b. Proposing to the Commission national analysis and testing laboratories to entrust them with regional missions in the priority areas
- c. Encouraging the establishment of a regional network of accredited laboratories

II. Concerning product certification

- a. Adopting the general rules of management of the regional compliance brand with ECOWAS standards;
- b. Ensuring the mandating records' technical validation of the national standards boards for the grant of the compliance brand with the regional standards.

III. Concerning inspection

- a. Ensuring the harmonization of inspection methods and techniques through the development of relevant guidelines;
- b. Proposing mechanisms for monitoring the implementation of guidelines for the inspection through the relevant departments and the Member States.

Missions of the Regional Accreditation System (RAS)

6. The ECOWAS Regional Accreditation System includes a West African Forum of Cooperation in Accreditation (FOACA) and Evaluation Committee for the Products Certification Bodies

7. West African Forum of Cooperation in Accreditation (FOACA)

1. The FOACA is a cooperation forum in Accreditation of the ECOWAS sub-regional and national accreditation bodies. The membership as a full member of FOACA requires prior mutual recognition based on the principle of peer review.
2. With the purposes to rationalize resources and harmonize the regional accreditation procedures, the Regional Accreditation System shall encourage the establishment of regional accreditation bodies involving at least two Member States. To this effect, a subsidy shall be annually granted to the regional entities in proportion to the number of countries joining. The Directorate responsible for the quality shall be represented in the governing body of the accreditation bodies entitled to a regional grant. The grant amounts and the terms of the grant will be specified by the execution regulations issued by the Commission.
3. The FOACA missions are as follows:
 - a. Coordinating the cooperation between national and sub-regional accreditation bodies established for the benefit of the region, in accordance with the principle of territoriality;

- b. Defining the membership criteria to the Regional Accreditation System and Mutual Recognition of the organizations of that system;
- c. Establishing the relevant technical committees
- d. Establishing a regional network of peer reviewers (Quality and Technical)
- e. Evaluating the accreditation bodies owned or seeking recognition by the SRA;
- f. Ensuring that the skills of the assessment bodies for compliance of ECOWAS are internationally recognized
- g. Ensuring the harmonization of accreditation procedures in the region, particularly by encouraging the accreditation structures consisting it at their mutual recognition by the existing regional and international forums (AFRAC, ILAC and IAF).
- h. Ensuring that all accreditation services are available in the region and at an affordable cost.
- i. Cooperating with regional and international cooperation forums for accreditation (including AFRAC, ILAC, IAF)
- j. Promoting the accreditation in the region.

The Assessment Committee of the National Certification Bodies

8. This Committee is responsible for:

1. Defining assessment rules and procedures of national certification bodies of products in the framework of their entrustment for the issuance of the compliance regional Brand to ECOWAS standards
2. Ensuring the assessment of national certification bodies in ECOWAS Member States for their entrustment

9. The Community Committee for Technical Regulations

The mission of the Community Committee for Technical Regulations is to assist the ECOWAS Commission to carry out the tasks related to technical regulations as defined in the ECOWAS Regional Quality Policy. The Committee shall, inter alia provide guidelines for the development and implementation of national technical Regulations and monitor their implementation.

10. Missions of the national quality structures with a regional vocation

1. On the proposal of the Directorate in charge of Quality, the Commission may appoint these highly technically advanced national structures in a specific area (and if possible, already having an international recognition of accreditation type) as "national quality structures with regional vocation "in this area.
2. The missions of these national structures with regional vocation and the conditions of their implementation shall be specified by means of an execution Regulation taken by the Commission.

Article 9 : Responsibilities, composition, organization and operation of the regional quality structures

1. The responsibilities, composition, organization and operation of the regional quality structures shall be specified by means of the Execution Regulation of this Regulation taken by the Commission.
2. The composition of the Quality Council and the various Community Committees shall take into account a balanced representation of all the concerned stakeholders. The Commissions of ECOWAS and WAEMU, the regional federations of the private sector, the consumers associations should be particularly represented.
3. The establishment of the Council and the various committees and sub-committees and system shall particularly ensure a sufficient representation of the private sector.

CHAPTER III – STRENGTHENING AND HARMONIZATION OF THE QUALITY POLICIES

Article 10 : Strengthening of the compliance assessment

1. The Member States shall establish and strengthen their compliance assessment systems and establish their recognition through accreditation.
2. The regional and national organizations involved in accreditation activities and compliance assessment should refer to the guidelines and standards of international Standardization bodies such as the International Organization for Standards (ISO) or the International Electrotechnical Commission (IEC/CEI).
3. The Member States shall implement harmonized standards and procedures for the inspection and testing of products and services traded in the ECOWAS zone, so that the results can be interpreted and coordinated more easily and uniformly. They shall use harmonized documentation for the assessment of the quality of products and services traded in the Region
4. The Member States shall facilitate the controls and movement of samples within ECOWAS zone to improve the trade in cooperation with the customs authorities and other competent authorities

Article 11 : Harmonization of Standardization activities

1. Pursuant to the provisions of the Regulation on the scheme and procedures for harmonization of standards (ECOSHAM), the Member States shall ensure:
 - a. creating national standardization bodies if they do not exist, adopting regional and international practices in terms of standards development and building their technical and legal capacities in accordance with international guidelines.

- b. promoting and applying technical regulations and standards similar to the international principles to ensure adequate protection of their people and their environment.
- c. adopting standards related to quality management systems that are acceptable and likely to strengthen the quality assurance capacities of products and services traded in the Community.

Article 12 : Development of technical regulations

- 1) The technical regulations are formulated so as not to cause unnecessary technical barriers to trade.
- 2) The Member States shall enact into law technical regulations that are consistent with, simple, transparent, involving administrative and enforcement costs as low as possible.
- 3) The Member States shall ensure their mutual information by means of notification procedures established by this Regulation for the harmonization of their technical regulations within the Community
- 4) The Member States shall submit to the Directorate of the ECOWAS Commission in charge of the quality the proposals of development of community-based texts within their areas of competence.

Article 13 : Use of International Rules of Metrology

- 1) In the framework of their metrology activities, the Member States shall rely on the **Meter Convention**, the International System of Units (IS/SI) and the provisions of agreements signed under the International Bureau of Weights and Measurements (IBWM/BIPM) and the International Organization of Legal Metrology (IOLM/OIML). The ECOWAS Member States shall:
 - a. adopt the International System of Units (IS/SI) and undertake to develop in the shortest possible time necessary strategies to adapt their national structures to technological changes resulting therein, so that the measurement systems of ECOWAS meet international requirements.
 - b. ensure traceability of their metrology based on the International Bureau of Weights and Measurements (BIPM) procedures.
 - c. adopt the requirements and documents of the International Organization of Legal Metrology (IOLM/OIML).

Article 14 : Market Control

Community provisions relating to inspection and market control should be subject of a regulation.

CHAPTER IV: PROVISIONS FOR THE MUTUAL RECOGNITION

Article 15 : Principle of mutual recognition

- 1) The Member States shall opt for the principle of mutual recognition within ECOWAS zone as a progressive and flexible way to implement rules relating to the free movement of goods and services and to the barriers limitation.
- 2) The Member States, in the framework of the common market, shall ensure the existence of a coherent combination between harmonized legislation, standards and compliance control instruments.

Article 16 : Levels of mutual recognition

1. The mutual recognition of the quality or compliance of goods and services between Member States takes place at the three levels as follows:
 - a. recognition of standards and technical regulations;
 - b. recognition of compliance assessment procedures, which assumes that each Member State accepts the assessment procedures and the assessment reports of other Member States as equivalent to its own;
 - c. recognition of compliance assessment procedures results which implies that each Member State recognizes the testing results, the certificates of compliance and brands and compliance inspections of other Member States.

Article 17 : Equivalence and national treatment principle

1. Each Member State shall accept on its territory any good or service that meets a technical regulation or a compliance assessment procedure adopted by another Member State and considered as equivalent to its own, when the exporting State, in collaboration with the importing State proves to the latter that the product is legally manufactured or marketed in its territory.
2. At the request of the exporting Member State, the importing Member State shall notify in writing and in the manner of information set between Member States, the reasons why it does not accept a technical regulation or compliance assessment procedure of the exporting Member State as equivalent.
3. The Member States, in case of discrepancies, shall engage in discussions to evaluate the barriers to this free movement and allow Member States to prepare and harmonize

the technical requirements or compliance assessment procedures for the good or service concerned.

Article 18 : The precautionary principle and risks assessment

1. To meet its legitimate objectives, each Member State may proceed with the risks assessment and be led to maintain or enact restrictions impeding the free movement of goods and services.
2. A Member State which proceeds with a risks assessment shall take into account the:
 - a. similar risks assessments conducted by international organizations;
 - b. scientific evidence and all available technical information;
 - c. implementation techniques of the concerned good or service;
 - d. full and accurate uses intended for good or service;
 - e. processes or production methods likely to modify the characteristics of the good or service;
 - f. operating, compliance assessment methods and environmental parameters.
3. The Member States shall make available relevant documentation for risks assessment procedures they considered in determining the level of protection for the concerned prohibition or restriction measures.

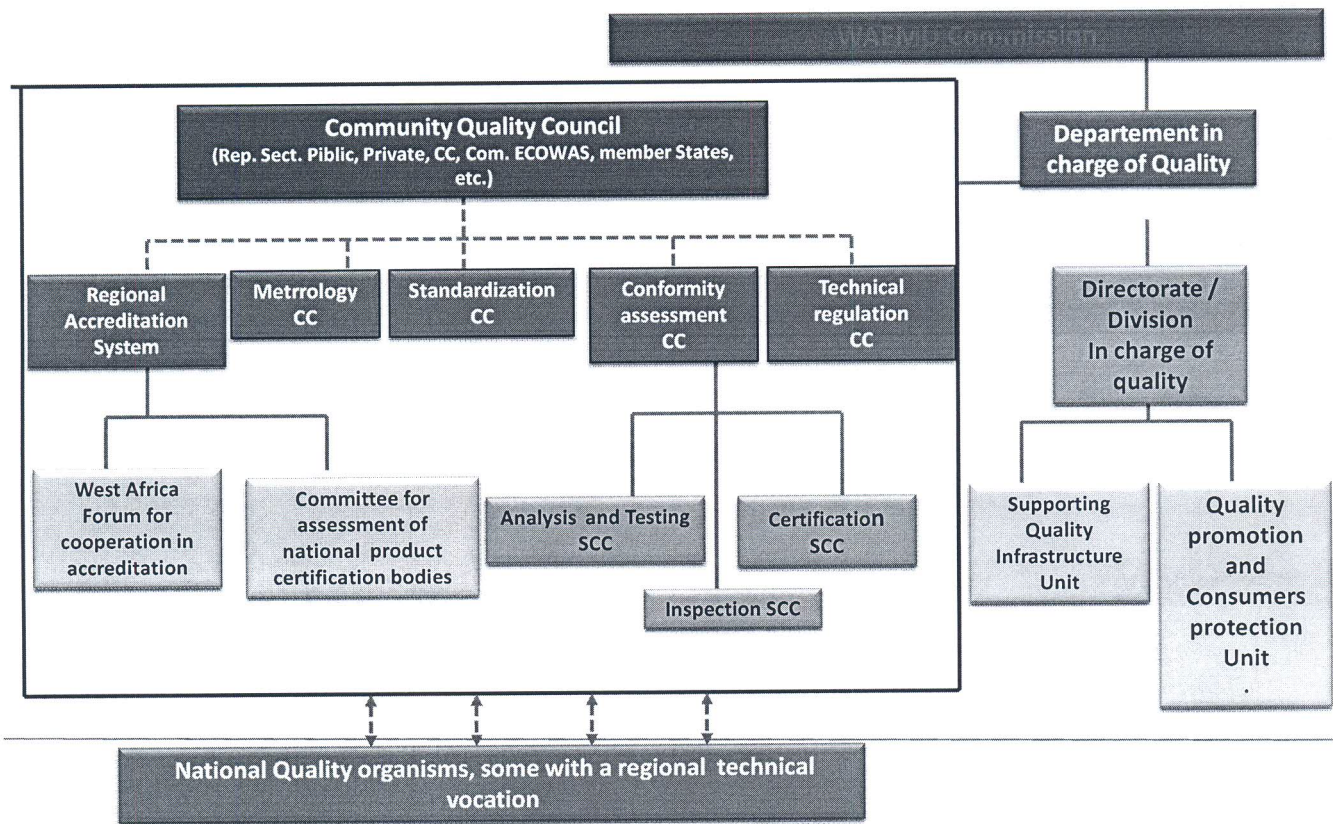
Article 19 : Transparency requirements and notification of exceptions to the free movement

1. The Member States shall inform the Commission of the notifications made to the WTO under the TBT/ Agreement. These notifications are made in the manner of presentation set out in the WTO Agreement on TBT.
2. The Commission shall make an annual review of these restrictions.

Article 20 : Transparency requirements and notification of barriers to the free movement

1. When the Commission is required to note the existence in a Member State of a clear barrier, characterized and not justified on the free movement of good and services and therefore it constitutes a means of arbitrary discrimination or a disguised restriction on trade between Member States in compliance with the ECOWAS Treaty, it shall:
 - a. notify this fact to the Member State concerned, after consulting the competent technical body responsible for assessing the level of the barrier and/or the quality of the procedure in question;
 - b. **request that** Member State to take all necessary and proportionate measures to remove this barrier in a period determined in accordance with the emergency.

Scheme of the ECOWAS Regional Quality Infrastructure



Activities: Coordination of sector activities, harmonization of technical sector texts, regulatory & legal , validation of training programs, informationsharing, etc.

Article 21 : General Mutual Information System

1. Each Member State shall provide to the Directorate of the Commission in charge of the quality and to the other Member States with all information relating to standards activities, technical regulations, and compliance assessment procedures, accreditation and metrology.
2. The Member States shall provide the Directorate of the Commission in charge of the quality with all national standards and all legal and regulatory rules in force concerned by this Regulation. They shall inform it about mandatory technical specifications.

CHAPTER V – TRANSITIONAL AND FINAL PROVISIONS

Article 22 : Intra-Community and international technical assistance

1. The Member States shall provide mutual assistance to one another through a technical and scientific assistance of their relevant structures and involve economic operators and consumers in the Community to concertation works.
2. The Commission is empowered to appeal to non-Member States of ECOWAS and all organizations or entities likely to provide it with necessary technical, scientific and financial assistance.

Article 23 : Repeal

This Regulation shall repeal and replace any previous provision and otherwise.

Article 24 : 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 ABIDJAN, THIS 17TH DAY OF DECEMBER 2013



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H.E. CHARLES KOFFI DIBY

CHAIRMAN

FOR THE COUNCIL