



**INTEGRATED PAN-AFRICAN QUALITY INFRASTRUCTURE
MEMORANDUM OF UNDERSTANDING CONCERNING
STANDARDISATION, ACCREDITATION AND METROLOGY**



BETWEEN:

THE AFRICAN ORGANISATION FOR STANDARDISATION

Established in accordance with the **ARSO's constitution, Article 1**

Herein duly represented by -

Dr Hermogéne Nsengimana

In his/her capacity as the **Secretary General**

(Hereinafter referred to as "**ARSO**")

And

THE AFRICAN ACCREDITATION COOPERATION

Established in accordance with **the AFRAC Memorandum of Understanding**

Herein duly represented by -

Mr Ronald Josias

In his/her capacity as the **Chair of AFRAC**

(Hereinafter referred to as "**AFRAC**")

And

THE INTRA-AFRICA METROLOGY SYSTEM

Established in accordance with the **AFRIMETS Memorandum of Understanding**

Herein duly represented by -

Mr Mourad Ben Hassine

In his/her capacity as the **Chair**

(Hereinafter referred to as ("**AFRIMETS**")

PREAMBLE

And

THE AFRICAN ELECTROTECHNICAL STANDARDISATION COMMISSION

Established in accordance with the Declaration of the African Ministers responsible for Electrical Energy 20-24 March 2006 [AU/MIN/EI. En/Decl. (I)]

Herein duly represented by -

Mr Koutoua Claude

In his/her capacity as the **President of AFSEC**

(Hereinafter referred to as ("**AFSEC**")

THE PARTIES:

NOTE the Lagos plan of Action of 1980 to develop a framework detailing the Roadmap for the attainment of an African Common Market;

RECALL that the Abuja Treaty of 1991 was signed and created the African Economic Community (“**AEC**”);

RECOGNISE that the Abuja Treaty identified the important role of quality infrastructure in the economic development of the continent;

AWARE that Chapter XI, Article 67 of the Abuja Treaty lays out a common Policy on Standardization and Measurement Systems and that Member States agree to adopt a common policy on standardisation and quality assurance of goods and services among Member States; and undertake such other related activities in standardisation and measurement systems that are likely to promote trade, economic development and integration within the community; and strengthen African national and continental organisations operating in this field;

NOTE that since the signing of the Abuja Treaty, there has been significant progress in the establishment of national and regional quality infrastructure systems across the continent;

RECOGNISE that the Pan-African quality infrastructure bodies, consist of the African Organization for Standardisation (“**ARSO**”), the African Electrotechnical Standardisation Commission (“**AFSEC**”), the African Accreditation Cooperation (“**AFRAC**”) and the Intra-Africa Metrology System (“**AFRIMETS**”);

NOTE that each Pan-African quality infrastructure body has its own governing body, policies and procedures as well as activities;

AFFIRM that each Pan-African quality infrastructure body is recognised by the equivalent international organisations including ISO, IEC, ILAC, IAF, OIML and BIPM; and

AGREE that cooperation between the Pan-African quality infrastructure bodies is very essential for support of the development of a country not only for industry and trade but also for the health and safety of the public and the protection of the environment.

WHEREBY IT IS AGREED AS FOLLOWS:

1 TERMS, INTERPRETATIONS, DEFINITIONS AND ACRONYMS

- 1.1 For the terms and definitions used in this Agreement the latest versions of the following sources are applicable, as appropriate;
- 1.2 The WTO TBT Agreement, Annex 1 “Terms and their definitions for the purpose of this Agreement” (A).
- 1.3 Relevant International Standards Organisation (ISO) documents:
 - 1.3.1 ISO Guide 99 “International vocabulary of basic and general terms in metrology (VIM)” (B);
 - 1.3.2 ISO/IEC Guide 2 “Standardization and related activities - General vocabulary” (C); and
 - 1.3.3 ISO/IEC 17000 “Conformity assessment - Vocabulary and general principles” (D).
- 1.4 Unless inconsistent with the context, an expression in the Agreement which denotes:
 - 1.4.1 any gender shall include the other genders;
 - 1.4.2 a natural person shall include a juristic person and vice versa; and
 - 1.4.3 the singular shall include the plural and vice versa.
- 1.5 The following words and expressions shall have the meanings indicated, except where the context otherwise requires. Defined terms and words are, in general, signified in the text of the Agreement by the use of capital initial letters, but the absence of such letters does not necessarily signify that a term, or word, is not defined:
 - 1.5.1 ‘**Agreement**’ means the Memorandum of Understanding entered into between ARSO, AFSEC, AFRAC and AFRIMETS and any relevant documents prepared prior to the signing of the Agreement;

- 1.5.2 **‘Document’** means any written, drawn, typed, printed, or photographic material, which relates to the Agreement;
- 1.5.3 **‘Parties’** means, collectively ARSO, AFSEC, AFRAC and AFRIMETS, and **‘Party’** means any one of them as the context may require; and
- 1.5.4 **‘Signature Date’** means the date of signing of the Agreement by the last Party to sign it.

2 COMMENCEMENT AND DURATION

This Agreement shall commence on the Signature Date and shall continue in full force and until such time as the Parties agree to terminate the Agreement.

3 OBJECTIVE OF THIS AGREEMENT

- 3.1 The objective of this Agreement is to recognise and formalise the co-operation between the peer Pan-African quality infrastructure bodies, consisting of the ARSO, AFSEC, AFRAC and AFRIMETS in order to:
- 3.1.1 promote the development of a coherent Pan-African Quality Infrastructure supporting the objectives of African regional and economic integration in accordance with the Abuja Treaty;
 - 3.1.2 to strengthen the development and implementation of African Union (“**AU**”) policies on Standardisation, Accreditation and Metrology that support the realization of Africa’s economic integration and sustainability;
 - 3.1.3 to provide timely Standards, Accreditation and Metrology solutions to regional and national bodies and industry which meet their needs, whilst upholding the values of openness, transparency and consensus; and

3.1.4 to develop effective relations with the AU and Regional Economic Communities (“**REC**”) in order to promote and reinforce the role of Pan-African Quality Infrastructure as a tool for supporting AU policies that enhance intra-African and global trade and support African industrial development and economic growth while improving quality of life.

3.2 This Agreement shall not prevent any Party from conducting their respective business independently of each other, where market requirements so dictate unless otherwise agreed upon in writing in other agreement/agreements.

4 OBJECTIVES AND FUNCTIONS OF THE PAN-AFRICAN QUALITY INFRASTRUCTURE BODIES

4.1 ARSO

4.1.1 ARSO is Africa’s intergovernmental standards body formed by the OAU (currently AU) and United Nations Economic Commission for Africa (“**UNECA**”) in 1977 in Accra, Ghana with membership drawn from national standards bodies.

4.1.2 The main objective of ARSO is to develop tools for standards development, standards harmonization and implementation of these systems to enhance Africa’s internal trading capacity, increase Africa’s product and service competitiveness globally, and uplift the welfare of African consumers creating a continental standardization forum to influence future prospects in international trade referencing for Africa’s benefit and advantage.

4.1.3 In order to achieve its objective, ARSO’s main functions include:

4.1.3.1 to create awareness in Standardisation in Africa at all levels of society and government; in terms of the role, value and benefits of standardisation;

4.1.3.2 to harmonise national and/or sub-regional standards as African Standards and issue necessary recommendations to member bodies for this purpose;

- 4.1.3.3 to initiate and co-ordinate the development of African Standards (“**ARS**”) with references to products which are of unique and advantageous interest to Africa;
- 4.1.3.4 to facilitate industry and trade in Africa by removing trade barriers for African industry and consumers;
- 4.1.3.5 to encourage and facilitate adoption of relevant international standards by member bodies;
- 4.1.3.6 to promote and facilitate exchange of experts, information and co-operation in training of personnel in standardisation knowledge and implementation methodologies and activities; and
- 4.1.3.7 Coordinate the views of its members at ISO and other relevant international organizations concerned with standardization activities.

4.2 AFRAC

- 4.2.1 AFRAC was established in 2010 and is a cooperation of accreditation bodies, sub-regional accreditation cooperations and stakeholders.
- 4.2.2 The main objective of AFRAC is to provide accreditation support to industry and trade and to contribute to the protection of health and safety of the public and the protection of the environment, in Africa and thereby improve Africa’s competitiveness.
- 4.2.3 In order to achieve its objective AFRAC’s main functions include:
 - 4.2.3.1 to create awareness in Accreditation in Africa at all levels of society and government;
 - 4.2.3.2 to create and maintain a system for the recognition of accreditation bodies in Member States or multi-economy states within the framework of and

consistent with global Mutual Recognition Arrangements (“**MRA**”) international requirements;

- 4.2.3.3 to coordinate, cooperate and liaise with regional and international organizations concerned with accreditation such as the International Laboratory Accreditation Cooperation (“**ILAC**”), the International Accreditation Forum (“**IAF**”), Inter American Accreditation Cooperation (“**IAAC**”), Asian Pacific Laboratory Accreditation Cooperation (“**APLAC**”), Pacific Accreditation Cooperation (“**PAC**”) and European Accreditation (“**EA**”);
- 4.2.3.4 to represent Africa in all matters of accreditation within the international forum;
- 4.2.3.5 to promote and expand the recognition and acceptance of the Mutual Recognition Arrangement in Africa and internationally in both the voluntary and regulatory areas;
- 4.2.3.6 to harmonize accreditation practices within Africa in compliance with international requirements; and
- 4.2.3.7 to establish an information system and data base, including information on accreditation bodies, proficiency testing (“**PT**”) schemes and assessors.

4.3 AFRIMETS

4.3.1 AFRIMETS was formed in 2006 with membership drawn from the African Sub-regional Metrology Organizations (“**SRMO**”). The principal members of AFRIMETS are the six Sub-regional metrology organisations, CEMACMET (“**CEMAC**”), EAMET (“**EAC**”), MAGMET (“**AMU**”), NEWMET (“**ECOWAS**”, “**COMESA**”), SADCMET/MEL (“**SADC**”) and SOAMET (“**UEMOA**”). Other members include countries or institutes responsible for metrology in and out of Africa as well as stakeholders.

4.3.2 The main objective of AFRIMETS is to promote metrology and related activities in Africa with the view of facilitating intra African and international trade and to ensure the safety and health of the public and environmental protection.

4.3.3 In order to achieve its objective AFRIMETS's main functions include:

4.3.3.1 to create awareness of Metrology in Africa at all levels of society and government;

4.3.3.2 to assist in the development and/or strengthening of metrology infrastructure in each country/sub-region on the continent;

4.3.3.3 to contribute to the development of a conformity assessment and regulatory infrastructure as required and to promote equity in trade;

4.3.3.4 to foster competitiveness and quality in the manufacturing sector in order to promote trade and commerce;

4.3.3.5 to contribute to the development of the metrological infrastructure required to protect the environment and to promote the general well-being of the population, including its health and safety, and the protection of consumers from fraudulent dealings where measurements are used as the basis for transactions;

4.3.3.6 to develop closer collaboration between members;

4.3.3.7 to improve the level of metrology and to assist members in gaining international recognition;

4.3.3.8 to improve the traceability of measurement standards within Africa to the International System of Units ("**SI**"), establish comparability with other national measurement standards especially with Africa's main trading partners and to generally promote the International Committee of Weights and Measure's

Mutual Recognition Arrangement (“**CIPMMRA**”) and the objectives of the Metre Convention;

4.3.3.9 to encourage measurement traceability in Africa through recognised calibration services; and

4.3.3.10 to promote the adoption of International Organisation of Legal Metrology (“**OIML**”) technical recommendations or other relevant international standards as technical regulations wherever possible and harmonise technical regulations in Africa in order to minimise technical barriers to trade.

4.4 AFSEC

4.4.1 AFSEC was established in February 2008 as an organised association and has legal status in accordance with Article 24 of the Convention of the African Energy Commission. The members of AFSEC are National Electrotechnical Committees from each African Member State and also include Regional Electrotechnical Committees; AFSEC is recognised by the IEC through a cooperation agreement signed in 2009.

4.4.2 The main objective of AFSEC is to support African electricity Infrastructure development with standards and conformity assessment services in order to improve access to electricity in Africa.

4.4.3 In order to achieve its objective AFSEC’s main functions include:

4.4.3.1 to improve the wellbeing of the African populations, mainly by the promotion, development and application of harmonised standards on the entire continent in order to improve access to electricity;

4.4.3.2 to meet the needs of the African continental market with competence;

4.4.3.3 to ensure the pre-eminence and the maximum use of its standards and compliance assessment methods on the African continent;

- 4.4.3.4 to assess and improve the quality of the products and services covered by its standards;
- 4.4.3.5 to create the conditions necessary for the inter-operability of complex electrotechnical systems;
- 4.4.3.6 to offer to the industry and users a framework of dialogue making it possible to achieve considerable savings in the design, quality products and services; and
- 4.4.3.7 to contribute to the improvement of the health and safety of the public; and to the protection of the environment by offering an efficient infrastructure for the improvement, maintenance, and distribution of a coherent set of electrotechnical standards.

5 CO-OPERATION BETWEEN THE PARTIES AND OTHER RELEVANT STAKEHOLDERS

5.1 In order to further the cooperation objectives of the Pan-African Quality Infrastructure Agreement a Joint Pan-African Quality Infrastructure Committee ("**Joint Committee**") is established.

5.2 The members of the Joint Committee consist of:

5.2.1 The Chairperson or nominated representative of each Pan-African Quality Infrastructure body;

5.2.2 Relevant stakeholders may be granted observer status.

5.2.3 The Joint Committee may also include by invitation:

a representative from stakeholders such as RECs responsible for

Quality Infrastructure, the African Union Commission ("**AUC**"),

NEPAD Planning and Coordinating Agency ("**NPCA**"), and international cooperation partners.

6 RULES GOVERNING THE JOINT COMMITTEE

- 6.1 The Joint Committee shall meet at least annually;
- 6.2 The Chairperson of the Joint Committee shall be elected from amongst the representatives of the PAQI institutions for a period of two years, renewable once;
- 6.3 The Joint Committee shall have its own Rules of Procedure consistent with the provisions of this Agreement; and
- 6.4 The Joint Committee shall be supported by a PAQI Secretariat provided by the PAQI institute who was elected as the Chairperson for the same period. The Secretariat will be responsible for on-going activities during and between Joint Committee meetings.

7 FUNCTIONS OF THE JOINT COMMITTEE

The functions of the Joint Committee shall include but not be limited to the following:

- 7.1 promotion of Pan African Quality Infrastructure benefits at political and other relevant levels;
- 7.2 promotion of the use of Quality Infrastructure offerings to support economic and social development when African decision makers develop and implement policies;
- 7.3 promotion of the Pan African Quality Infrastructure as a key support partner of the AU;
- 7.4 promotion of the Pan African Quality Infrastructure at an international level;
- 7.5 exchange experiences, update each other and stakeholders on developments and determine what scope there may be for coordinated actions;
- 7.6 cooperation amongst themselves with a view to align PAQI activities to advance the African economic growth and social imperatives;
- 7.7 cooperation with stakeholders with a view to further the objectives of this agreement;

7.8 identification of technical problems which might form the subject of joint projects; and

7.9 optimal utilisation of resources and services.

8 LEGAL STATUS OF THIS AGREEMENT

8.1 This Agreement merely constitutes a statement of the mutual intentions of the Parties with respect to its contents and each Party represents to the others that;

8.1.1 it does not constitute an obligation binding on any of the Parties; and

8.1.2 it creates no rights in favour of any of the Parties

8.2 This Agreement shall not be binding save for the Confidentiality clauses which shall continue to exist upon the termination of this Agreement.

9 SEVERABILITY

If any part of the provisions of this Agreement is found in any way to be void or not applicable, such part of the provisions shall be deemed to be deleted and the remaining provisions of Agreement shall continue in force and effect.

10 LIABILITY

Each Party warrants that it shall indemnify and keep indemnified the other Parties against all legal liabilities arising out of or in connection with the performance, or otherwise, of its obligations under this Agreement.

11 CONFIDENTIALITY

- 11.1 All proprietary or confidential information relating to this Agreement and the collaboration between the Parties shall not be passed on to any third party, without the written consent of that Party.
- 11.2 All documents and/or information forwarded by any Party to the other shall remain the sole and exclusive property of that Party and shall be subject to the respective intellectual property rights.
- 11.3 Unless required by law, the Parties and their respective personnel undertake to keep all confidential information under this Agreement confidential.

12 DISPUTE RESOLUTION

- 12.1 In the event of any dispute arising out of this Agreement the Parties shall endeavour to resolve the dispute by negotiation with a view to resolve the dispute amicably;
- 12.2 The Parties agree that any disputes or disagreements that may arise from the execution or interpretation of this Agreement shall be submitted to a mutually agreed upon arbitrator should the Parties be unable to amicably resolve a dispute; and
- 12.3 The arbitrators' decision shall be final and binding on Parties.

13 TERMINATION

Any of the Parties shall be entitled to withdraw from being party to this Agreement, subject to giving the other Parties thirty (30) days written notice.

14 COUNTERPARTS

This Agreement may be executed in counterparts. All counterparts when taken together are to be taken to constitute one instrument.

15 DOMICILIUM

The Parties choose domicilium citandi et executandi for all purposes of and in connection with the Agreement as stated below.

ARSO:

3rd Floor, International House

Mama Ngina Street

Nairobi, Kenya

AFRAC:

the dti Campus

Building G, Ground Floor

77 Meintjies Street

Sunnyside

Pretoria

0132

AFRIMETS:

The National Regulator for Compulsory Specifications

SABS Campus

1 Dr Lategan Road,

Groenkloof, PRETORIA 0001

AFSEC:

The International Relations and Strategic Partnership Department

SABS Headquarters

1 Dr Lategan Road,

Groenkloof, Pretoria 0001

SIGNED  ON THIS 20th DAY OF February 2013

FOR AND ON BEHALF OF ARSO

Hennapone KESEUGIMANA, Secretary General

[PLEASE INSERT NAME AND TITLE]

(Being duly authorised)

AS WITNESSES:

1. 
2. 

SIGNED  ON THIS 20 DAY OF FEBRUARY 2013

FOR AND ON BEHALF OF AFRAC

Ronald Josias Christopher

[PLEASE INSERT NAME AND TITLE]

(Being duly authorised)


AS WITNESSES:

1. 
2. 

SIGNED Joel M. Kioko ON 20th THIS DAY OF February, 2013
FOR AND ON BEHALF OF AFRIMETS

Mr. Joel M. Kioko
[PLEASE INSERT NAME AND TITLE]
(Being duly authorised)

AS WITNESSES:

1. 
2. 

SIGNED _____ ON _____ THIS DAY OF _____ 2013

FOR AND ON BEHALF OF AFSEC

[PLEASE INSERT NAME AND TITLE]
(Being duly authorised)

AS WITNESSES:

1. _____
2. _____