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**COMMON MARKET FOR EASTERN
AND SOUTHERN AFRICA**

**THE COMESA STANDARDS,
METROLOGY,
CONFORMITY ASSESSMENT
AND ACCREDITATION POLICY**

JUNE 2009

A COMESA POLICY DOCUMENT

ENTITLED

THE COMESA STANDARDS, METROLOGY, CONFORMITY ASSESSMENT AND ACCREDITATION POLICY, 2009

0. Preamble

This COMESA Policy on standards, metrology conformity assessment and accreditation is intended to promote a common approach to standards development, metrology, testing, certification, inspection, accreditation and implementation of standards in both the private and public domain.

The objective of the policy is to ensure the adequacy of the concomitant quality system infrastructure at national level, in order to facilitate trade, industrial development, protect the health and safety of society and the environment in the COMESA Member States.

In formulating this policy, the following factors and assumptions were considered;

- (a) The COMESA Member States face similar challenges in development and implementation of standards, metrology, conformity assessment and accreditation requirements.
- (b) Some Member States may have too small economies and industrial bases to warrant establishment of all components of Standards, Metrology, Conformity Assessment and Accreditation infrastructure.
- (c) Some Member States may seek Standards, Metrology, Conformity Assessment and Accreditation services from within or outside the Common Market.
- (d) The Standards, Metrology, Conformity Assessment and Accreditation services offered by the Member States should be internationally and regionally acceptable.
- (e) There will be a wide consultation and coordination of Standards, Metrology and Conformity Assessment and Accreditation activities at Member States National Level.

Aspects of standards, metrology, conformity assessment and Accreditation referenced in other COMESA policies shall be in line with this policy.

In the preparation of this document, reference was made to chapter 15 of COMESA treaty.

0.1 Scope

This policy is applicable to COMESA Member States and limited to aspects of standards, metrology, conformity assessment and accreditation.

0.2 Citation and commencement

This Policy may be cited as the COMESA trading block Standards, Metrology, Conformity Assessment and Accreditation Policy, 2008 and shall come into force on such date appointed by the Council, by statutory instrument.

Chapter 1

1.0 Interpretation

In this Policy unless the context requires otherwise:

1.1 Definitions

“Accreditation” shall mean the procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks (inspection, certification, testing).

“Certification” shall mean the procedure by which a third party gives written assurance that a product, process or service conforms to specific requirements;

“Conformity Assessment” shall mean any activity concerned with determining directly or indirectly that relevant requirements of a particular standard or technical regulation are fulfilled. Those activities include; sampling, testing, inspection, evaluation and verification, and certification, assurance of conformity.

“COMESA” shall mean the Common Market for Eastern and Southern Africa established by Article 1 of the Treaty;

“Council” means the Council of Ministers of the COMESA Member States established by Article 9 of the Treaty;

“Damage” shall mean;

- (a) Damage caused by death or by personal injuries;
- (b) Damage to, or destruction of, any item of property other than the defective product itself, with a lower threshold of USD 1000, provided that the item of property:
 - (i) is of a type ordinarily intended for private use or consumption, and
 - (ii) was used by the injured person mainly for his own private use or consumption.

“Designated Institution” means public or private institutions nominated by the government as the pinnacle organizations representing the standards, metrology, accreditation, testing or certification domain respectively of the Member State;

“COMESA Code of practice/Directive” means a COMESA Code of practice/directive which compliment a COMESA Standard/Technical Regulation and lays down commodity, service or process characteristics with which compliance has been made mandatory, in accordance with the provisions of the COMESA Technical Regulations Framework;

“COMESA Standard” means a standard approved by the COMESA Standards Committee and declared as such by the Council;

“COMESA Committee on Standards, Metrology and Conformity Assessment (SMCAA)” means the Committee established under sub-clause 3.1(1) of this Policy;

“Gazette” means the official Gazette of the Common Market;

“Inspection” means the examination of a product design, product, process or plant, and determination of their conformity with specific requirements or, on the basis of professional judgement, general requirements;

“Lead agency” means functional authorities/ designated organs in member states responsible for specific mandates.

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

“Measurement standard” means a **realization of the definition of a given quantity, with stated quantity value and associated measurement uncertainty, used as a reference.**

“Metrology” means a science of measurements and **its application**

“Member States” means the member states of COMESA established under Article 1(2) of the Treaty;

“Product” means goods and services designed to be released or launched in a market;

“Producer” means the producer of agricultural products and game, stock-farmer, fisher and hunter, manufacturer of a finished product, the producer of any raw material or the manufacturer of a component part and any person who, by putting his name, trade mark or other distinguishing feature on the product presents himself as its producer.

“Quality Assurance” means the totality of activities within an organization (including policies, procedures for the design, manufacturing, inspection and testing of products or services and continuing audits and review) to ensure the early detection of non-conforming products and their future prevention thereby generating confidence in product conformance;

“Quality system” means the totality of policy, legal, infrastructure and institutional arrangements that provide support and services in standards, metrology, testing, certification and accreditation in both the regulatory and non-regulatory domain;

“Standard” means a document approved by a recognized body that provides, for common and repeated use, rules, guidelines or characteristics of products and their related processes or production methods, with which compliance is not mandatory. It may also cover terminology, symbols, packaging, marking or labelling requirements as they apply to a process or production method;

“Market surveillance” for the purposes of this document market surveillance means monitoring of products for compliance to standards and technical regulations in market.

“Technical regulation” means a document that lays down product characteristics or their related processes or production methods, including administrative provisions, with which compliance is mandatory. It may also cover terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method;

“Testing” means the technical operation that consists of the determination of one or more characteristics of a given product, process or service according to a specified procedure (physical, chemical, environmental, etc.);

“Traceability” means the property of a measurement result whereby the result can be related to a reference through a documented unbroken chain of calibrations, each contributing to the measurement uncertainty; and

“Treaty” means the Treaty for the Establishment of the Common Market for Eastern and Southern Africa States.

1.2 Acronyms and abbreviations

“SMCAA” means COMESA Standards, Metrology, Conformity Assessment and Accreditation Committee;

“ARSO” means African Regional Standard Organization;

“BIPM” means Bureau International de Poids et Mesures;

“CBSC” means COMESA Block Standards Committee;

“IAF” means International Accreditation Forum;

“IEC” means International Electrotechnical Commission;

“ILAC” means International Laboratory Accreditation Cooperation;

“ISO” means International Organization for Standardization;

“OIML” means Organisation Internationale de Métrologie Légale;

“SI system” means the international system of units (Le Système International d’Unités);

“NMI” means National Metrology Institute

“WTO” means the World Trade Organization.

“AFRIMETS” means **Intra**-African Metrology Systems.

“MRA” means Mutual Recognition Arrangements.

“MLA” means Multi-Lateral Recognition Agreements.

Chapter 2

2.0 General Aims and principles

The Council, the COMESA Committee on Standards, Metrology, Conformity Assessment and accreditation (SMCAA) , any organ of state or any other person or body, exercising any powers under this Policy, shall in exercising such power, have regard to the following aims and principles of this Policy:

- (1) Facilitate trade within the COMESA region;
- (2) Increase opportunities for Countries in the Common Market to participate in the interstates, regional, international trade and technology transfer through Standards, Metrology, Conformity Assessment and Accreditation programmes;
- (3) Strive to conform to the WTO Agreements on Technical Barriers to trade requirements and obligations; and
- (4) Harmonize COMESA standards, metrology, conformity assessment and accreditation procedures to reduce costs, reduce waste, enhance compliance and develop trade opportunities;
- (5) Enhance consumer confidence in the products manufactured in the member states and limit consumer exploitation by increasing the number of traded commodities, processes and services that conform to established standards; and ensure fair trading and economical practices;
- (6) Improve product quality and reliability at a reasonable price to enhance the reputation of goods and services traded in the COMESA Region;
- (7) Protect and improve the health and safety of consumers and the public in general;
- (8) Protect the environment;
- (9) Enhance interchangeability, compatibility, better communication and technology transfer; and
- (10) Capacity building for the purposes of implementing this policy;

Chapter 3

3.0 COMESA institutional arrangements

3.1 COMESA Committee on Standards, Metrology, Conformity Assessment and Accreditation (SMCAA)

- (1) The established Standardization and Quality Assurance (SQA) shall hereafter be renamed The Committee on Standards, Metrology, Conformity Assessment and Accreditation (SMCAA) and shall undertake and coordinate activities related to standards, metrology and conformity assessment (testing, calibration, inspection, certification) and accreditation. And thereby promote Member States trade and industrialization, and enhance the protection of the citizens and the environment of COMESA Region.
- (2) The responsibilities of the SMCAA shall include the following:
 - (a) Develop and establish frameworks that will advance compliance by the COMESA States regarding their obligations to Standards, Metrology, Conformity Assessment and Accreditation Policy;
 - (b) Set out priorities and prepare implementation programmes with regard to Standards, Metrology, Conformity Assessment and Accreditation activities of the COMESA Member States in line with this policy;
 - (c) Monitor and keep under constant review the implementation of the Standards, Metrology, Conformity Assessment and Accreditation programmes on behalf of the Council;
 - (d) From time to time, submit reports and recommendations to the **Council of Ministers** either on its own initiative or upon the Directive of the Council concerning the implementation of the provisions of the Treaty that affect Standards, Metrology, Conformity Assessment and Accreditation activities;
 - (e) Establish procedures for the development, approval, gazetting and withdrawal of harmonised COMESA Standards, Metrology, Conformity Assessment and Accreditation Procedures in line with international practices and Standards;
 - (f) Establish procedures for the declaration and notification of technical regulations in the COMESA Member States in line with the TBT Agreement;
 - (g) Establish liaison mechanisms with other regional and international organizations with aims and objectives consistent with this Policy; and
 - (h) Perform any other functions consistent with the aims and objectives of this Policy or as may be conferred to it by the Council.

- (3) Membership on the SMCAA shall be by Member State taking into account the provisions of **chapter 4**.
- (4) The COMESA Committee on Standards, Metrology, Conformity Assessment and Accreditation may establish subcommittees to deal with operational matters relating as listed in Annex 1 **(the list has been amended to include a subcommittee of Legal Metrology)**.
- (5) The COMESA Standards, Metrology, Conformity Assessment and Accreditation Committee, in executing its responsibilities, shall liaise with ISO, **OIML, BIPM, ARSO, AFRIMETS**, lead agencies within the Common Member States and any other regional or international bodies in developing and harmonizing Standards, Metrology, Conformity Assessment and Accreditation Procedures in all the sectors to avoid duplication and conflict.
- (6) In case of a dispute between member States in the field of Standardization, Metrology, Conformity Assessment and Accreditation field; the provisions of the COMESA Dispute Settlement Mechanism shall apply.

3.2 Standards, Metrology, Conformity Assessment and Accreditation Coordination Office

The COMESA Secretariat shall establish a Standards, Metrology, Conformity Assessment and Accreditation Coordination Office to support the COMESA Standards, Metrology, Conformity Assessment and Accreditation Committee.

The responsibilities and functions of the Coordination Office shall be as defined by the SMCAA and may include among others the following;

- (a) Act as focal point where issues of Standards, Metrology, Conformity Assessment and Accreditation are reported and keep abreast with development of Standards, Metrology, Conformity Assessment and Accreditation Activities in the world;
- (b) Facilitate and provide logistical support for Committee on Standards, Metrology, Conformity Assessment and Accreditation and its Subcommittees in executing their mandates;
- (c) Provide input into the deliberations of the SMCAA in establishing priority areas for Committee on Standards, Metrology, Conformity Assessment and Accreditation programmes at the Member States levels;
- (d) Arrange for the notification of Draft COMESA Standards, facilitate the approval of the drafts as COMESA Standards by the SMCAA, thereafter present them for declaration to the Council, arrange for the gazetting of the title and scope, and maintain the register and authoritative text of the approved and endorsed COMESA Standards;

- (e) Coordinate and provide regional and international notifications regarding COMESA Standards and regulations with COMESA member States , WTO and any other relevant body;
- (f) Facilitate responses to enquiries with respect to standards and technical regulations;
- (g) Facilitate the liaison of the current COMESA Standards, Metrology, Conformity Assessment and Accreditation activities to other relevant sub-regional, regional and international Standards, Metrology, Conformity Assessment and Accreditation bodies;
- (h) Identify in liaison with member States training needs and areas for capacity building in the fields of Standards, Metrology, Conformity Assessment and Accreditation for the member states;
- (i) Publicize and promote Standards, Product Quality And Safety Marks, Metrology, Conformity Assessment and Accreditation activities;
- (j) Monitor and report to and from the Council and the SMCAA implementation of COMESA Standards, recommendations and Council decisions related to Standards, Metrology, Conformity Assessment and Accreditation activities;
- (k) Prepare and review budgets in cooperation with the SMCAA and then present them to the COMESA Secretariat for financing Standards, Metrology, Conformity Assessment and Accreditation activities in the Member States; and
- (l) Any other activity consistent with this Policy requested by the SMCAA or conferred to it by the COMESA Council.

Chapter 4

4.0 National institutional arrangements

4.1 Designation of the National Quality infrastructure

4.1.1 The Member States shall designate organizations whether established by the Member State Government or not, to function as the main authority in the respective Member States as follows:

- (a) National Standards body to develop, publish and disseminate National Standards;
- (b) National Metrology Institute to be the custodian of National Measurement Standards, realize, maintain and disseminate Measurement Standards;
- (c) National Legal Metrology Agency to develop and implement legal Metrology systems;
- (d) National Accreditation Body or National Accreditation Focal Point to coordinate accreditation activities in the Member State; and
- (e) Conformity assessment bodies that provide Testing, Certification, Quality Assurance, Inspection, Market surveillance, among other services.

4.1.2 The designated organizations listed in 4.1.1 may be a single organization combining a number of responsibilities, or multiple organizations each with their own designated responsibilities. In designating such organizations, Member States shall take into account possible conflicts of interest.

4.1.3 The Member States may use the services of any third party.

4.2 Functions of the National Quality Infrastructure

The functions of the following National Quality infrastructure shall be governed by the existing National Statutes in the respective member states; these may include but not limited to;

4.2.1 National Standards Body

- (a) Develop and publish National Standards in line with internationally recognized practices;
- (b) Liaise with relevant regional and international organizations with the same objectives as themselves;
- (c) Implement the decisions and recommendations of the Council, the SMCAA and its subcommittees with regard to COMESA Standards;
- (d) Promote the use of standards as the basis for technical regulations;
- (e) Provide standards information to the private and public sector and promote the concepts of standardization in general.

- (f) Establish a system in place for the selling of National, COMESA and other standards
- (g) Represent or coordinate representation of the Member State in:
 - relevant regional and international standardization organizations
 - the SMCAA

4.2.2 National Metrology Institute (NMI) shall

- (a) be the custodian of **the national measurement standards**
- (b) realise, maintain, and disseminate SI Units
- (c) **Ensure** metrological traceability to the SI;
- (d) Ensure that the national measurement capabilities are appropriately tied into the international and regional mutual recognition arrangements on measurement capability;
- (e) Liaise with regional and international organizations with the same objectives as themselves;
- (f) Implement decisions and recommendations of the Council, the SMCAA and its subcommittees with regard to metrology matters;
- (g) Provide metrology information to the private and public sector; and promote the concept of metrology in general.
- (g) Represent or coordinate representation of the COMESA Member States in;
 - National, Regional and International Metrology organizations.
 - The International Committee of Weights and Measures (CIPM) Mutual Recognition Arrangement; and
 - The committee on SMCAA

4.2.3 National Legal Metrology Organization

- (a) Ensure traceability of Legal Metrology Measurements to **the SI** through the NMI;
- (b) Protect society from the consequences of false measurements;
- (c) Control the approval and use of measuring equipment in official and commercial transactions, trade, **work** environment, health and safety;
- (d) Control pre-packaged consumer goods and commodities;
- (e) Enter into mutual beneficial agreements and membership with regional and international organizations with the same objectives;
- (f) Implement decisions and recommendations of the Council with regard to Legal Metrology;

- (g) Provide legal metrology information to the private and public sector and promote the concept of legal metrology in general;
- (h) Harmonize legal metrology regulations in the COMESA Region
- (i) Represent or coordinate representation of the Common Market in:
 - Relevant regional and international legal metrology **organisations**
 - The committee on SMCAA

4.2.4 National Accreditation Body

- (a) Accredite conformity assessment bodies within the Member States and Non Member States;
- (b) Monitor international and regional activities relevant to its own;
- (c) Represent the Member States in international and regional accreditation forums;
- (d) Enter into agreements on mutual recognition with other regional and international accreditation bodies;
- (e) Implement decisions of the committee on SMCAA and Council; and
- (f) Promote the concept of accreditation in general.
- (g) Member States shall recognize accreditation bodies once they have been internationally recognized through the relevant mutual recognition arrangements;
- (h) Together with the relevant management structure form the nucleus of the COMESA Accreditation System.
- (i) Where there is no National Accreditation Body, the National Accreditation Focal Point shall represent the Member State in accreditation issues
- (j) National Accreditation Body / Focal Point shall represent or coordinate representation of the Member State in:
 - Relevant regional and international Accreditation Organizations.
 - The committee on SMCAA

4.3 The COMESA Accreditation System

The functions of the COMESA Accreditation system will be defined by the committee on SMCAA. It may include among others the following;

- (a) Facilitate cooperation and avoid duplication amongst the national accreditation bodies or national focal points;
- (b) Facilitate accreditation of conformity assessment service providers within the Member States; and

- (c) Promote the acceptability of test, calibration, certification and inspection results from accredited organizations of the COMESA Region.

4.4 Conformity Assessment Bodies

The Member States shall establish or use public and/or private Conformity Assessment Bodies that are insured. Such bodies may include;

- (a) Testing and Calibration Laboratories
- (b) Inspection and Certification Bodies
- (c) Proficiency Test Providers

4.4.1 Test Laboratories

- (1) Responsibility of member States
 - (a) Each Member State may set up test laboratories in the public and/or private sector as deemed necessary in order to provide testing, scientific and technical services and assistance to national governments and the Council.
 - (b) Member States shall accept test results and test reports emanating from Accredited Test Laboratories of other Member States as being equal to the test results and reports of their own test laboratories. Where laboratories are not accredited there shall be a mutually agreed procedure for the acceptance of their test reports.
- (2) Test laboratories shall;
 - (a) participate in inter-laboratory and proficiency testing schemes nationally, between Member States, regional and internationally;
 - (b) Ensure that adequate and competent professionals are available to enable testing services in the Member States to receive international recognition.
 - (c) Have equipment and materials necessary for carrying out the relevant tasks;
 - (d) Have suitable physical infrastructure to enable them to perform the required tests; and
 - (e) Operate quality management systems in accordance with the relevant international standards (e.g. ISO/IEC 17025, ISO 15189, etc.).

4.4.3 Certification Bodies

- (1) The Member States shall establish certification bodies in the public and/or private to carry out certification in the following areas among others;
 - (a) Product certification
 - (b) Personnel certification
 - (c) Management Systems Certification [ISO 9001, ISO 14001, ISO 22000, ISO 27000, etc;

- (2) The certification bodies shall
 - (a) Use COMESA/Internationally approved standards/schemes on certification of organisations, inspection bodies, personnel registration bodies and training bodies.
 - (b) Adopt common approach for the certification marks based on relevant ISO standards.
 - (c) Be accredited or strive to be accredited and notified to the COMESA committee on SMCAA Coordination office;

4.4.3 Inspection Bodies

COMESA Member States may establish or use public and/or private Inspection Bodies at the national, regional or at international level to conduct among others the following activities:

- (a) Carry out inspection functions for products manufactured in their areas of jurisdiction;
- (b) Provide relevant information to assist producers meet and implement standards required for placing products in the market;
- (c) Provide relevant information to relevant state authorities, the market surveillance authorities and consumer protection bodies.
- (d) Operate in a competent, non-discriminatory, transparent, neutral, independent and impartial manner.
- (e) Employ the necessary personnel, who have sufficient and relevant knowledge and experience to carry out inspection in accordance with the relevant standards.
- (f) Make adequate arrangements to ensure confidentiality of the information obtained in the course of inspection.
- (g) Carry out inspection of products entering the COMESA region from third countries in order to ensure that they comply with the relevant product standards.

- (h) Participate in coordination activities at national and COMESA Regional levels.
- (i) Take part directly or be represented in COMESA Committee on SMCAA.

Chapter 5

Regulations

The Council may from time to time issue, amend or withdraw regulations consistent with the provisions of this Policy for;

- (a) The conduct of Standards, Metrology, Conformity Assessment and Accreditation business at the common market and member state levels; and
- (b) Purposes of ensuring adequate support for Standards, Metrology, Conformity Assessment and Accreditation activities at member state level.
- (c) For purposes of continuous improvement and unforeseen circumstances

Chapter 6

Review and monitoring

This policy shall be reviewed at least every five years and its implementation monitored on an annual basis.