



## **Technical Barriers to Trade (TBT) Annex to the SADC Protocol on Trade:**

*Approved by the SADC Committee of Ministers of Trade  
on 12 July 2008, Lusaka, Zambia*

# DRAFT ANNEX IX

## CONCERNING TECHNICAL BARRIERS TO TRADE

### PREAMBLE

The SADC Member States,

**NOTING** the objectives of SADC as listed in Article 15 of the SADC Treaty, such as achieving development and economic growth, achieving complementarities between national and regional strategies and programmes and promoting and maximising productive employment and utilisation of resources in the Region;

**COMMITTED** to the agreed actions to achieve the objectives of the SADC Treaty, such as creating appropriate institutions and mechanisms for the mobilisation of requisite resources for the implementation of programmes and operations of SADC and its institutions to develop policies aimed at the progressive elimination of obstacles to the free movement of capital and labour, goods and services, and of the peoples of the Region generally, among Member States and to improve economic management and performance through regional cooperation;

**EMPHASIZING** the obligation to protect the safety and health of the *people* of the SADC region, plant and animal life and health and the environment and specifically the importance related to trade of products and services;

**RECOGNIZING** the importance of establishing and maintaining confidence in SADC Member State technical regulations and their supporting measures;

**RECALLING** the provisions of Article 17 and Annex V of the SADC Protocol on Trade that Member States base their standards related measures on relevant international standards, make compatible their respective standards-related measures including the conformity assessment provisions, accept as equivalent technical regulations of other Member States even if these regulations differ from their own provided that they adequately fulfil the objectives of their regulations, so as to facilitate trade in goods and services within the Community;

**AWARE** of the importance of cooperation in the areas of Technical Regulations, Standardisation, Quality Assurance, Accreditation and Metrology for the elimination of non-tariff barriers, both in terms of the SADC Protocol on Trade and in terms of the commitments by Member States with respect to the World Trade Organisation (WTO) Technical Barriers to Trade (TBT) Agreement;

**REALIZING** that cooperation in Technical Regulations, Standardisation, Quality Assurance, Accreditation and Metrology is not just essential in the industry and trade Sector, where it is mainly driven by the provisions of the SADC Protocol on Trade and the WTO TBT Agreement commitments, but in all SADC Sectors;

**HEREBY AGREE** as follows:

**ARTICLE 1**  
**DEFINITIONS**

In this Annex, unless the context otherwise requires:

ABT		means Administrative Barriers to Trade
Accreditation		means a procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks;
ARSO		means African Regional Organization for Standardization;
Associate Member		means an Institution of a non-SADC State which otherwise meets the criteria for Ordinary Membership of a SADC SQAM Cooperation Structure, or a regional organization with objectives similar to those of a SADC SQAM Cooperation Structure, with its Associate Membership having been approved by all Ordinary Members;
BIPM		means Bureau International des Poids et Mesures (International Bureau of Weights and Measures);
Calibration		means a set of operations that establish, under specified conditions, the relationship between values of quantities indicated by a measuring instrument or measuring system, or values represented by a material measure or a reference material, and the corresponding values realized by standards;
Certification		means a procedure by which a third party gives written assurance that a product, process or service conforms to specified requirements;
Conformity Procedures	Assessment	Means any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled. <i>Explanatory note</i> Conformity assessment procedures include,

*inter alia*, procedures for sampling, testing and inspection; evaluation, verification and assurance of conformity; registration, accreditation and approval as well as their combinations;

Harmonised Standards	means equivalent standards, standards on the same subject approved by different standardising bodies, that establish interchangeability of products, processes and services, or mutual understanding of test results or information provided according to these standards;
IAF	means International Accreditation Forum;
IEC	means International Electro-technical Commission;
ILAC	means International Laboratory Accreditation Cooperation;
Inspection	means conformity evaluation by observation and judgement accompanied as appropriate by measurement, testing or gauging;
ISO	means International Organisation for Standardisation;
Legal Metrology	means the activity which deals with the units of measurement, methods of measurement and measuring instruments in relation to the mandatory technical and legal requirements, which have the objective of ensuring a public guarantee from the point of view of the security and of the appropriate accuracy of measurements;
Member State	means a member of SADC;
MOU	means Memorandum of Understanding;
MRA	means either Mutual Recognition Agreement or Mutual Recognition Arrangement, as applicable;
National Metrology Institute	means institution designated by national

		decision to develop and maintain national measurement standards for one or several quantities;
National Standard	Measurement	means a standard recognized by a national decision to serve, in a country, as the basis for assigning values to other standards of the quantity concerned;
National Standard		means a standard that is adopted by a national standards body and made available to the public;
National Standards Body		means a standards body recognised at the national level, that is eligible to be the national member of the corresponding international and regional standards organisations;
NMI		means National Metrology Institute;
NSB		means National Standards Body;
NTB		means Non-Tariff Barrier;
OIML		means Organisation Internationale de Métrologie Légale (International Organisation of Legal Metrology);
Ordinary Member		means an institution or government-appointed representative of a SADC member state meeting the membership conditions for the Cooperation Structure;
Quality		means the totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs;
Quality Assurance		means all those planned and systematic actions necessary to provide adequate assurance that a product or service will satisfy given requirements for quality;
Region		means the SADC region;
Regulator		means authority that carries out the mandate given under the law to oversee implementation and administration of

		technical regulations and includes national and provincial government departments, local authorities and regulatory agencies established by legislation
Rules of Procedure		means a set of formally adopted rules and/or guidelines for activities undertaken by constituted cooperation structures, committees, subcommittees or working groups.
SADC		means Southern African Development Community;
SADCA		means SADC Cooperation in Accreditation;
SADCMEL		means SADC Cooperation in Legal Metrology;
SADCMET		means SADC Cooperation in Measurement Traceability;
SADCSTAN		means SADC Cooperation in Standardisation;
SADCTBTSC		means SADC TBT Stakeholders Committee;
SADCTRLC		means SADC Technical Regulations Liaison Committee;
SI System of Units		means a universal, practical system of units of measurement adopted by the General Conference on Weights and Measures, which is the international authority on the metric system; <i>Explanatory note:</i> SI is the international abbreviation for Le Système International d'Unités (International System of Units)
SQAM		means Standardisation, Quality assurance, Accreditation and Metrology;
SQAMEG		means SQAM Expert Group;
SQAM Structure(s)	Cooperation	means one (or all) of SADCA, SADCMEL, SADCMET, SADCSTAN and SQAMEG.
Standard		means document approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for

products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method.

*Explanatory note*

The terms as defined in ISO/IEC Guide 2 cover products, processes and services. This Annex deals only with technical regulations, standards and conformity assessment procedures related to products or processes and production methods. Standards as defined by ISO/IEC Guide 2 may be mandatory or voluntary. For the purpose of this Annex standards are defined as voluntary and technical regulations as mandatory documents. Standards prepared by the international standardization community are based on consensus. This Annex covers also documents that are not based on consensus.

Standardisation	means the activity of establishing, with regard to actual or potential problems, provisions for common and repeated use, aimed at the achievement of the optimum degree of order in a given context;
Standards Body	means a standardising body recognised at national, regional or international level, that has as a principal function, by virtue of its statutes, the preparation, approval or adoption of standards that are made available to the public;
Supplier	means any organization or person that brings a good or a service into circulation or onto the market place, irrespective of who the manufacturer is;
TBT	means Technical Barrier to Trade;
TBT Cooperation Structure(s)	means one (or all) of the seven structures, namely SADCA, SADCMEI, SADCMEI, SADCSTAN, SQAMEG, SADCTBTSC, and SADCTRLC.

Technical Regulation		means document which lays down product characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method. <i>Explanatory note:</i> The definition in ISO/IEC Guide 2 is not self-contained, but based on the so-called "building block" system.
Technical Framework	Regulation	Means a system of government policies for intervention in the market place, including impact assessments, legal instruments, technical requirements, regulatory authorities, conformity assessments, sanctions and the supporting SQAM infrastructure.
Testing		means a technical operation that consists of the determination of one or more characteristics of a given product, process or service according to a specified procedure;
Third party		means a party independent from the supplier (first party) and the purchaser (second party) in the context of conformity assessment;
Top-level standard	measurement	means a measurement standard of the highest metrological quality available for a quantity in a particular country, which does not have an official national measurement standard for that quantity;
Traceability		means the property of the result of a measurement or the value of a standard, whereby it can be related to stated references, usually national or international standards, through an unbroken chain of comparisons all having stated uncertainties;
WTO		means World Trade Organisation;
WTO TBT Agreement		means WTO Agreement on Technical Barriers to Trade.



## **ARTICLE 2 OBJECTIVE**

1. The objective of this Annex is to establish a common technical regulation framework, (hereafter referred to as the Framework), supported by appropriate regional TBT Cooperation Structures.

## **ARTICLE 3 ESTABLISHMENT**

1. Once adopted, this Annex supersedes the SADC SQAM MOU.

## **ARTICLE 4 GENERAL PROVISIONS**

1. In order to guide the development, adoption, implementation and maintenance of technical regulations as provided for in Article 17 of the SADC Protocol on Trade, the provisions of this Annex apply to technical regulations, standards and conformity assessment procedures as defined in the WTO TBT Agreement .
2. Nothing contained in this Annex shall affect the rights of Member States under Article 16 of the SADC Protocol on Trade, “Sanitary and Phytosanitary Measures,” or of the WTO Agreement on Sanitary and Phytosanitary Measures with respect to measures not within the scope of this Annex.

## **ARTICLE 5 BASIC RIGHTS AND OBLIGATIONS**

1. Member States affirm their existing rights and obligations in respect of technical regulations, standards and conformity assessment procedures with respect to each other under the WTO TBT Agreement.
2. Member States reaffirm their commitment the WTO TBT Agreement principles of non-discrimination, necessity, prevention of trade restrictiveness, proportionality, the use of equivalent and internationally harmonised measures, transparency and special and differential treatment.
3. Member States confirm their right to develop, adopt, implement, maintain and apply technical regulations at national level to protect human, plant and animal health and safety, protect the environment and prevent deceptive practices, provided that such technical regulations and their measures are not inconsistent with the provisions of this Annex and that all member states are notified accordingly.

4. Every Member State is responsible for the observance of all the commitments set forth in this Annex.

## **ARTICLE 6**

### **TECHNICAL REGULATION FRAMEWORK**

- 1 The objective of the Framework shall be the identification, prevention and elimination of unnecessary TBTs amongst the Member States and between SADC and other Regional and International Trading Blocks through harmonized standards, technical regulations and conformity assessment procedures in order to facilitate and increase trade in goods and services. This includes:
  - a) The use of consultation, participation and exchange of information processes when technical regulations are developed, amended and implemented;
  - b) The appropriate use of common performance based standards based on international standards rather than prescriptive standards as a basis for technical regulations;
  - c) The withdrawal of a conflicting national standard once the text of a regional standard has been developed and approved in accordance with the agreed SADCSTAN procedures;
  - d) The relevant use of impact and risk assessment to inform technical regulatory decisions;
  - e) The use of appropriate international measures to promote acceptance of conformity assessment results among Member States;
  - f) The review, update and modification of technical regulations to meet changing needs; and
  - g) The co-ordination amongst various institutions that are part of the technical regulation framework.
- 2 Member States recognize that the purpose of harmonization or making compatible is not to establish identical technical regulations, standards and conformity assessment procedures for the protection of human, animal or plant life and health, safety, prevention of deceptive practices and protection of the environment, but to facilitate and increase trade in goods and services.
- 3 Before Member States develop, adopt and implement technical regulations, governments shall ensure that the intervention is based on objective evidence that action is justified given:
  - the nature of the problem,
  - the absence of suitable alternatives for addressing the problem,
  - the likely socioeconomic benefits to society as a whole,
  - the costs of proposed actions, and
  - the risks associated with proposed actions.

- 4 Member States shall make this evidence available on request in order to enhance the transparency of the whole process and to foster increased compliance with the objectives of the SADC Protocol on Trade.

## **ARTICLE 7**

### **TECHNICAL REGULATION LEGISLATIVE INSTRUMENTS**

1. Member States shall ensure that the technical regulation is promulgated through a legislative instrument that describes the range of products covered, and / or the legitimate objective it intends to fulfil.
2. Member States shall ensure that their technical regulations indicate:
  - a) Requirements that are necessary to achieve the objectives of the technical regulation but do not specify or predict the technical solutions for doing so. The wording for these necessary requirements shall be precise enough to create legally binding obligations that can be enforced, facilitate the development and/or reference of the appropriate standards, and enable the assessment of conformity of products;
  - b) Technical requirements based on national, regional or international standards or parts thereof either by direct reference to the standards or parts thereof, or by indirect reference to the standards with the standards published as a separate official list; and
  - c) The relevant conformity assessment provisions, which are the relevant combination of inspection, testing and certification appropriate to the risk and consequential damages of failure.
3. Member States shall ensure that the legislative instrument
  - a) Makes it clear that products that comply with the referenced standard are deemed to conform to the requirements of the legislation. Should the supplier choose to use an unreferenced but similar standard or part thereof, the proof that the unreferenced standard also provides evidence of conformance with the requirements remains the responsibility of the supplier;
  - b) Makes it clear that before placing a commodity on the market or into service the supplier must have the commodity subjected to the conformity assessment provisions as detailed in the legislative instrument;
  - c) Identifies and empowers the regulatory agency to administer the technical regulation;
  - d) Identifies appropriate sanctions for non-compliance with the technical regulations; and
  - e) Makes it clear that the supplier ultimately remains responsible for the conformity of the product even though the regulatory agency may have approved the product and/or third party conformity assessments may have been conducted.

## ARTICLE 8

### PREPARATION AND APPLICATION OF STANDARDS

1. Member States shall ensure that national standards are based to the greatest extent possible on the relevant international or regional standards, and that national deviations are the result of demonstrable and scientifically proven national specificities.
2. Member States shall ensure that National Standards Bodies (and any other national institutions developing standards) meet the relevant provisions of the WTO TBT Agreement, and in particular develop and publish national standards in accordance with *Annex III: Code of Good Practice for the Preparation, Adoption and Application of Standards* of the WTO TBT Agreement.
3. Member states shall ensure that once a SADC harmonized text for a standard has been developed and approved in accordance with the agreed SADCSTAN procedures, this text is adopted as a national standard and that any conflicting national standards are withdrawn.

## ARTICLE 9

### REGULATORY AGENCIES

1. In implementing technical regulations Member States shall ensure that the responsible regulatory agency or relevant government department
  - a) Require regulatory approval of products before they are brought into circulation only where it is necessary, e.g. the risk of non-conformance is high and detrimental for the protection of human, animal or plant life or health, safety, the protection of the environment or the prevention of deceptive practices;
  - b) Conducts the relevant market surveillance to establish whether products falling within the scope of technical regulations do indeed meet the necessary requirements once they are in the market place; and
  - c) Applies appropriate sanctions to ensure that suppliers not meeting the provisions of the technical regulations are discouraged from contravening the technical regulation provisions and in so doing endanger the protection of human, animal or plant life or health, safety, the protection of the environment or the prevention of deceptive practices.
2. Member States shall ensure that responsible government departments and/or their regulatory agencies meet the obligations on advance notification through the National Notification Authorities in respect of the WTO TBT Agreement obligations on technical regulations that are to be implemented for their area of responsibility.

3. Member States shall ensure that the responsible government department and/or their regulatory agency shall avail in a transparent manner all the information regarding the administrative and conformity assessment provisions of the technical regulations under their jurisdiction.

## **ARTICLE 10**

### **CONFORMITY ASSESSMENT**

1. Where a positive assurance of conformity with a technical regulation is required, Members States, shall wherever practicable,
  - a) Follow international best practices for conformity assessment,
  - b) Allow for public and private sector conformity assessment service providers to provide the supplier a choice thereby ensuring that the services are provided in the most cost effective way,
  - c) Make use of international conformity assessment schemes, where they exist, and thereby avoid duplication of conformity assessment.
2. Member States shall ensure that conformity assessment service providers are
  - a) Technically competent as attested to by an appropriate scope of accreditation,
  - b) Compliant with additional transparent requirements of relevant departments or their regulatory authorities and
  - c) Legally liable in the Member State where they provide conformity assessment services, where legal recourse is necessary should the conformity assessment service providers fail in their duties.
3. An Accreditation Body or Bodies, which is / are part of an international mutual recognition mechanism as managed by ILAC, IAF and others as relevant, shall be recognised by the Member State.

## **ARTICLE 11**

### **SANCTIONS**

1. Member States shall ensure that the appropriate measures are in place to compel suppliers to meet their obligations in terms of the technical regulations. These measures should include administrative and legal sanctions as relevant:
  - a) Administrative sanctions whereby suppliers are required to rectify the problem identified in the market place without further penalties. Administrative sanctions could include recall of the non-complying commodities from the market place to effect repairs and replacements, recall of the non-complying commodities from the market to be destroyed, and/or advertising campaigns to warn and inform the public about the problem.
  - b) Legal sanctions that are implemented through the judicial system should the supplier fail to respond positively on administrative sanctions.

## **ARTICLE 12**

### **IMPLEMENTATION AND MAINTENANCE AT NATIONAL LEVEL**

1. Every Member State is responsible for the observance of all the obligations set forth in this Annex. Member States shall formulate and take all reasonable measures as may be available to them to enforce positive measures and mechanisms in support of the observance of the provisions of this Annex by central and other government bodies, and businesses and non-governmental bodies involved in the development, adoption, implementation and maintenance of technical regulations.
2. Each Member State shall establish within 1 (one) year of adoption of this Annex, a function within government which will oversee the implementation of this Annex at national level for all future technical regulation work.
3. Member States shall implement a programme to update their existing technical regulations developed before this Annex came into force. Such a programme could include:
  - a) Identifying all such existing technical regulations;
  - b) Deciding whether these technical regulations are still required and, if not, having them removed;
  - c) Deciding whether these technical regulations meet the requirements of this Annex and current technical developments, and if not having them revised; and
  - d) Re-affirming and publishing technical regulations so reviewed and/or revised.
4. Member States shall repeal any technical regulations not re-affirmed within a given period of time.

## **ARTICLE 13**

### **THE REGIONAL TBT COOPERATION STRUCTURES**

1. In order to further the objectives of the SADC Protocol on Trade, the progressive elimination of technical barriers to trade amongst the Member States and between SADC and other Regional and International Trading Blocks and the promotion of quality and of an infrastructure for quality in the Member States, a formal framework, in which the cooperation amongst regulators, stakeholders and the national institutions in Standardisation, Quality Assurance, Accreditation and Metrology (SQAM) can take place, is established and the following structures created:
  - a) SADC Technical Regulations Liaison Committee (SADCTRLC)
  - b) SADC TBT Stakeholders Committee (SADCTBTSC)
  - c) SADC Cooperation in Accreditation (SADCA)

- d) SADC Cooperation in Legal Metrology (SADCMEL)
  - e) SADC Cooperation in Measurement Traceability (SADCMET)
  - f) SADC Cooperation in Standardisation (SADCSTAN)
  - g) SADC SQAM Expert Group (SQAMEG)
- 2 The Cooperation Structures shall be individually accountable to the CMT in relation to the functions provided for in this Annex, and shall provide an Annual Report to the CMT in this regard..
- 3 The objectives, aims, functions and membership of these Cooperation Structures are set out in Articles 14 to 21.

## **ARTICLE 14**

### **GENERAL FUNCTIONS AND RULES OF THE COOPERATION STRUCTURES**

1. All Cooperation Structures shall have the following general functions:
- a) Exchange of professional and technical information and transfer of expertise amongst Members;
  - b) Cooperation amongst themselves in the implementation of SADC regional programs related to TBTs;
  - c) Provision of a framework for collaboration among interested Members on specific projects;
  - d) Identification of technical problems which might form the subject of joint projects;
  - e) Coordination, endorsement and harmonisation of SADC regional training and development activities in TBT-related areas;
  - f) Harmonisation of training requirements and minimum qualifications for SQAM professionals;
  - g) Provision of information on regional TBT-related resources and services;
  - h) Liaison with corresponding regional and international organisations;
  - i) Establishment and operation of communication channels and dissemination of information on regional TBT resources and services;
  - j) Interaction with cooperating partners for regional SQAM facilities, equipment or training within the framework of overall SQAM programme priorities;
  - k) Establishment of Expert Working Groups in specific fields;
  - l) Optimal utilisation of the resources and services of Members and of the deployment of these towards identified regional needs;
  - m) Organisation, coordination and promotion of regional conferences, workshops, seminars and exhibitions on subjects relevant for any SADC regional programme related to TBTs;
  - n) Promotion of regional TBT requirements at political level;
  - o) Participation in International and Regional Organizations, where possible; and
  - p) Promotion and facilitation of greater Private Sector/Industry participation in SADC TBT-related activities.

2. With the exception of SQAMEG, all Cooperation Structures shall comply with the following general rules:
  - a) They shall meet at least once a year;
  - b) They shall elect a Chairperson from amongst their Members, on a rotational basis, for a period of two years;
  - c) Each Ordinary Member shall have one vote;
  - d) They may define other membership categories in addition to Ordinary Members and Associate Members;
  - e) They may grant observer status to third parties to participate in a particular Committee meeting;
  - f) They may draw up their own Rules of Procedure consistent with the provisions of this Annex to guide their functions and activities; and
  - g) Delegates from Associate Members may participate in all meetings but shall have no voting rights.
  
3. Except for the SADCTBTSC and SQAMEG, all Cooperation Structures' Secretariats, headed by a Regional Coordinator, shall be established at an institution of an Ordinary Member in order to carry out the day-to-day activities of the structure.
  - a) Any Ordinary Member may volunteer to host the Secretariat at its own expense;
  - b) The Secretariat shall be assigned to a volunteer Member at a meeting of the structure's Committee;
  - c) The Member hosting the Secretariat shall appoint the Regional Coordinator;
  - d) The Secretariat shall not be assigned to the Member which holds the Committee chairmanship;
  - e) The term of office of the Secretariat shall be three years;
  - f) The Secretariat may be held consecutively more than once.

## **ARTICLE 15**

### **SADC TECHNICAL REGULATION LIAISON COMMITTEE**

1. The SADC Technical Regulation Liaison Committee (SADCTRLC) shall promote and facilitate implementation of the SADC Technical Regulation Framework.
  
2. The aims of the SADCTRLC shall be to
  - a) Prepare recommendations regarding SADC Technical Regulation policy issues relating to this Annex;
  - b) Develop and make available guidelines and other tools for the national implementation of the SADC Technical Regulation Framework in the member states;
  - c) Provide a forum for the identification of common technical regulations to be implemented in the Region;



- d) Ensure that the functions are pursued in accordance with the aims and objectives of this Annex.
3. The functions of the SADC Technical Regulation Liaison Committee shall, *inter alia*, be to:
    - a) Develop mechanisms to facilitate the incorporation of harmonized standards in technical regulations;
    - b) Request the SQAM Cooperation Structures to develop appropriate standards and conformity assessment procedures for use in the regulatory domain;
    - c) Monitor and review the implementation of the SADC technical regulation framework and the other obligations in terms of this Annex by the SADC Member States;
    - d) Develop a common SADC position regarding WTO TBT Agreement issues for eventual use by Member State delegations at the WTO TBT Technical Committee; and
    - e) Be involved in mediation and conciliation in respect of technical regulations, if required, before Article 32 of the Protocol is invoked;
  4. The SADCTRLC shall consist of representatives of government departments of SADC Member States that have been given the overall responsibility for compliance with the WTO TBT Agreement and the obligations set forth in this Annex.
  5. The SADCTRLC shall grant observer status to SADCTBTSC and SQAMEG representatives.

## **ARTICLE 16**

### **SADC TBT STAKEHOLDERS COMMITTEE**

1. The SADC TBT Stakeholder Committee (SADCTBTSC) shall facilitate SADC stakeholder participation in SADC TBT matters in both the voluntary and regulatory domain.
2. The aims of SADCTBTSC shall, *inter alia*, be to advise the SADCTRLC and SQAMEG on matters in respect this Annex, including priority areas for inclusion in the work programmes of these structures and issues that may affect the efficient operation of the SQAM infrastructure and the Technical Regulatory Framework in the region.
3. Ordinary Members of the SADCTBTSC shall be national delegations of representatives of private sector organisations and regulators having an interest in the matters contemplated in this Annex.
4. In the SADCTBTSC, observer status shall be granted to representatives of SADCTRLC and SQAMEG.
5. The SADCTBTSC shall nominate representatives to attend meetings of the SADCTRLC and SQAMEG as observers.

## ARTICLE 17 SADCA

1. The SADC Cooperation in Accreditation (SADCA) shall facilitate the creation of a regional accreditation system which shall provide Member States with accreditation as a tool for the removal of technical barriers to trade in both the voluntary and regulatory areas.
2. The aims of SADCA shall be to
  - a) Identify and implement a regional system of cooperation in the area of accreditation, which complies with international practice while taking into account the specific circumstances, opportunities and needs of the Region and of the Member States;
  - b) Promote and facilitate the use of accreditation as a tool for national governments in the removal of technical barriers to trade in both the voluntary and regulatory areas;
  - c) Identify aspects critical to the establishment and functioning of a regional accreditation infrastructure, and
  - d) Ensure the provision of regional accreditation services which are independent, impartial, transparent, non discriminatory and achieve and maintain a high level of integrity and confidentiality whilst ensuring ethical operations.
3. The functions of SADCA, *inter alia*, shall be to
  - a) Assist in the implementation of effective collaboration amongst Member States having established national accreditation bodies and those that do not have such bodies;
  - b) Establish a SADC accreditation system for those countries who do not have a national accreditation body;
  - c) Establish suitable regional accreditation procedures and systems in each individual area of SQAM, in close cooperation with the other SADC SQAM Structures and with any other regional and national stakeholders concerned with these issues;
  - d) Facilitate access to current databases of national accreditation organisations in respect of accredited organisations;
  - e) Coordinate inputs to and liaise with regional and international organisations concerned with accreditation, such as the International Laboratory Accreditation Cooperation (ILAC) and the International Accreditation Forum (IAF); and
  - f) Create an environment for the conclusion of Mutual Recognition Agreements (MRAs) between qualifying institutions in Member States within the framework of and consistent with global MRAs being prepared by various international organisations in these fields.
4. Ordinary Membership of SADCA shall be open to

- a) The Government recognized Accreditation Bodies of Member States; or
  - b) Where such a body has not been established in a Member State, an institution nominated by its Minister responsible for industry and trade.
5. Associate Membership of SADCA shall be open to the institutions of non-SADC States which otherwise meet the criteria for Ordinary Membership, or regional organizations with objectives similar to those of SADCA, subject to the prior agreement of all the Ordinary Members.
  6. A SADCA Committee shall be set up and shall consist of a delegate from each Member as described in (4) and (5) above.
  7. The Regional Coordinator and the Committee Chairperson of SADCA shall be entitled to participate in Committee meetings of SADC MEL, SADC MET, and SADC STAN as observers.

## **ARTICLE 18**

### **SADC MEL**

1. The SADC Cooperation in Legal Metrology (SADC MEL) shall facilitate the harmonisation of the national Legal Metrology regulations of the Member States and between SADC and other regional and international trading blocks.
2. The aims of SADC MEL shall be to:
  - a) Develop and maintain mutual confidence amongst Legal Metrology services in the Region;
  - b) Achieve and maintain equivalence of Legal Metrology activities in the Region;
  - c) Identify and remove technical and administrative barriers to trade in the field of measuring instruments and the sale of products where measurement forms the basis of the sale; and
  - d) Promote consistent interpretation and application of normative documents and propose actions to facilitate their implementation.
3. The functions of SADC MEL shall, *inter alia*, be to:
  - a) Deal with matters relating to the inspection functions associated with Legal Metrology legislation and regulations at any level of government;
  - b) Assure traceability to the SI units of measurement, through national measurement standards acceptable to SADC MET, for all measurements performed in Legal Metrology in the Region;
  - c) Remove existing TBTs and Administrative Barriers to Trade (ABTs) through the harmonisation of Legal Metrology legislation in the Member States pertaining to the sale of products, including uniform pack sizes, tolerances and information on package labels;
  - d) Harmonise type approval requirements and testing techniques for trade use instruments;

- e) Agree on the acceptability of particular international test and type approval certificates;
  - f) Harmonise verification (assizing) procedures for trade use instruments;
  - g) Establish detailed traceability requirements and tolerances for verification standards;
  - h) Liaise with the International Organisation of Legal Metrology (OIML) and other regional and international organisations concerned with Legal Metrology;
  - i) Organise inter-comparisons and lobby for the duty-free movement of metrological artefacts used for inter-comparisons;
  - j) Promote full or corresponding membership of the OIML amongst Member States;
  - k) Identify measuring instruments to be covered under harmonised legislation; and
  - l) Organise and promote participation in intra- and inter-regional laboratory test inter-comparisons.
4. Ordinary Membership of SADC MEL shall be open to:
- a) The Legal Metrology services / institutions of Member States; or
  - b) Where such a service / institution has not been established in a Member State, any other service / institution designated by its Minister responsible for industry and trade.
5. Associate Membership of SADC MEL shall be open to the institutions of non-SADC States which otherwise meet the criteria for Ordinary Membership, or regional organizations with objectives similar to those of SADC MEL, subject to the prior agreement of all the Ordinary Members.
6. A SADC MEL Committee shall be set up and shall consist of a delegate from each Member as described in (4) and (5) above.
7. The Regional Coordinator and the Committee Chairperson of SADC MEL shall be entitled to participate in Committee meetings of SADCA, SADC MET, and SADC STAN as observers.

## **ARTICLE 19**

### **SADC MET**

1. The SADC Cooperation in Measurement Traceability (SADC MET) shall coordinate metrology activities and services in the Region, in order to provide regional calibration and testing services, including regulatory agencies, with readily available traceability to the SI units of measurement, through legally defined and regionally and internationally recognized national measurement standards.
2. The aims of SADC MET shall be to:

- a) Promote closer collaboration amongst its Members in their work on measurement standards within the present decentralised regional metrology structure;
  - b) Improve existing national measurement standards and facilities and make them accessible to all Members;
  - c) Ensure that new national measurement standards and facilities developed in the context of SADC MET collaborations are accessible to all Members;
  - d) Contribute to the formulation of and participate in intra- and inter-regional systems to maintain the continued traceability of the National Measurement Standards of the Member States to the SI units of measurement; and
  - e) Encourage the harmonisation of legislation relating to National Measurement Standards.
3. The functions of SADC MET shall, *inter alia*, be to:
- a) Coordinate SADC projects on measurement standards;
  - b) Provide a forum for cooperation with regard to major investments in national metrology facilities in the Region;
  - c) Operate a database containing details of regional metrology facilities, services and personnel and the results of inter-comparisons of measurement standards;
  - d) Liaise with the International Bureau of Weights and Measures (BIPM) and other regional and international organisations concerned with measurement traceability;
  - e) Organise and promote participation in both intra- and inter-regional laboratory test inter-comparisons; lobby for the duty free movement of metrological artefacts and samples for inter-comparisons and proficiency testing, and
  - f) Create an environment for the conclusion of Mutual Recognition Agreements (MRAs) amongst qualifying institutions in Member States within the framework of and consistent with global MRAs being prepared by various international organisations in these fields.
4. Ordinary Membership of SADC MET shall be open to:
- a) The National Metrology Institutes (NMIs) of Member States; or
  - b) Where such an institute has not been established in a Member State, any other institution holding custody of the top-level measurement standards in that Member State; or
  - c) Any other institution as designated by its Minister responsible for industry and trade.
5. Associate Membership of SADC MET shall be open to the institutions of non-SADC States which otherwise meet the criteria for Ordinary Membership, or regional organizations with objectives similar to those of SADC MET, subject to the prior agreement of all the Ordinary Members.
6. A SADC MET Committee shall be set up and shall consist of a delegate from each Member as described in (4) and (5) above.

- 7 The Regional Coordinator and the Committee Chairperson of SADC MET shall be entitled to participate in Committee meetings of SADCA, SADC MEL, and SADC STAN as observers.

## **ARTICLE 20**

### **SADC STAN**

1. The SADC Cooperation in Standardisation (SADC STAN) shall promote the coordination of standardisation activities and services in the Region, with the purpose of achieving harmonisation of standardization in support of the objectives of the SADC Protocol on Trade.
2. The aims of SADC STAN shall be to:
  - a) Promote regional cooperation in the development of harmonised standards and technical regulations;
  - b) Facilitate the exchange of information on existing standards, draft standards and technical regulations among Members;
  - c) Facilitate the adoption of regional standards by Member States;
  - d) Facilitate the adoption of a common position by Members in regional and international standardisation bodies; and
  - e) Encourage the harmonisation of legislation relating to Standards.
3. The functions of SADC STAN shall, inter alia, be to:
  - a) Develop and adopt mechanisms for the formulation of regional standards;
  - b) Develop mechanisms to facilitate the adoption of regional standards as national standards;
  - c) Examine the need for and develop regional product standards;
  - d) Consult with SADCA and with industry in the development of systems standards such as ISO 9000 and ISO 14000, and their supporting certification and accreditation standards;
  - e) Develop standards in support of harmonised technical regulations;
  - f) Coordinate inputs to and liaise with ISO, IEC, ARSO and similar regional and international standardisation organisations;
  - g) Provide technical assistance and training in the management and planning of standards development, as well as standards information services;
  - h) Devise means to disseminate standards information, whilst protecting copyright;
  - i) Develop regional mechanisms to facilitate compliance with the WTO TBT Agreement requirements; and
  - j) Facilitate access to current databases of the Member State National Standards Bodies in respect of standards, draft standards and technical regulations.
4. Ordinary Membership of SADC STAN shall be open to:

- a) The National Standards Bodies of Member States; or
  - b) Where a National Standards Body has not been established in a Member State, any other institution designated by its Minister responsible for industry and trade.
5. Associate Membership of SADCSTAN shall be open to the institutions of non-SADC states which otherwise meet the criteria for Ordinary Membership, or regional organizations with objectives similar to those of SADCSTAN, subject to the prior agreement of all the Ordinary Members.
  - 6 A SADCSTAN Committee shall be set up and shall consist of a delegate from each Member as described in (4) and (5) above.
  - 7 The Regional Coordinator and the Committee Chairperson of SADCSTAN shall be entitled to participate in Committee meetings of SADCA, SADCMEEL, and SADC MET as observers.

## **ARTICLE 21**

### **SQAMEG**

1. The SADC SQAM Expert Group (SQAMEG) shall support the SADC Secretariat in an advisory capacity in dealing with
  - o SQAM matters not covered by the other SQAM Cooperation Structures, and / or
  - o Overlapping SQAM issues,in both the voluntary and regulatory domain.
2. The functions of SQAMEG shall, inter alia, be to:
  - a) Provide recommendations to the SADC Secretariat on any common SQAM issue affecting the region either in respect of policy or operational issues;
  - b) Provide recommendations to SADCTRLC, SADCSTAN, SADC MET, SADCMEEL and SADCA on any SQAM issues either in respect of policy or operational issues;
  - c) Identify and initiate actions on SQAM issues not directly addressed by the other SQAM Cooperation Structures.
3. The members of SQAMEG shall be the Chairpersons and Regional Coordinators of the other SQAM Cooperation Structures.
4. SQAMEG shall have no Associate Members.
5. The Chairperson shall be a representative of the Member State having the Chair of SADC in any particular year;
6. The SADC Secretariat shall provide the Secretariat of SQAMEG.

7. SQAMEG shall grant observer status to SADCTBTSC and SADCTRLC representatives.