



# AFRICAN CONTINENTAL FREE TRADE AREA

Creating One African Market



ESTABLISHMENT OF THE  
AFRICAN CONTINENTAL FREE TRADE AREA

ANNEX 6

## Technical Barriers to Trade



## ARTICLE 1: Definitions

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1. Except where this Annex gives a specific meaning to a term, the general terms for standardisation, technical regulations, conformity assessment procedures and related activities shall have the meaning given to them by the definitions adopted within the WTO Agreement on Technical Barriers to Trade and by other international bodies dealing with Technical Barriers to Trade (TBT) issues.
2. For purposes of this Annex, the abbreviations set out below shall have the following meaning:
  - (a) „AFRAC“ means the African Accreditation Cooperation;
  - (b) „AFRIMETS“ means the Intra-Africa Metrology System;
  - (c) „AFSEC“ means the African Electro-technical Standardization Commission;
  - (d) „ARSO“ means the African Organization for Standardization;
  - (e) „BIPM“ means the International Bureau of Weights and Measures;
  - (f) „CGPM“ means the General Conference on Weights and Measures;
  - (g) „IAF“ means the International Accreditation Forum;
  - (h) „IEC“ means the International Electro-technical Commission;
  - (i) „ILAC“ means the International Laboratory Accreditation Cooperation;
  - (j) „ISO“ means the International Organization for Standardization;
  - (k) „OIML“ means the International Organization for Legal Metrology;
  - (l) „PAQI“ means the Pan-African Quality Infrastructure;
  - (m) „SI“ means the International System of Units; and
  - (n) „TBT Agreement“ means the World Trade Organization Agreement on Technical Barriers to Trade<sup>1</sup> .

## ARTICLE 2: Purpose and Scope

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1. The purpose of this Annex is to implement the provisions of the Protocol on Trade in Goods concerning Technical Barriers to Trade.
2. This Annex shall apply to standards, technical regulations, conformity assessment procedures, accreditation, and metrology in the State Parties.
3. References in this Annex to standards, technical regulations and conformity assessment procedures include amendments thereto, and additions to the rules or the product coverage thereof.

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<sup>1</sup> It shall include the decisions and recommendations adopted by the WTO Committee on Technical Barriers to Trade since 1 January 1995

## ARTICLE 3: **Guiding Principles**

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1. State Parties agree that the WTO TBT Agreement shall form the basis of this Annex.
2. State Parties reaffirm their rights and obligations under the WTO TBT Agreement in respect of the preparation, adoption, and application of standards, technical regulations, conformity assessment procedures and related activities.

## ARTICLE 4: **Objectives**

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The objectives of this Annex are to:

- (a) facilitate trade through cooperation in the areas of standards, technical regulation, conformity assessment, accreditation and metrology;
- (b) facilitate trade by the elimination of unnecessary and unjustifiable technical barriers to trade through:
  - (i) reinforcing international best practices in regulation and standards setting;
  - (ii) promoting the use of relevant international standards as a basis for technical regulations; and
  - (iii) identifying and assessing instruments for trade facilitation such as harmonization of standards, equivalence of technical regulations, metrology, accreditation and conformity assessment.
- (c) strengthen cooperation and identify priority areas;
- (d) develop and implement capacity building programmes to support the implementation of this Annex;
- (e) establish mechanisms and structures to enhance transparency in the development and implementation of standards, technical regulations, metrology, accreditation and conformity assessment procedures; and
- (f) promote mutual recognition of results of conformity assessment.

## ARTICLE 5: **Fields of Cooperation**

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State Parties shall cooperate in the development and implementation of standards, technical regulations, conformity assessment procedures, accreditation, metrology, capacity building and enforcement activities in order to facilitate trade within the AfCFTA.

## ARTICLE 6: **Cooperation in Standardisation**

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1. State Parties shall promote cooperation between their respective standardisation bodies with a view to facilitate trade.
2. State Parties shall:
  - (a) develop and promote the adoption and/or adaption of international standards;
  - (b) promote the adoption of standards developed by the ARSO and the AFSEC;
  - (c) where a relevant international standard required to facilitate trade does not exist, request the ARSO and/or the AFSEC to develop the required standard to facilitate trade between State Parties;
  - (d) designate liaison focal points to ensure that all State Parties are well informed of the standards developed or to be developed by the ARSO and the AFSEC;
  - (e) apply harmonized rules and procedures for the development and publication of national standards in accordance with international requirements and best practices; and
  - (f) promote membership, liaison and participation in the work of ISO, IEC, ARSO, AFSEC and similar international and regional standardisation organisations.

## ARTICLE 7: **Cooperation in Technical Regulations**

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In the development and implementation of technical regulations, State Parties shall promote:

- (a) compliance with the WTO TBT Agreement;
- (b) the use of international standards and/or parts thereof as a basis for technical regulations; and
- (c) the application of Good Regulatory Practices.

## ARTICLE 8: Cooperation in Conformity Assessment

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State Parties shall:

- (a) promote compliance with the WTO TBT Agreement;
- (b) make use of relevant international standards and conformity assessment procedures;
- (c) facilitate the development of conformity assessment capacity and technical competence that can support trade;
- (d) promote the use of accredited conformity assessment bodies as a tool to facilitate trade amongst the State Parties;
- (e) promote mutual acceptance of conformity assessment results of conformity assessment bodies which have been recognised under appropriate multilateral agreements between their respective accreditation bodies and the relevant mutual recognition arrangements of the AFRAC, ILAC and IAF; and
- (f) enhance confidence in the continued reliability of each other's conformity assessment results through, among others, peer reviews where appropriate.

## ARTICLE 9: Cooperation in Accreditation

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State Parties shall:

- (a) promote utilisation of existing accreditation structures for cooperation in the AfCFTA;
- (b) encourage and support African accreditation bodies operating in Africa to achieve international recognition;
- (c) provide for and enable recognition and support of national, regional and multi-economy accreditation bodies operating within the State Parties that provide accreditation services to those State Parties that do not have national accreditation bodies;
- (d) provide for a national accreditation focal point for accreditation services if a State Party does not have a national accreditation body;
- (e) cooperate in the area of accreditation by participating in the work of the AFRAC;
- (f) promote participation in the AFRAC mutual recognition arrangements;
- (g) promote and facilitate the use of accredited conformity assessment bodies as a tool to facilitate trade within the AfCFTA; and
- (h) coordinate inputs for liaison with the AFRAC, ILAC and the IAF.

## ARTICLE 10: Cooperation in Metrology

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1. State Parties shall:
  - (a) adopt and implement the SI as the basis for a harmonised system for legal, industrial and scientific metrology activities;
  - (b) cooperate in all areas of metrology by participating in the work of the AFRIMETS;
  - (c) facilitate movement and proper handling of metrology artefacts, test samples, test equipment and reference materials sent for calibration, testing or inter-laboratory comparisons within and outside Africa; and
  - (d) promote coordination of the use of existing metrology facilities with a view to making them accessible to one another.
2. In legal metrology, State Parties shall:
  - (a) promote the establishment of national legal metrology systems and adoption of OIML recommendations;
  - (b) formulate modalities for the mutual recognition of inspection and test certificates and approvals relating to legal metrology issued by national legal metrology departments or institutions;
  - (c) endeavour to obtain full or corresponding membership to the OIML;
  - (d) liaise with OIML and other regional organizations on matters concerning legal metrology; and
  - (e) cooperate in the area of legal metrology by participating in the work of the AFRIMETS.
3. In scientific and industrial metrology, State Parties shall:
  - (a) provide for national measurement standards that are traceable to the SI and with a level of measurement uncertainty that is commensurate with the needs of the State Parties;
  - (b) contribute to the formulation of and participation in the African and RECs Metrology organisations programmes to maintain the continued competence of national measurement standards of State Parties; and
  - (c) promote membership of the BIPM and associate membership of the CGPM.

## ARTICLE 11: Transparency

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In order to enhance transparency:

- (a) State Parties reaffirm that transparency is essential in ensuring clarity, predictability and trust within the AfCFTA framework and shall comply with the transparency obligations of the WTO TBT Agreement including notification procedures and notification systems developed from time to time;
- (b) State Parties shall submit notifications to the Secretariat;
- (c) The Secretariat shall publish and timeously circulate notifications made by a State Party to all other State Parties. The Secretariat shall subscribe to the WTO electronic circulation of TBT notifications, or the SPS and TBT E-PING alert notification system, or make use of the WTO TBT information management system, and/or any other electronic notification system to receive or download WTO TBT notifications submitted to the WTO by State Parties;
- (d) State Parties shall use the existing WTO TBT national notification authorities or, where they do not exist, designate central government authorities for fulfilling the notification obligations established under the relevant articles of the WTO TBT Agreement and the Agreement;
- (e) National notification authorities shall be notified to the Secretariat;
- (f) The Secretariat shall timeously circulate to the WTO TBT enquiry points of State Parties the notifications submitted to the WTO by the State Parties;
- (g) Non WTO Member States shall inform the Secretariat of their draft technical regulations and conformity assessment procedures which shall be circulated to State Parties, to enable them to provide comments, if any, and submit them to the Secretariat before their adoption and entry into force; and
- (h) State Parties which have not established TBT enquiry points shall appoint a Government authority to provide a TBT transparency function.



## ARTICLE 12: **Technical Assistance and Capacity Building**

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1. State Parties shall cooperate in seeking and providing technical assistance and capacity building to address standards, technical regulation, conformity assessment, accreditation, metrology and issues of mutual interest.
2. The Secretariat shall, in collaboration with States Parties develop mechanisms for cooperation in technical assistance and capacity building to address standards, technical regulations, conformity assessment, accreditation and metrology.
3. The Secretariat shall in collaboration with State Parties, implement a joint work programme to enhance capacities for the effective implementation of obligations under this Annex.

## ARTICLE 13: **Establishment and Functions of the Sub-Committee for Technical Barriers to Trade**

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1. The Committee on Trade in Goods shall, in accordance with Article 31 of the Protocol on Trade in Goods, establish a Sub-Committee on Technical Barriers to Trade.
2. The Sub-Committee shall be composed of duly designated representatives from State Parties and shall carry out the responsibilities assigned to it under this Annex or by the Committee on Trade in Goods.
3. The functions of the TBT Sub-Committee shall include to:
  - (a) cooperate and consult on standards, technical regulations, metrology, accreditation and conformity assessment matters of interest to the State Parties;
  - (b) develop procedures for the implementation of provisions of this Annex;
  - (c) identify areas for collaboration in relevant infrastructure that supports standards, technical regulations, metrology, accreditation and conformity assessment;
  - (d) promote cooperation between State Parties in the implementation of this Annex;
  - (e) identify, develop and implement capacity building programmes to address agreed areas;
  - (f) promote cooperation in the utilisation of existing human, scientific and technical resources, and the exchange of expertise in standards, technical regulations, metrology, accreditation and conformity assessment in areas of mutual interest;
  - (g) coordinate, where appropriate, the adoption of common positions among State Parties to the WTO TBT Committee and other relevant international organisations;
  - (h) expeditiously address any issue that a State Party raises related to the development, adoption or application of standards, technical regulations or conformity assessment procedures;
  - (i) report to the Committee on Trade in Goods on the implementation of this Annex, as appropriate;

- (j) track amendments (if any) made to the WTO TBT Agreement, and, if necessary, develop proposals to amend this Annex in accordance with Article 29 of the Agreement in order for it to remain aligned to the WTO TBT Agreement;
- (k) receive and share information on the activities of the PAQI institutions with all State Parties;
- (l) collaborate with other Sub-Committees with a view to facilitating intra-Africa trade; and
- (m) perform any other TBT related tasks as may be assigned by the Committee on Trade in Goods.

## ARTICLE 14: **Dispute Settlement**

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Any dispute between the State Parties arising out of or relating to the interpretation or application of any provision of this Annex shall be settled in accordance with the Protocol on Rules and Procedures on the Settlement of Disputes.

## ARTICLE 15: **Review and Amendment**

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This Annex shall be subject to review and amendments in accordance with Articles 28 and 29 of the Agreement.



