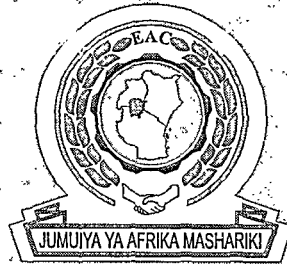




THE REPUBLIC OF UGANDA



EAST AFRICAN COMMUNITY

**PROTOCOL ON STANDARDIZATION, QUALITY
ASSURANCE, METROLOGY AND TESTING**

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**PROTOCOL ON STANDARDIZATION,
QUALITY ASSURANCE, METROLOGY AND TESTING**

WHEREAS:

- (a) under the provisions of Article 81 of the Treaty for the Establishment of the East African Community (the "Treaty"), Partner States express commitment to ensure standardisation, quality assurance, metrology and testing to facilitate sustainable modernisation in the East African Community (the "Community");
- (b) within the provisions of the above mentioned Article the Partner States determine to evolve and apply a common policy for standardisation, quality assurance, metrology and testing of goods and services produced and traded within the Community;

AND WHEREAS by the provisions of paragraph 4 of Article 81 the Partner States agree to conclude a protocol on Standardisation, Quality Assurance, Metrology and Testing for the goods and services produced and traded in the Community;

NOW THEREFORE;

The Partner States, under the terms of paragraph 4 of Article 81 of the Treaty;

Recognising the significance of Standardisation, Quality Assurance, Metrology and Testing in the promotion of health and safety;

Having regard to the great need to enhance the standards of living of the people of the East African region;

Considering the importance of rationalisation and reduction of unnecessary variety of goods and services, and facilitation of inter-changeability of products;

Bearing in mind that the promotion of trade and the twin principle of consumer protection are cardinal to the objective of co-operation within the context of the Community;

Considering the importance of improved productivity and exchange of information in creating savings in government and private sector purchasing;



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Further Considering the benefits of protection of human life, property, and conservation of environment to the development of the Community;

Convinced that establishment and application of common policy for standardisation, quality assurance, metrology and testing of goods and services produced and traded within the Community would foster the process of integration for the mutual benefit of the people of the East African region;

Considering that the provisions hereinafter set are not inconsistent with the Treaty;

HEREBY AGREE AS FOLLOWS:

Article 1

Definitions

1.1 All terms and phrases defined in the Treaty shall have the respective meaning set forth therein as if the same were transposed herein and reproduced verbatim; save for the following additional terms that shall have the meanings set forth herein.

"BIPM" means the International Bureau of Weights and Measures

"Bureaux" refers to the national standardization bodies of the Partner States;

"Certified Reference Material" or "CRM" means material developed by recognised laboratories for inter-laboratory comparison of test results;

"calibration" means the set of operations which establish, under specified conditions, the relationship between values indicated by measuring instrument of a system, or values represented by a material measure or a reference material and the corresponding values of a quantity realised by a reference standard.

"consumer" means a person or a group of people within the target range of the producer or manufacturer or packer of goods, and includes the market within the anticipation of such producer, manufacturer or packer;

"consumer protection" denotes rules, regulations or standards established for the purpose of protection of consumers within the target group of a product, and it excludes the principle of "caveat emptor" and "informed or sophisticated consumer" as a defence;

"East African Standard" or "EAS" means a standard recommended by the East African Standards Committee and approved by the Council;

"East African Standards Committee" means the Committee established under subparagraph (e) paragraph 1 of Article 4 of this Protocol;



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"products" means goods and services designed to be released or launched in a market;
"market" means the world at large to which a particular product, originating in the Community are traded or directed and presented either for import and export, and includes a person or a group of people;
"metrology" means a science of legal, industrial and scientific measurements;
"OIML" means International Organisation for Legal Metrology;
"quality assurance" means an established system of maintaining desired standards in a product;
"quality" means the specified nature, character, attribute and trait of goods and services produced or originating with any manufacturer, producer or packer of the stated product;
"standard" means the laid down criterion, gauge or yardstick to be applied for establishing the measure in fitness, quantity, value and quality of a product, originating with any manufacturer, producer or packer;
"standardisation" means the process of establishing and setting standards to ensure health and safety, environmental protection and the elimination of unnecessary variety and irregularities in products;
"technical regulation" means a technical specification and other requirements including the relevant administrative provisions, the observance of which is compulsory; and
"S.I." means International System of Units of measurement.

1.2 Other terms and phrases used in this Protocol and defined in:

- (a) the seventh edition of the ISO/IEC Guide 2:1996, Standardization and Related Activities – General Vocabulary, and/or;
- (b) the latest edition of ISO 8402:1994 – Quality management and quality assurance vocabulary, as amended from time to time or subsequent replacement, shall have the respective meanings set out in the said Guide.

Article 2

Application

2.1 This protocol shall apply to:

- (a) all products whether manufactured, produced, or packaged within the Community and without limitation to the products originating in a third



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country, which are significantly or minimally altered by either reproduction or repackaging within the Community and exported or imported or traded in any other way or form under a label of a producer, manufacturer, or packer in the Community;

- (b) products manufactured, produced or packaged in a third country and traded as such products within the Community and without significant or with minimal alteration;
- (c) services offered in the manufacture, production, handling, packaging or delivery of products traded within the Community;
- (d) the natural environment in the Community.

2.2 This Protocol shall not apply to goods on transit through the Community from the Country of origin to a third country.

Article 3

Role of Standardisation, Quality Assurance, Metrology and Testing

3.1 The Partner States shall evolve and apply a common policy:

- (a) on standardisation, quality assurance, metrology and testing of products produced and traded within the Community;
- (b) on the relationship of the Bureaux with regional, international and other organisations and institutions concerned with standardisation, quality assurance, metrology and testing; and
- (c) in the development of activities in standardisation, quality assurance, metrology and testing within the objectives of the Community.

3.2 The Partner States shall endeavour to promote standardization , quality assurance, metrology and testing activities undertaken within their respective territories' Bureaux of Standards and develop their technical capacities to enable them adequately carry out standardisation, quality assurance, metrology and testing activities at the national level and to co-operate with the other Partner States and other relevant bodies.

3.3 The Partner States shall endeavour to promote the use of standards in industry and trade.



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- 3.4 Each Partner State shall for its part promote and enforce standards relating to public health and safety and the protection of the environment by applying the appropriate standards for products produced and traded within the Community.
- 3.5 The Partner States shall recognise the standards developed and adopted by the African Regional Organisation for Standardisation (ARSO) as a leading co-operating partner in the implementation of the relevant provisions of the Treaty.

Article 4

Obligations of the Partner States

- 4.1 In establishment of standards the Partner States undertake to:
- (a) apply uniform rules and procedures for formulation of their national standards;
 - (b) adopt ARSO standards where applicable, and where these are not available, adopt suitable international standards as East African Standards (EAS) for products traded, manufactured or packaged within the Community;
 - (c) develop a programme for harmonising national standards so as to develop East African Standards;
 - (d) adopt and implement East African Standards as national standards;
 - (e) establish a Sectoral Committee to be known as East African Standards Committee for formulating and publishing East African Standards; and
 - (f) apply the principle of reference to standards in their national legislation, so as to facilitate the harmonisation of their technical regulations.
- 4.2 In quality assurance and quality management the Partner States shall:
- (a) harmonise procedures for inspection, sampling and testing of products traded within the Community for conformity to standards;
 - (b) develop adequate capacities for assuring quality of products traded, produced, manufactured or packaged in the Community;
 - (c) develop and encourage use of harmonised documentation for evaluation of the quality of products and commodities traded, produced, manufactured or packaged in the Community; and
 - (d) work closely with the customs and other relevant authorities to facilitate and ensure ease in the movement of samples issued for the purpose of testing within the Community.



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4.3 On environment, the Partner States shall:

- (a) develop and harmonise environmental standards within the Community; and
- (b) adopt international standards and use them to promote and meet the established environmental requirements of products and commodities traded, produced, manufactured or packaged within the Community.

4.4 In certification and accreditation, the Partner States shall:

- (a) adopt and apply a harmonised scheme for certification of products traded, produced, manufactured or packaged in the Community;
- (b) adopt and apply harmonised schemes for the certification of management, environmental and other systems in the Community;
- (c) adopt harmonised schemes for the accreditation of testing and calibration laboratories, certification bodies, inspection bodies, personnel registration bodies and standardizing bodies, in the Community;
- (d) participate in the African Regional Accreditation Scheme (ARAS) established by ARSO; and
- (e) adopt common rules and procedures for the certification marks to be applied on goods produced and traded in the Community and for the mutual recognition of each other's national certification marks.

4.5 In metrology the Partner States shall:

- (a) apply the S.I. System of units in measurements and promote calibration of measuring instruments used in industry;
- (b) adopt a harmonised system for legal, scientific and industrial metrology activities and formulate modalities for the mutual recognition of calibration certificates issued by the national metrology laboratories and accredited calibration centres within the Partner States;
- (c) harmonise procedures for analysing and reporting of calibration results;
- (d) promote inter-laboratory comparisons and ensure traceability of standards to BIPM;
- (e) promulgate national legal frameworks for legal metrology on the basis of the OIML guidelines;
- (f) adopt and systematically apply a uniform system of labelling products and commodities to be traded within the Community;
- (g) agree to standardise all aids to the recognition and movement of goods and their containers such as labels and transit documents;



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- (h) apply safety codes for handling and shipment of products traded within East Africa;
- (i) in conjunction with customs and other relevant authorities, provide for the ease in movement of metrology standards and equipment sent for calibration within the Partner States; and
- (j) co-ordinate the use of existing facilities with a view to making them accessible to one another.

Article 5

Co-operation in Testing

The Partner States shall:

- (a) develop competence of repeatability and reproducibility of test results and promote recognition of test certificates;
- (b) encourage inter-laboratory testing among laboratories;
- (c) establish procedures for validation of test methods;
- (d) co-operate in the development and establishment of CRMs; and
- (e) co-ordinate the use of existing facilities with a view to making them accessible to one another.

Article 6

Documentation and Information

The Partner States agree to adopt compatible management systems for standardisation, quality assurance, metrology and testing - related documentation and information to facilitate easier exchange of information among themselves.

Article 7

Training

The Partner States undertake to:

- (a) consult one another through the Secretariat, concerning their common training needs in the field of standardisation, quality assurance, testing and metrology;



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- (b) co-ordinate among themselves the use of existing facilities with a view to making them accessible to one another;
- (c) establish in conjunction with the ARSO and other relevant organisations, training programmes designed to meet the specific needs of the Community; and
- (d) harmonise their syllabi for training in standardisation, quality assurance, metrology and testing.

Article 8

Publicity

The Partner States shall endeavour to make all the activities of standardisation, quality assurance, metrology and testing known to all concerned through seminars, advertisements, publications, films, discussions, participation of the national standardisation institutions in trade fairs, special national awards and the creation of national quality associations and any other available means within the Partner States.

Article 9

Accreditation

- 9.1 The Partner States undertake to establish an East African Accreditation body to promote recognition of certification and test laboratories within the region and as well as around the world.
- 9.2 The Partner States shall use harmonised documentation for evaluating quality of products traded, produced, manufactured or packaged in the Community, due for custom clearance.

Article 10

Amendments

- 10.1 This Protocol may be amended by decision of the Council of Ministers of the Community.
- 10.2 The Council of Ministers may make regulations for effective implementation of this Protocol.

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A handwritten signature in black ink, appearing to be 'M. C. C.'.



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Article 11

Conflict of Provisions

In the event of a conflict between this Protocol, and the provisions of the Treaty, the latter shall prevail.

Article 12

Entry into Force

This Protocol shall enter into force on the date on which it shall be signed.

IN WITNESS WHEREOF the undersigned have appended their signatures hereto:

DONE at Arusha, Tanzania this15th.....day of ...January.....2001 in three originals in the English Language and all being equally authentic.

For the Republic of Uganda

For the Republic of Kenya

For the United Republic of Tanzania

Hon. Amama Mbabazi, MP
Minister of State for Foreign Affairs
(Regional Co-operation)
Republic of Uganda

Hon. K N K Biwott, EGH, MP
Minister of Tourism, Trade
and Industry
Republic of Kenya

Hon. J M Kikwete, MP
Minister of Foreign Affairs and
International Co-operation
United Republic of Tanzania