



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

Approved by the SADC Committee of Ministers of Trade on 17 July
2014, Gaborone, Botswana

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;

RECOGNIZING the important contribution that international standards and conformity assessment systems can make in this regard by improving efficiency of production and facilitating the conduct of international trade;

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 technical barriers to trade, 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:

Accreditation	means a procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks;
Associate Member	means an Institution of a non-SADC State which otherwise meets the criteria for Ordinary Membership of a SADC TBT Cooperation Structure, or a regional organization with objectives similar to those of a SADC TBT Cooperation Structure, with its Associate Membership having been approved by all Ordinary Members;
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;
Common Technical Regulations	means a technical regulation that is equivalent or that incorporates SADC harmonised Text;
Conflicting Standards	means a national standard within the same scope and field of the application as a SADC Harmonized Text and with

provisions such that compliance with the national standard is not compliance with the SADC Harmonised Text;

Conformity Assessment means demonstration that specified requirements relating to a product, process, system, person or body are fulfilled ;

Conformity Assessment Procedure means any procedure used, directly or indirectly, to determine that relevant requirements in technical regulations or standards are fulfilled;

Explanatory note

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.

Equivalence means technical harmonisation used to eliminate illegitimate barriers to trade where Members accept that technical regulations different from their own fulfil the same objectives;

Harmonisation means a process by which standards on the same subject approved by different standards bodies, (including requirements for conformity assessments) establish interchangeability of products, processes and services, or mutual understanding of test results or information provided according to these standards;

Harmonised Text means text developed or adopted and approved by the SADCSTAN carrying with it an obligation for implementation by SADC members as a national standard and withdrawal of any conflicting national standards as required by article 8 of the TBT Annex to the SADC Protocol on

Trade;

Inspection	means conformity evaluation by observation and judgement accompanied as appropriate by measurement, testing or gauging;
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;
National Metrology Institute	means institution designated by national decision to develop and maintain national measurement standards for one or several quantities;
National Measurement Standard	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;

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 applicable to a specific country 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.
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).
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;
SADC TBT Cooperation	means SADC Cooperation in Standardisation, Quality Assurance, Accreditation Metrology and Technical

		Regulations;
TBT Structure(s)	Cooperation	means one or all of the seven structures, namely SADCA, SADC MEL, SADC MET, SADC STAN, TBTEG, SADC TBTSC, and SADC TRLC;
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;

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

COMMENCEMENT

1. Once adopted, this Annex supersedes the TBT Annex approved in 2008.

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 shall apply to the SADC TBT Cooperation.
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 re-affirm their commitment to the WTO TBT Agreement principles of non-discrimination, necessity, prevention of trade restrictiveness, proportionality, the use of international standards, equivalence, 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 texts, technical regulations and conformity assessment procedures in order to facilitate and increase trade. 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 and equivalence 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.
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:
 - a) the nature of the problem,
 - b) the absence of suitable alternatives for addressing the problem,
 - c) the likely socioeconomic benefits to the public and the environment,
 - d) the costs of proposed actions, and
 - e) 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

PREPARATION AND APPLICATION OF STANDARDS

1. Member States shall ensure that national standards are based to the greatest extent possible on the relevant international standards or harmonised texts, and that national deviations which are the result of demonstrable and scientifically proven national specifications are notified to SADCSTAN.
2. SADCSTAN harmonised text shall be, as much as practicable be based on international standards
3. 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.
4. 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 8 ACCREDITATION

1. Member States shall recognise Accreditation Bodies (ABs) which are parts of:
 - a) SADCA MRA
 - b) African Accreditation Cooperation (AFRAC) MRA.
 - c) ILAC MRA and IAF MLA

ARTICLE 9 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 shall include as may be 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 inform and warn the public about the problem and what actions to take.
 - b) Legal sanctions that are implemented through the judicial system should the supplier fail to respond positively on administrative sanctions.

ARTICLE 10 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, businesses and non-governmental bodies involved in the development, adoption, implementation and maintenance of technical regulations.
2. Each Member State shall establish and maintain a function within government which will oversee the implementation of this Annex at national level for all future technical regulation work.

ARTICLE 11

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 TBT Expert Group (TBTEG)
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 12 to 19.

ARTICLE 12

GENERAL FUNCTIONS AND RULES OF THE COOPERATION STRUCTURES

1. All TBT 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 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 TBTEG, 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, as per their rules of procedure;
 - 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 TBTEG, 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 and:
 - 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;and
 - f) The Secretariat may be held consecutively more than once
4. All TBT Cooperation Structures shall grant Observer Status to each other.

ARTICLE 13

SADC TECHNICAL REGULATION LIAISON COMMITTEE (SADCTRLC)

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 including the guidelines for technical regulations legislative instruments , Regulatory instrument, Regulatory Agencies and Conformity assessments ;
 - 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 SADCTRLC shall, *inter alia*, be to:
 - a) Develop mechanisms to facilitate equivalence and incorporation of harmonized text in technical regulations;

- b) Request TBT Cooperation Structures to develop appropriate standards, conformity assessment procedures, and support Conformity Assessment Services for use in the regulatory domain;
 - c) Develop a common SADC position regarding WTO TBT Agreement issues for eventual use by Member State delegations at the WTO TBT Technical Committee; and
 - d) Be involved in mediation and conciliation in respect of technical regulations, if required, before Article 32 of the Protocol is invoked
 - e) Facilitate access to current databases and information of Member States technical regulations.
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.

ARTICLE 14

SADC TBT STAKEHOLDERS COMMITTEE (SADCTBTSC)

1. The SADC TBT Stakeholders Committee (SADCTBTSC) shall facilitate SADC stakeholder participation in SADC TBT matters in both the voluntary and regulatory domains.
2. The aim of SADCTBTSC shall, *inter alia*, be to advise the other TBT Cooperation Structures on matters in respect to this Annex, including priority areas for inclusion in their work programmes.
3. The functions of SADCTBTSC shall, *inter alia*, be to:
 - a) Facilitate input from organised stakeholders such as industry, private sector, Conformity Assessment Bodies, NGOs, consumers, and labour;
 - b) Inform other TBT Cooperation Structures about their requirements regarding technical regulations, standards, accreditation and metrology in the region;
 - c) Provide information on regional TBT matters as they affect and regional economic integration activities;

- d) Interact with national stakeholders in order to use them to influence national legislators on the need to develop and use harmonised texts and technical regulations in the region; and
 - e) Promote the development and capacity building of Conformity Assessment service providers.
4. Ordinary Members of the SADCTBTSC shall be national delegations of representatives of organised stakeholders such as industry, private sector, Conformity Assessment Bodies, NGOs, consumers, labour and regulators having an interest in the matters contemplated in this Annex.

ARTICLE 15 A

SADC COOPERATION IN ACCREDITATION (SADCA)

1. The SADC Cooperation in Accreditation (SADCA) shall coordinate accreditation activities in the region and facilitate the national, regional and international recognition and acceptance of SADC accreditation infrastructure providing Member States with accreditation as a tool for facilitating trade and the protection of health and safety of the public and the environment in both the voluntary and regulatory areas.
2. The aims of SADCA shall be to;
 - a) Develop and maintain mutual confidence amongst Accreditation Bodies in the SADC region and internationally;
 - b) Achieve and maintain uniformity of accreditation activities in the SADC region and in line with international best practice ;
 - c) Promote and facilitate the use of accreditation as a tool for national governments to promote trade in accordance with;
 - (i) WTO TBT Agreement
 - (ii) This Annex
 - d) Promote consistent application of accreditation standards and facilitate their implementation;
 - e) Ensure the provision of regional accreditation cooperation services which are independent, impartial, transparent, non-discriminatory and

achieve and maintain a high level of integrity and confidentiality whilst ensuring ethical operations;

- f) Facilitate access to current databases of recognised Accreditation Bodies within the region and internationally.

3. The functions of SADCA, *inter alia*, shall be to

- a) Facilitate the implementation of effective collaboration amongst accreditation bodies and any other institutions dealing with accreditation in the region and internationally;
- b) Coordinate SADC projects on accreditation;
- c) Represent SADC in, participate and liaise with the African Accreditation Cooperation (AFRAC);
- d) Facilitate capacity development in the region in the area of accreditation.
- 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);
- f) Establish, manage and maintain a Mutual Recognition Arrangement (MRA) between Accreditation Bodies in the region within the framework of and consistent with global MRAs;

4. SADCA Membership shall comprise :

- a) **Arrangement Membership** of SADCA which shall be open to a Member Accreditation Body which has successfully met the SADCA requirements to be a signatory of the SADCA Mutual Recognition Arrangement (MRA).
- b) **Ordinary Membership** of SADCA which shall be open to the Government recognized Accreditation Bodies of SADC Member States and to National Accreditation Focal Points (NAFPs) nominated by a Member State's Government.

- c) **Associate Membership** of SADCA which shall be open to Accreditation Bodies of non-SADC States or regional cooperations with objectives similar to those of SADCA, subject to the prior approval of the SADCA General Assembly.

- d) **Stakeholder Membership** of SADCA shall be open to: Organised stakeholders such as industry, private sector Associations, Government representatives, Conformity Assessment Bodies, other regional and international cooperation in accreditation and any other SADC Committee with an interest in accreditation such as the SADC SPS Coordinating Committee and the SADC sector specific committees.

ARTICLE 15 B

SADC ACCREDITATION SERVICE (SADCAS)

1. The SADC Accreditation Service (SADCAS) is a multi-economy Accreditation Body which provides accreditation services to those SADC Member States without their own Accreditation Bodies or whose Accreditation Bodies cover limited scopes or schedules.

2. SADCAS shall comply with international best practice while taking into account the specific circumstances, opportunities and needs of the Region and of the Member States.

3. The functions of SADCAS as well as its membership shall be as defined in the SADCAS Constitution and shall comply with international standards and guides on Accreditation Bodies.

ARTICLE 16

SADC COOPERATION IN LEGAL METROLOGY (SADCMEL)

1. The SADC Cooperation in Legal Metrology (SADCMEL) 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, for all measurements performed in Legal Metrology in the Region through the use of traceable verification standards ;
 - c) Establish tolerances and detailed requirements for traceability to national measurement standards acceptable to SADC MET for verification standards;
 - d) Reduce existing TBTs and Administrative Barriers to Trade (ABTs) to ensure equivalence of Legal Metrology legislation in the Member States pertaining to the sale of products
 - e) Harmonise type approval requirements and testing techniques for instruments used for legal measurements (as provided for in national legal metrology legislation) through the promotion of OIML Recommendations and where these are not available, by developing Regional requirements
 - f) Agree on the acceptability of particular international test and type approval certificates;
 - g) Harmonise verification (assizing) test procedures for instruments used for legal measurements (as provided for in national legal metrology legislation) through the promotion of OIML

Recommendations and where these are not available, by developing Regional verification procedures

- h) Liaise with the International Organisation of Legal Metrology (OIML), AFRIMETS and other regional and international organisations concerned with Legal Metrology;
 - i) Organise and promote intra and inter-regional laboratory test inter-comparisons where these are required and practical and lobby for the duty-free movement of metrological artefacts used for inter-comparisons; and
 - j) Promote full or corresponding membership of the OIML amongst Member States;
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 Trade and Industry.
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.

ARTICLE 17

SADC COOPERATION IN MEASUREMENT TRACEABILITY (SADCMET)

1. The SADC Cooperation in Measurement Traceability (SADCMET) 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 equivalent national measurement standards.
2. The aims of SADCMET 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 equivalence to International Measurement Standards and to maintain traceability to 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 the development of new national measurement standards;
 - b) Provide a forum for cooperation with regard to major investments in National Metrology Institutes in the Region;
 - c) Operate a database containing details of National Metrology Institutes services, technical personnel and the results of inter-comparisons of national measurement standards in the region;
 - d) Liaise with the International Bureau of Weights and Measures (BIPM) and other regional and international organisations concerned with measurement traceability, equivalence and the use of measurement units;
 - e) Represent SADC in AFRIMETS and participate in its activities
 - f) 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
 - g) Create an environment for the conclusion of Mutual Recognition Arrangements (MRAs) amongst qualifying National Metrology Institutes 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 Trade and Industry.
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.

ARTICLE 18

SADC COOPERATION IN STANDARDISATION (SADCSTAN)

1. The SADC Cooperation in Standardisation (SADCSTAN) shall promote the coordination of standardisation activities and services in the Region, with the purpose of achieving harmonisation of texts in support of the objectives of the SADC Protocol on Trade.
2. The aims of SADCSTAN shall be to:
 - a) Promote regional cooperation in the development of harmonised texts;
 - b) Facilitate the exchange of information on existing standards and draft standards among Members States;
 - c) Facilitate the adoption of harmonised texts as national standards by Member States;
 - d) Promote the adoption of relevant international standards that are of interest to SADC Member States
 - e) Facilitate the adoption of a common position by Member States in regional and international standardisation bodies; and
 - f) Encourage the harmonisation of legislation relating to Standards.
3. The functions of SADCSTAN shall, inter alia, be to:
 - a) Develop and adopt mechanisms for the formulation of harmonised texts;
 - b) Develop mechanisms to facilitate the adoption of harmonised texts as national standards;
 - c) Examine the needs for and develop regional product specifications;
 - d) Consult with relevant TBT Cooperation Structures and with industry in the development of relevant harmonised texts;
 - e) Develop harmonised texts in support of equivalent 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 respecting and adhering to the intellectual property rights and

- obligations of International standards setting bodies and other National Standards Bodies;
- i) Develop regional mechanisms to facilitate compliance with the WTO TBT Agreement requirements; and
 - j) Facilitate access to current databases of the Member States National Standards Bodies in respect of standards and draft standards.
4. Ordinary Membership of SADCSTAN 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 Trade and Industry.
 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 State as described in (4) and (5) above.
 7. List of harmonised texts shall be submitted to the Committee of Ministers of Trade (CMT) for noting.
 8. Member States shall withdraw a conflicting standard and adopt the Harmonised Text within eighteen 18 months from submission to CMT.
 9. Where a Member State is developing a new standard and there is an existing harmonised text, it shall adopt the harmonised text.
 10. Should any Member State not adopt a harmonised text due to reasons specific to that State, the Member State shall give prior notice with sound justification to SADCSTAN, within three (3) months of finalisation of the Harmonised Text.
 11. Upon adoption by Member States, the Harmonised Text shall be revised, amended or withdrawn in accordance with SADCSTAN procedures as need arises, taking into consideration the latest developments.

ARTICLE 19

SADC TBT EXPERT GROUP (TBTEG)

1. The SADC TBT Expert Group (TBTEG) shall support the SADC Secretariat in an advisory capacity in dealing with;
 - a) TBT matters not covered by the other TBT Cooperation Structures, and / or
 - b) Overlapping TBT issues in both the voluntary and regulatory domain.
2. The functions of SADC TBTEG shall, inter alia, be to:
 - a) Provide recommendations to the SADC Secretariat on any common TBT issues affecting the region either in respect of policy or operational issues;
 - b) Provide recommendations to all TBT Cooperation Structures on any relevant TBT issues either in respect of policy or operational issues;
 - c) Identify and initiate actions on TBT issues not directly addressed by the other SADCTBT Cooperation Structures; and
 - d) Facilitate the implementation, monitoring and reviewing of the obligations in terms of this Annex by SADC Member States and TBT Cooperation Structures;
3. The members of SADCTBTEG shall include:
 - a) The Chairpersons and Regional Coordinators of the TBT Cooperation Structures, and
 - b) A country representative from each SADC Member State.
4. SADC TBTEG 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 act as the Secretariat of TBTEG.

ABBREVIATIONS

In this Annex, unless the context otherwise requires:

AB	means Accreditation Body
ABT	means Administrative Barriers to Trade
AFRAC	means African Accreditation Cooperation
AFRIMETS	means Intra-Africa Metrology System
AFSEC	means African Electrotechnical Standardisation Commission
ARSO	means African Organization for Standardization;
BIPM	means Bureau International des Poids et Mesures (International Bureau of Weights and Measures);
CMT	means Committee of Ministers of Trade and Industry
IAF	means International Accreditation Forum;
IEC	means International Electro-technical Commission;
ILAC	means International Laboratory Accreditation Cooperation;
ISO	means International Organisation for Standardisation;
MOU	means Memorandum of Understanding;
MLA	means Multilateral Recognition Arrangement
MRA	means Mutual Recognition Arrangement
NGO	means Non-Governmental Organisation
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);
SADC	means Southern African Development Community;
SADCA	means SADC Cooperation in Accreditation;
SADCAS	means the SADC Accreditation Service
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;
SQAM	means Standardisation, Quality assurance, Accreditation and Metrology;
SADC TBTEG	means SADC TBT Expert Group;
TBT	means Technical Barrier to Trade;
WTO	means World Trade Organisation;
WTO TBT Agreement	means WTO Agreement on Technical Barriers to Trade