



**SEVENTY EIGHTH ORDINARY SESSION OF THE ECOWAS
COUNCIL OF MINISTERS**

Monrovia, 1st – 2nd June 2017

**REGULATION C/REG.8/6/17 ON THE ORGANIZATION AND
FUNCTIONING OF THE COMMUNITY COUNCIL FOR QUALITY**

THE COUNCIL OF MINISTERS,

MINDFUL of Articles 10, 11 and 12 of the Revised ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions,

MINDFUL of Article 26 paragraph (3I) of the Revised ECOWAS Treaty on the adoption of common standards and appropriate quality systems by Member States;

MINDFUL of Supplementary Act A/SA.1/02/13 on adoption of the ECOWAS Quality Policy (ECOQUAL) and its implementation framework;

MINDFUL of Supplementary Act A/SA.2/07/10 on the adoption of the West African Common Industrial Policy (WACIP) and its plan of action;

MINDFUL of Regulation C/REG.19/12/13 on the Adoption of the Regional Quality Infrastructure Scheme of ECOWAS;

MINDFUL of Regulation C/REG.14/12/12 on the adoption of the ECOWAS Standards Harmonization Procedures (ECOSHAM);

CONSCIOUS of the need to protect consumers in the ECOWAS region;

CONVINCED of the important role that social responsibility can play in protecting consumers and citizens of ECOWAS;

CONSIDERING that the establishment of quality infrastructure at Community level requires for its proper functioning, the respect of a certain number of behavioural principles;

CONSCIOUS that the community quality policy cannot be conducted by ignoring the role of the national bodies responsible for standardisation, accreditation and metrology;

CONSIDERING that the development of the common market is possible only through the contribution of the economic players in the development of standards, whereby effective enforcement is requested of them;

DESIROUS to clearly indicate to stakeholders, the rules of standardization.

ON THE RECOMMENDATION of the Meeting of Ministers in charge of Quality of the ECOWAS held in Abidjan, Côte d'Ivoire, on the 21st April 2017.

ENACTS

Chapter I: GENERAL PROVISIONS


ARTICLE 1: PURPOSE

1. The purpose of this Regulation is to lay down rules for the organization and functioning of the Community Council for Quality set up by Article 7 of Regulation C/REG.19/12/13 on the adoption of the Regional Quality Infrastructure Scheme of ECOWAS.
2. The Community Council for Quality (CCQ) has an advisory role to the ECOWAS Commission.

ARTICLE 2: OBJECTIVE

1. The objective of the Community Council for Quality is to help the Commission ensure the effective implementation of the activities defined in ECOQUAL, the Regional Quality Policy.
2. It shall make proposals to the ECOWAS Commission and the Council of Ministers.

ARTICLE 3: MISSIONS OF THE COMMUNITY COUNCIL FOR QUALITY

1. The Community Council for Quality shall perform the following tasks:
 - a) Assist the Commission in general in the implementation of the Community Quality Policy;
 - b) Coordinating the activities of the four Community Committees provided in Article 8 of this Regulation and the Regional Accreditation System (RAS);
 - c) To exercise the highest authority on the promotion of quality in the ECOWAS region;
 - d) To propose to the Commission, national quality structures with a regional vocation in liaison with the regional quality organism responsible for the execution of programs resulting from the Quality Policy and the Department in charge of Quality; 

- e) Ensure the effective participation of the ECOWAS Specialized Agencies, Regional Private Sector, Federations and Consumer Associations, in the implementation of the ECOWAS Quality Infrastructure Scheme.

2. The implementation activities at the operational level of the technical decisions of the Community Council for Quality shall be implemented by the Regional Organism for Quality. This Organism is mandated for this purpose within the framework of a Memorandum of Understanding pursuant to section 12 paragraph 4 of Supplementary Act A/SA.1/02/13 on adoption of the ECOWAS Quality Policy (ECOQUAL).

ARTICLE 4: MEMBERSHIP OF COMMUNITY COUNCIL FOR QUALITY

1. COMPOSITION OF THE COMMUNITY COUNCIL FOR QUALITY


The Community Council for Quality shall be composed of the following:

- a) The Sectoral Minister in charge of Quality, whose country chairs the ECOWAS Council of Ministers or its representative;
- b) The Commissioner in charge of Quality;
- c) Representatives of accreditation bodies that are members of the West African Accreditation Forum;
- d) A representative of the Community Metrology Committee;
- e) A representative of the Community Technical Regulation Committee;
- f) A representative of the Community Conformity Assessment Committee;
- g) A representative of the Community Committee for Standardization;
- h) Two representatives from the private sector;
- i) A representative of the consumer rights organizations recognized by the ECOWAS Commission.

2. APPOINTMENT OF THE MEMBERS OF THE COMMUNITY COUNCIL FOR QUALITY

The members of the Community Council for Quality are designated as follows:

Ex officio members:

- a) The sectoral Minister in charge of quality of the country which chairs the Council of Ministers of ECOWAS;
- b) The ECOWAS Commissioner in charge of Quality or his/her representative;
- c) the Presidents of accreditation bodies of the West African Accreditation Forum (FOACA);
- d) The Presidents of the Community Committees (Community Metrology Committee, Community Committee for Standardization, Community Technical Regulation Committee, Community Conformity Assessment Committee) 

Nominated and proposed by the Organizations concerned:

- e) the two representatives of the private sector;
- f) The representative of the Consumer Rights Bodies recognized by the ECOWAS Commission.

3. REPLACEMENT OF A MEMBER OF THE COUNCIL

1. In case of permanent impeachment, especially the end of a mandate is found, the organization of origin of the relevant official shall propose their replacement.
2. The latter shall be appointed for the remainder of the term of office.

ARTICLE 5: REMUNERATION OF MEMBERS OF THE COMMUNITY COUNCIL FOR QUALITY

1. The position of a member of the Community Council for Quality shall be unpaid.
2. However, travel and lodging expenses related to the activities of the Community Council for Quality shall be borne by the ECOWAS Commission or any Body authorized to do so.

ARTICLE 6: TERM OF OFFICE

The members of the Community Council for Quality are appointed for a renewable term of three years, however:

- a) the term of office of the sectoral Minister in charge of quality from the country which chairs the Council of Ministers and who is a member of the Council corresponds to the duration of the Chairmanship of the Council ensured by their country;
- b) the term of office of the Commissioner in charge of quality and who is a member of the Council corresponds to the duration of their mandate as Commissioner at the ECOWAS Commission.

CHAPTER II: ORGANIZATION AND FUNCTIONING

SECTION 1: ORGANIZATION

The Community Council for Quality consists of:

1. The office of the President;
2. The Committees;
3. The Permanent Secretariat. *MS*

ARTICLE 7: THE OFFICE OF THE PRESIDENT

The office of the President shall consist of a President and a Vice-President.

1. APPOINTMENT OF THE PRESIDENT AND VICE-PRESIDENT

- a) The Community Council for Quality is chaired by the sectoral Minister in charge of quality as defined in Article 4.2. of this regulation.
- b) The Commissioner in charge of Quality shall be the Vice-President.

2. POWERS AND OBLIGATIONS OF THE PRESIDENT

- a) The President directs all the meetings of the Community Council for Quality. He is assisted by the Vice-President and by two rapporteurs at each sitting.
- b) The President adopts the draft agenda for each session, taking into account any proposals by the members or the ECOWAS Commission.
- c) He must inform the Permanent Secretariat and the Regional Quality Organism on a regular basis of all the activities of the Community Council for Quality.
- d) He ensures the implementation of the decisions resulting from the sessions by the Regional Quality Organism.
- e) He also ensures the approval of the minutes of meetings held by the Permanent Secretariat.
- f) The President represents the Community Council for Quality with regards to third parties.

3. SUBSTITUTE OF THE PRESIDENT

In the event of absence at a meeting the President shall be replaced by the Vice-President.

4. ACTIVITY REPORT

The President of the Community Council for Quality produces, each year, a report on the state of implementation of ECOQUAL, the ECOWAS Quality Policy. This report is shared with all stakeholders in quality promotion activities.

ARTICLE 8: COMMITTEES

1. The Community Council for Quality consists of:
 - a) A Community Technical Regulation Committee;
 - b) A Community Conformity Assessment Committee; *PK*

- c) A Community Metrology Committee;
 - d) A Community Committee for Standardization;
 - e) A Regional Accreditation System.
2. The activities of the Committees are supervised by the President of the Community Council for Quality.
 3. The reports of the Committees are presented at the sessions of the Community Council for Quality by the Chairpersons of the four (4) Community Committees and the Chairperson of the Regional Accreditation System.

ARTICLE 9: PERMANENT SECRETARIAT

1. The Permanent Secretariat of the Community Council for Quality is provided by the Regional Quality Organism mandated for this purpose under a Memorandum of Understanding pursuant to section 12 paragraph 4 of the ECOWAS Quality Policy document.
2. The Permanent Secretariat shall particularly:
 - a) assist the President of the Community Council for Quality in organizing all meetings of the Community Quality Council;
 - b) assist the rapporteurs in the meetings of the Community Council for Quality;
 - c) follow up with the Presidency, the progress of the work undertaken by the Community Council for Quality;
 - d) contribute to the establishment of Working Groups and subcommittees;
 - e) manage all current relations, in particular between the members of the Community Quality Council, the ECOWAS Commission and external partners;
 - f) Ensure the participation of the Community Council for Quality in all ECOWAS meetings and events relating to quality, the functioning of the common market and consumer safety.
3. The Permanent Secretariat is the depository of the various acts and archives of the Community Council for Quality.

SECTION 2: FUNCTIONING

ARTICLE 10: OBLIGATION OF MEMBERSHIP

In order to ensure quality of the work and achievement of the objectives set at the Community Council for Quality, the members shall:

- a) Prepare meetings by consulting all national stakeholders at national level involved in activities related to quality;

- b) Study all the documents put at their disposal in order to be able to make their observations and proposals to the other members of the Community Council for Quality;
- c) Participate effectively, except in cases of force majeure, in all meetings of the Community Council for Quality;
- d) Report the outcomes of the meetings to local stakeholders.

ARTICLE 11: MEETINGS

The Community Council for Quality shall set forth the rules of procedure for conduct of meetings.

ARTICLE 12: FUNDING

An enabling rule shall set forth modalities for funding the Community Council for Quality, the Community Committees and the Regional Accreditation System.

CHAPTER III: OPERATIONAL ACTIVITIES OF THE COMMUNITY COUNCIL FOR QUALITY

ARTICLE 13: WORKING PRINCIPLES OF THE COMMUNITY COUNCIL FOR QUALITY

Within the framework of its activities, the Community Council for Quality shall make the necessary arrangements to ensure quality and transparency of the work carried out at national and Community level.

ARTICLE 14: RELATIONSHIPS WITH THE COMMISSION

1. The Community Council for Quality shall have a permanent working relationship with the ECOWAS Commission through the Department in charge of Quality.
2. The Community Council for Quality shall draft an annual report on the state of implementation of the ECOWAS Quality Policy.
3. This report shall be communicated to the Department of in charge of Quality. It is then circulated if necessary to the President of the Commission, all Member States and international partners.

ARTICLE 15: RELATIONSHIPS WITH MEMBER STATES

In conjunction with the Department of in charge of Quality and the Regional Quality Organism, the Community Council for Quality shall encourage Member States to:


- a) establish their national quality infrastructure;
- b) acquire the legal texts necessary for the effective management of their quality infrastructure;
- c) join regional, sub-regional and international organizations working in the fields of quality promotion, technical regulation, conformity assessment, standardization, certification, accreditation and metrology.

ARTICLE 16: PROPOSALS MADE BY THE COMMUNITY COUNCIL FOR QUALITY

1. The Community Council for Quality shall propose to the ECOWAS Commission all legislative or regulatory measures concerning:
 - a) the accreditation of conformity assessment bodies;
 - b) the creation of laboratory networks and memoranda of understanding for testing operations;
 - c) harmonization of legal metrology practices in the member states;
 - d) the participation of laboratories in aptitude tests and inter-comparisons;
 - e) the creation of a regional directory of conformity assessment bodies;
 - f) the identification of products and services that must be subject to standards based on export market requirements or health and safety risks;
 - g) the establishment of an annual forum of conformity assessment bodies to discuss accreditation programs.
2. The Community Council for Quality shall make all effort to develop regional expertise in the various fields of quality.

CHAPTER IV: FIELDS OF ACTIVITIES OF THE COUNCIL

ARTICLE 17: LIST OF FIELDS OF ACTIVITY

1. The fields of activities covered by the ECOWAS Quality Infrastructure activities are:
 - a) standardization;
 - b) certification;
 - c) accreditation;
 - d) metrology;
 - e) technical regulation;
 - f) conformity assessment and
 - g) quality promotion.
2. The technical activities are carried out within the Regional Quality Organism. 

ARTICLE 18: CERTIFICATION

1. The Community Council for Quality, in conjunction with the Department of Quality within the Commission shall propose all necessary measures to enable the Commission to establish certification trademarks.
2. Certification trademarks will be registered in the name of the ECOWAS Commission, which stands as the owner of the copyright. The procedures for the technical and commercial exploitation of trademarks shall be determined by a document drawn up by the Regional Quality Organism.
3. The Community Council for Quality shall also take all necessary measures and arrangements to facilitate the operationalization of the Community certification scheme, the management of which will be entrusted to the Regional Quality Organism.

ARTICLE 19: METROLOGY

1. The Community Council for Quality enables the Regional Quality Body to setup the Regional Metrology Network.
2. It shall ensure that the legal framework established at Community and State levels takes into account:
 - a) System of recognition of the results of bodies or departments of legal metrology with the possibility of ISO/CEI 17020 and ISO/CEI 17025 accreditation;
 - h) The establishment of a suitable metrology institute and an effective legal metrology system;
 - i) Assurance of traceability to national standards;
 - j) The basic units of the International Unit System ;
 - k) Creation of repair and instrumentation centers (CRIs) in the Member States.

ARTICLE 20: ACCREDITATION

1. The Community Council for Quality ensures that the package of texts necessary for the operationalization of the accreditation policy is put in place.
2. Prior to the international recognition of all certificates issued by accreditation bodies of the ECOWAS Member States, the Regional Accreditation System manages their mutual recognition on a transitional basis.



3. It shall encourage the international recognition of accreditation bodies in the region.

ARTICLE 21: STANDARDIZATION

1. Standardization activities are managed in accordance with the ECOWAS texts, especially under Regulation C/REG.19/12/13 adopting the ECOWAS Regional Quality Infrastructure Scheme and Regulation C/REG.14/12/12 adopting the procedures for the harmonization of ECOWAS standards.
2. The memoranda of understanding provided for in in section 12 paragraph 4 of Supplementary Act A/SA.1/02/13 are used to entrust the management of standardization activities to the Regional Quality Agency.

ARTICLE 22: TECHNICAL REGULATIONS

The necessary arrangements shall be made and implemented by the relevant Regional Bodies to ensure effective notification of the relevant legal texts produced in the ECOWAS region or from non-member countries.

ARTICLE 23: CONFORMITY ASSESSMENT

The Community Council for Quality shall define, in conjunction with all regional, national and international partners, where appropriate, the arrangements and procedures for conformity assessment in the ECOWAS region.

ARTICLE 24: QUALITY PROMOTION

The Community Council for Quality is involved in the implementation of the regional programs for quality promotion and social responsibility.

CHAPTER V: MISCELLANEOUS AND FINAL PROVISIONS

ARTICLE 25: RULES OF PROCEDURE

All other arrangements for the organization and functioning of the Community Council for Quality, especially the organization and functioning of the Community Quality Committees and the Regional Accreditation System, shall be specified in its Rules of Procedure.

ARTICLE 26: CONFIDENTIALITY

1. Members, observers, resource persons and members of the Committees are bound to keep confidential the content of the debates during the meetings.
2. Circulation of draft documents of the Community Council for Quality shall be restricted, unless the President decides otherwise. *nk*

3. The Community Council for Quality shall, under the same conditions, encourage the effective implementation of the texts and make periodic reports to the Commission on the state of implementation of the rules adopted by ECOWAS in each member state. *nk*

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ARTICLE 27: IMPLEMENTATION OF THE DECISIONS OF THE COMMUNITY COUNCIL FOR QUALITY

1. Decisions taken by the Community Council for Quality shall be implemented, as appropriate, by the Member States, the ECOWAS Commission or the Regional Quality Organism.
2. The decisions of the Community Council for Quality, the implementation of which must be ensured by the Member States, shall be notified to the latter by the Commission. The Department of Quality ensures the follow-up and reports to the ECOWAS Commission.
3. All decisions of the Community Council for Quality to be implemented by the ECOWAS Commission shall be notified to the Department of in charge of Quality in order to be taken into account in the Commission's work programs.
4. In accordance with Chapter 7 of the ECOWAS Quality Policy document (ECOQUAL), the ECOWAS Commission may sign Memoranda of Understanding as part of the implementation of the Policy.
5. To facilitate the efficient management of the ECOWAS Quality Infrastructure, the Regional Quality Organism shall have the following missions through a Memorandum of Understanding:
 - a) management of the permanent secretariats of Community Council for Quality, the Community Technical Committees and the Regional Accreditation System;
 - b) support for the implementation of quality promotion activities, including the technical organization of the ECOWAS Quality Award.

ARTICLE 28: NON-INTERFERENCE IN TECHNICAL DECISIONS

The Community Council for Quality cannot interfere in the technical decisions of the Bodies, Committees or Specialized Offices that are involved in operational activities within the Regional Quality Organism.

ARTICLE 29: MARKET SURVEILLANCE AND CONSUMER PROTECTION

1. Market surveillance and consumer protection must be top priorities for the Community Council for Quality.
2. The Community Council for Quality proposes all measures to ensure proper market surveillance and consumer information and protection.
3. The Community Council for Quality shall, under the same conditions, encourage the effective implementation of the texts and make periodic reports to the Commission on the state of implementation of the rules adopted by ECOWAS in each member state. *hsk*

ARTICLE 30: RULES FOR THE ORGANIZATION AND FUNCTIONING OF THE COMMITTEES AND THE REGIONAL ACCREDITATION SYSTEM

The rules for the organization and functioning of the Community Quality Committees and the Regional Accreditation System shall be set in Rules of Procedure and according to the nature of their activities.

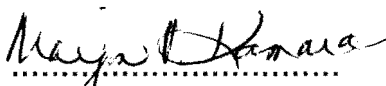
ARTICLE 31: REPEAL / REVISION

1. This text repeals all contrary provisions in Legal Texts relating to Regional Quality Infrastructure.
2. If a member state wishes to revise these Rules, it shall notify its intention to the President of the Commission by means of a reasoned request.

ARTICLE 32: ENTRY INTO FORCE AND PUBLICATION

This Regulation shall enter into force after its signature by the Chairman of the Council of Ministers and shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days. It shall also be published by each Member State in its Official Journal thirty (30) days after notification by the Commission.

DONE IN MONROVIA, THIS 2ND DAY OF JUNE 2017


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MARJON V. KAMARA

**THE CHAIRPERSON,
FOR THE COUNCIL**

SIGNED ON THIS *5th* DAY OF *June* 2017 AT MONROVIA