

**DRAFT REGULATIONS N°/2005/AU GIVING AN OUTLINE OF THE ORGANISATION  
OF THE AFRICAN ELECTROTECHNICAL STANDARDISATION COMMISSION  
OF THE AFRICAN UNION**

**THE COUNCIL OF MINISTERS OF THE AFRICAN UNION.**

**In view of** the AU Treaty, particularly in its articles xx, xx,

**In view of the** Act adopting the common Industrial Policy of the AU,

**In view of the fact that** the International Electrotechnical Commission is an organisation that has been created to follow up resolution \*) adopted by the Chamber of Delegates of the Governments at the International Electricity Congress held at Saint-Louis (United States) in September 1904. The first Statutes, drawn up at the preliminary meeting held in London in 1906, have been adopted in 1908. Revised Statutes and Rules of Procedure have been adopted in 1949, in 1963, in 1974, in 1991, in 1993, in 1997 and in 2000.

**Considering** the provisions of articles xx, yy of the AU Treaty, which authorises the Council of Ministers to adopt upon proposal of the AU Commission, a framework relating to the harmonisation and mutual recognition of the technical standards in the fields of electricity, electronics and associated technologies, as well as the procedures for homologation and certification in force in the member States;

**Considering** that the making coherent of the legislation, regulations, procedures for standardisation, assessment of the compliance and quality control, as well as the technical and scientific data available, impose the creation of permanent systems for the collecting of information, assessment and coordination between the Member States of the AU.

**Considering** that the putting in place of the present framework necessitates the creation of technical and scientific structures, particularly for the standardisation in the fields of electrotechnology which imposes an immediate continental and international cooperation.

**Considering** that the Member States with a view to pursuing their policy according to a gradual harmonisation framework should proceed to put in place a coordination structure capable of assessing the level and quality of the legislation in terms of Standardisation in the fields of electricity, electronics and associated technologies, within the Union, in order to enable their mutual recognition between the Member States.

**Considering** that the present framework will contribute towards improving the exchange of products and services within the Community area as well as at an international level, and towards constituting the framework of the actions of the policies of the Union aimed at pursuing the institution of the common market.

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\*) This resolution has the following content:

**« That steps should be taken with a view to ensuring the cooperation of the technical companies of the world for the creation of a representative Commission responsible for examining the question of unification of the nomenclature and the classifications (ratings) of the electrical apparatus and machines. »**

## **Following a proposal of the Commission of the AU**

After notification dated ...  
of the Committee of Statutory Experts

### **ADOPTS THE REGULATIONS WITH THE FOLLOWING CONTENT:**

**Creates the** African Electrotechnical Standardisation Commission (AFSEC); it is designated in the present Statutes by the term "the Commission". Its abbreviated name is "AFSEC". The organisation constitutes a corporately organised association and enjoys legal status in accordance with Articles xx and following of Civil Code xxxxxx.

The questions that are not provided for in the present Statutes are governed by the laws of the country where the headquarters of the Commission are based.

## **PART I: GENERAL PROVISIONS**

### **Chapter 1 : DEFINITIONS AND FIELD OF APPLICATION**

#### **Article 1 - Definitions**

In the sense of the present regulations and for its application, the Member States agree to adopt the international terms in force applicable to the definitions of the following terms:

1. AU: The African Union;
2. Union: The African Union;
3. Member State: Any State being party to the AU Treaty;
4. AFSEC: African Electrotechnical Standardisation Commission;
5. Certificate of compliance: The document drawn up by a body assessing the compliance and certifying it;
6. Certification: the procedure by which a third party gives an assurance in writing that a product, a process or a service complies with the requirements specified;
7. Compliance: the fact that a certain product meets the technical prescriptions or standards in the fields of electricity, electronics and associated technologies;
8. Subsequent control: the acts of authority of the control bodies, seeing to it that the products offered, put on the market or put into operation meet the technical prescriptions;
9. Declaration of compliance: The document drawn up by the person responsible for the compliance and who certifies it;
10. Registration: Handing in to the competent authority, of the documentation necessary for offering, putting on the market, putting into operation or using a product.

#### **Article 2 - Field of application**

The objective of the present regulations is to fix the framework for the harmonisation of the activities for the standardisation in the fields of electricity, electronics and associated technologies, within the Union. This framework must make it possible:

- to further the free circulation of the products and services on the territory of the Union as well as at the level of international trade, particularly by reducing the obstacles inappropriate or unnecessary for trade,
- to pursue the assessment of their regulations and standards in the fields of electricity, electronics and associated technologies within a Community framework in order to enable their mutual recognition and increase the competitiveness of the products or services on the international markets, by creating an environment favourable to the free circulation, business planning and investment.

- to put forward the rights of the Member States and to fulfil their obligations in terms of the agreements of the World Trade Organisation (WTO) and other cooperation agreements,
- to further creativity and innovation and encourage the trade of the products and services subject to intellectual property, and to promote sustainable development and contribute to the protection of the consumers;
- to strengthen the abilities of the Member States in terms of drawing up and applying texts in terms of standardisation in the fields of electrotechnology on the African continent in search of customer satisfaction.

The provisions of the present chapter apply to the policies and activities in the fields of electricity, electronics and associated technologies of which the Member States have decided to further the harmonisation, and concerning in particular the standards in the fields of electricity, electronics and associated technologies, the technical regulations, the procedures for assessing the compliance, the procedures aimed at promoting international harmony.

The provisions of the present chapter apply to the policies and activities of which the Member States have decided to further the harmonisation, and concerning in particular the standards, the technical regulations in the fields of electricity, electronics and associated technologies, the procedures for assessing the compliance, the procedures for accreditation and authorisation and metrology in the fields of electrotechnology in the area of the AU.

### **Article 3 : Creation and terms of the structures of AFSEC:**

The AU shall see to the implementation of the present organisational framework and in particular shall adopt the texts necessary for the establishment of the African Electrotechnical Standardisation Commission (AFSEC). The AU shall specify the general operating rules of AFSEC and shall see to it that they are written and applied in compliance with the Community principles mentioned below for each of the fields concerned.

Any country wishing to participate in the work of the Commission forms a National Electrotechnical Committee (NEC-XX). There is only one National Electrotechnical Committee per country. Only the national Committees of the countries officially recognised by the African Union (AU) may become members of the Commission. The National Electrotechnical Committee must be fully representative of the national interests in the fields of activity of the Commission.

### **Article 4 : Objectives**

The objective of the Commission is to further continental and international cooperation for any questions of standardisation in the fields of electricity, electronics and associated technologies and related subjects such as the verification of the compliance with the standards, and, hence, to promote international harmony.

To fulfil its objective, the Commission, among other activities, publishes publications, among which, continental Standards in the fields of electricity, electronics and associated technologies.

With a view to harmonising their standardisation policy in the fields of electricity, electronics and associated technologies with the continental and international context, the Member States put in place a Continental structure entrusted with the tasks of a technical, scientific and managerial nature specified in the following article and aimed at:

- 1) Ensuring a degree of decentralisation and outsourcing of the activities of the AU at the level of standardisation in the fields of electricity, electronics and associated technologies,
- 2) Pursuing the development of scientific and technical expertise in these fields in view of their harmonious bringing together between the Member States.
- 3) Facilitating the establishment of contact between the partners concerned by these activities, their common work and consequently the dialogue at Community level.
- 4) Based on this bringing together, setting up an information and observation Community network, the coordination of which shall be ensured by AFSEC.
- 5) Giving in this way to the bodies of the Union and to the governments an enhanced visibility in order to allow a flexible and sensible integration of their multiplicity of interests within the framework of putting in place the Community market.
- 6) Allowing them also to maintain close relations between one another and with the international bodies existing in these fields.

The Member States adopt the International System of Units (SI) and undertake to develop within the shortest possible delays the instruments and strategies necessary for the adaptation of their national structures to the resulting technological changes, so that the measurement systems of the AU meet the international requirements.

#### **Article 5 - General principles of continental compliance**

In order to allow the free circulation of products and services in the Community area of the AU and participate better in international trade, the Member States must implement for all the fields concerned by the present harmonisation framework, the international guiding principles decreed within the framework of the Agreements of the WTO on Technical Barriers to Trade (TBT).

In accordance with these principles, the Member States:

- 1) must avoid the drawing up, adoption and application in the fields of electricity, electronics and associated technologies, of technical regulations, procedures, for the assessment of the compliance that may constitute obstacles to trade in the Community area;
- 2) must identify and eliminate in a permanent manner the said obstacles constituting hindrances to the free circulation of products and services;
- 3) must grant to the products and services of the other Member States with regard to the normative measures, the authorisation procedures, a national treatment not less favourable than the one that is granted to similar products and services in any other country;
- 4) must prepare, adopt, apply and maintain the measures relating to the standardisation in the fields of electricity, electronics and associated technologies, to the authorisation procedures which enable them to reach their legitimate objectives;
- 5) must adopt compatible methods and harmonised procedures to determine, declare and eliminate these obstacles or hindrances identified by an appropriate Community information system;
- 6) undertake to put in place in their country, if it does not already exist, a national electrotechnical committee (NEC-xx) with the aim of promoting locally the standardisation in the fields of electricity, electronics and associated technologies and to be the go-between of AFSEC.

#### **Article 6 : Missions of AFSEC**

In order to reach the objectives of harmonisation and mutual recognition of standards in the fields of electricity, electronics and associated technologies, as well as the procedures for

homologation and certification in force in the Member States provided for by the AU Treaty, the missions of AFSEC shall be to:

- 1) Collect and assess the status and the quality of the legislation, systems for standardisation, assessment of the compliance, inspection and of the test laboratories in the fields of electricity, electronics and associated technologies.
- 2) Draw up a list of the rules, prescriptions and standards in the fields of electricity, electronics and associated technologies which may be subjected immediately to mutual recognition between Member States, to facilitate the free circulation of products and services between these States or in the entire Union.
- 3) Recommend the bringing up to standard of the texts, technical regulations, standards, systems for the assessment of the compliance in the fields of electricity, electronics and associated technologies, necessary to further the establishment of the common market of the AU.
- 4) Establish in cooperation with the Member States and coordinate the network referred to in article 4.
- 5) Ensure the collection and the analysis of the resulting data in each field concerned.
- 6) Working out the draft texts, technical regulations, standards, systems for the assessment of the compliance in the fields of electricity, electronics and associated technologies, being prepared by the members of AFSEC, the Member States or Organisations and ensuring their distribution to the members for comments, complements, or requests aimed at being associated with their common elaboration within the framework of the bodies of the Commission.
- 7) Supply to the Union and its members, the objective information necessary for the formulation and implementation of the policies in the fields specified below.
- 8) Give its opinion to the AU when it is required within the framework of the provisions of article 17 of the present regulations, relating to the restrictions or hindrances to the free circulation of the products and services in the common market.

#### **Article 7 : Field of activity**

The promotion of the quality of the products and services depends on the standardisation, the certification in the fields of electricity, electronics and associated technologies.

The African Electrotechnical Standardisation Commission (AFSEC) shall be entrusted with the activities of scientific and technical expertise necessary for the Community harmonisation and the strengthening of these fields, to enable:

- 1) the national authorities within the framework of the prerogatives that are incumbent upon it, to take the measures for harmonising their legislation and regulations with the present continental framework and/or to mutually recognise that of one or more other Member States of the Union;
- 2) the Council of Ministers or the Commission of the Union to adopt, in compliance with the provisions of the AU Treaty, any measures necessary to boost or complete the harmonisation of the Common market.

#### **Article 8 : Participation in the work of international bodies:**

The Commission may cooperate and participate in the work of the international organisations interested in the subjects which it studies. The conditions of cooperation and sharing of responsibilities and spheres of activity with the International Electrotechnical Commission (IEC), the International Standards Organisation (ISO), the International Telecommunication Union (ITU), the African Regional Standardisation Organisation (ARSO) the European Standardisation Committee for Electrotechnology (CENELEC), the International Bureau of Weights and Measures (IBWM), and the International Organisation for Legal Metrology (OIML) are fixed by agreements.

The Member States shall see to it that they protect, preserve and distribute their models and instruments for national and regional measurement, while maintaining their traceability on the basis of the international models.

They shall also implement the measures necessary to guarantee the traceability of their metrology according to the recommendations of the International Bureau of Weights and Measures (IBWM) and the International Organisation for Legal Metrology (OIML).

### **Article 9 : Elaboration of the technical prescriptions**

The technical prescriptions are formulated so as not to generate technical hindrances to the trade or other unnecessary obstacles or measures and they are particularly worked out so as to be compatible with those of the main trade partners of the Member States of the AU.

Within this framework, the States shall see to it that their technical prescriptions:

- 1) are coherent, simple and transparent,
- 2) involve the smallest possible administrative and implementation expenses.

In order to harmonise their technical prescriptions within the Union, the Member States see to it that they ensure their mutual information by the notification procedures instituted by the present regulations.

The Member States may submit to the Commission, by means of its scientific and technical coordination bodies, any proposal for drawing up a Community text that could have authority to apply to all countries of the Union.

Deviations from the principle of the article are only admissible provided that:

- 1) they are made necessary in the sense of the provisions of the AU Treaty stipulated by article 17 of the present regulations,
- 2) they do not constitute a means of arbitrary discrimination, nor a disguised restriction to trade.

### **Article 10 : Continental harmonisation of standardisation**

The Member States, recognising the importance of standardisation in the fields of electricity, electronics and associated technologies for the improvement of the productivity, for the free circulation and marketing of the products and services, as well as the protection of the consumers and the environment agree:

- to gradually harmonise their activities of standardisation, by a common policy of mutual recognition followed by bringing together their national institutions responsible for standardisation, which shall be worked out and proposed within AFSEC.
- to align or create the structures and practices of their national standardisation institutions and develop their technical and juridical capabilities, so as to enable an efficient and rational cooperation within the AU, in compliance with the international guiding principles;
- to promote and apply the technical regulations and the standards in the fields of electricity, electronics and associated technologies according to the same international principles, so as to ensure the appropriate protection of their populations and their environment.

### **Article 11 : Elaboration of standards**

The members of AFSEC shall, within the limits of their prerogatives, see to it that their standardisation bodies for drawing up standards in the fields of electricity, electronics and associated technologies undertake:

- to apply uniform rules and procedures, in order to allow bringing them together and then list them within the framework of the continental harmonisation pursued;
- to adopt insofar as possible appropriate African standards in the fields of electricity, electronics and associated technologies, and failing this, adequate international standards or their general provisions adapted first and foremost to trade in the common Market;
- to coordinate within the framework of the structures of AFSEC, the activities of their different ministries, administrations and services involved in the activities concerned, so as to encourage them to bring them in agreement with the organisational Community framework provided for by the present regulations;
- to apply during the elaboration of the technical regulations, the general principle of reference to the standards in the fields of electricity, electronics and associated technologies, in order to facilitate harmonisation and intra-Community cooperation.

AFSEC shall collect and ensure the management of the standards in the fields of electricity, electronics and associated technologies of each Member State and shall receive their annual standardisation programmes.

For the draft standards in the fields of electricity, electronics and associated technologies being worked out, AFSEC shall implement the procedure for intra-Community information provided for in articles 17 to 21 of the present regulations, aimed at allowing all its members to put forward their interests and/or their wish to participate in the work concerned.

**Article 12 : Continental notification of standards:**

The African Electrotechnical Standardisation Commission (AFSEC) is the continental notification body of the standards in the fields of electricity, electronics and associated technologies.

AFSEC is responsible for the transmission of the documents to the bodies provided for to this effect by the continental and international agreements, and it may require the authorities to complete or correct the said documents. AFSEC acknowledges receipt of the reactions on the notifications of the members and hands them over to the competent bodies of AFSEC so that they can come to a decision.

AFSEC collects, according to the same methods, the continental reactions on the foreign notifications and transmits them to the competent bodies of AFSEC provided for to this effect in the international agreements.

AFSEC establishes a guide for the notification procedure and supplies the necessary information upon request.

**Article 13 : Documentation and information**

The Member States agree to adopt compatible management systems for the documentation and information relating to the standardisation with a view to facilitating the exchange of information between their national, regional and continental standardisation bodies, in the fields of electricity, electronics and associated technologies and the corresponding international bodies.

**Article 14 : Making public standardisation activities**

The Member States shall make known the standardisation activities to all their partners concerned of the Union, by the organisation of seminars, advertising, publications of

discussion and opinion reports, participation of the national standardisation institutions in the commercial events.

### **Article 15 : Training in the field of standardisation**

The Member States of AFSEC:

- consult one another, through AFSEC, on the subject of their common training needs in the field of standardisation;
- coordinate between each other the use of the existing infrastructures with a view to making them accessible to the members;
- develop training programmes aimed at meeting the specific requirements of the Common market, in collaboration with the international, continental and regional institutions working in the fields of electricity, electronics and associated technologies.

### **Article 16 : Continental market**

For the continental standards in the fields of electricity, electronics and approved associated technologies, AFSEC may propose to its members, within the framework of continental coordination, the creation of a continental compliance mark, proceed to the formalities of protection of its property, and propose to the AU the conditions of its usage and the corresponding fees.

## **Chapter 2 : FREE CIRCULATION OF PRODUCTS AND SERVICES BETWEEN THE MEMBER STATES**

### **Article 17 : Free circulation of products and services between the Member States:**

The Member States, in accordance with article xx of the AU Treaty, see to it that the free circulation of goods in the internal market of the Union is ensured subject to:

- the harmonisation measures that will be assessed and adopted within the framework of the present regulations;
- the freedom of the States to maintain and decree import or transit bans justified by the reasons decreed by article xx of the AU Treaty and particularly of public morality, public order, public safety, the protection of health or the life of persons and animals, the preservation of the environment, the protection of national treasures having an artistic, historical or archaeological value and the protection of industrial and commercial property;
- the notification to the Commission of any restrictions maintained, the latter proceeding to an annual review of these restrictions, with a view to proposing their harmonisation or their gradual elimination.

The Member States see to it that these bans or restrictions do not constitute a means of arbitrary discrimination, nor a disguised restriction in the trade within the Union.

The Member State on the territory on which « hindrances » to the free circulation such as defined in article 4 of the present regulations occur or in the sense of « unnecessary obstacles to trade », must take all measures necessary and proportionate to restore as soon as possible the free circulation of the products and services hindered.

In order to rule out any risk of disruption or prejudice which may result from a hindrance, the Member State concerned must inform AFSEC and the AU of the measures that it has taken or intends to take to this effect, and upon request, any other Member State of the Union.

The Member States having opted for the principle of mutual recognition in the internal market as the most flexible and gradual means to implement the methods relating to the free circulation of goods and the limitation of hindrances, shall encourage their economic traders and their administrations to implement it such as specified in article 18 below.

As this mutual recognition imposes a reliable availability of the data necessary for the assessment of the quality levels of the products and services circulating in the Union, the present regulations establish a system of rapid exchange of information and notification between the Commission and the Member States, according to the methods specified in article 22.

### **Chapter 3 : MUTUAL RECOGNITION IN THE INTERNAL MARKET:**

#### **Article 18 : Principle of mutual recognition**

The Member States consider that, to implement the common market of the Union, it is necessary to reach a coherent combination between harmonised legislation, standardisation, and instruments making it possible to verify the compliance, and the mutual recognition.

Any economic trader has the right to market his products and services on the market of a Member State, when these have been legally manufactured and/or marketed in another Member State of the AU.

A Member State may only deviate from this principle under the limited conditions referred to in article 17 of the present regulations and provided for by article xx of the AU Treaty.

#### **Article 19 : Levels of mutual recognition**

The mutual recognition of the quality or compliance of the products and services within the Member States intervenes at the following three levels:

- 1) The recognition of the technical rules, including the standards and specifications in the fields of electricity, electronics and associated technologies.
- 2) The recognition of the procedures for assessing the compliance, which assumes that each party accepts the procedures for assessment, the compliance assessment reports and the systems of the other party as equivalent to its own.
- 3) The recognition of the results of the procedures for assessing the compliance which implies that each State recognises the results of the tests, the compliance certificates as well as the compliance marks and inspections of the other.

#### **Article 20 : Equivalence and treatment rule at a continental level**

Each Member State shall accept on its territory, any product which complies with a technical rule or a compliance assessment procedure, adopted by another Member State which it shall consider as equivalent to its own, when the exporting State, in collaboration with the importing State proves to the latter that this product is legally manufactured, or marketed on its territory and complies with the guiding principles of the present regulations.

At the request of the exporting State, the importing State shall make known in writing and according to the information methods laid down between the Member States in chapter 4

below, the reasons for which it does not accept a technical rule or a compliance assessment procedure of the exporting State as equivalent.

The Member States undertake in case of such discrepancies, to put in place discussions within the structures of the AU with a view to assessing the obstacle to this free circulation, and to enable the States to prepare and adopt common criteria aimed at the harmonisation by the equivalence of the technical regulations or compliance assessment procedures of the product concerned.

#### **Article 21 : Principle of precaution, equivalence and assessment of risks**

In order to meet its legitimate objectives, each Member State may proceed to the assessment of the risks and may be led to maintain or decree the bans constituting an obstacle to the free circulation of goods provided for in article 17 of the present regulations.

A Member State which proceeds to such an assessment shall take into account, particularly calling upon the scientific and technical structures of AFSEC:

- 1) similar risk assessments carried out by international and regional bodies;
- 2) scientific proof and any technical information available;
- 3) the implementation technique of the product concerned;
- 4) its complete and precise intended use;
- 5) production processes or methods likely to modify the characteristics of the product;
- 6) methods for operation, inspection, compliance assessment, sampling or testing and environmental parameters.

Upon request formulated through the technical structures, the Member States must provide themselves with the relevant documentation relating to the risk assessment procedures, which they have taken into account to proceed to the establishment of protection levels and justifying the banning measures concerned.

#### **Chapter 4 – INFORMATION AND NOTIFICATION PROCEDURES:**

##### **Article 22 : Requirements of transparency and notification of deviations from the free circulation**

The Member States, through the African Electrotechnical Commission, shall report to AFSEC the notifications which they make to the WTO, in accordance with the TBT Agreement. These notifications shall be formulated according to the presentation methods established in the TBT Agreement of the WTO.

When a Member State imposes, by a text or an administrative act, a restriction to the free circulation or putting on the market a product legally manufactured or marketed in another Member State of the AU, it notifies AFSEC and the AU, in compliance with the AU Treaty, of this measure as soon as it results directly or indirectly in a general ban, a refused authorisation to put it on the market, a request to withdraw it from the market or the request to modify this product before it is marketed.

The notification referred to in the preceding article must be detailed and must comprise the clear motives of the measure taken, which shall be joined and accompanied by any useful

pieces of information. The AU communicates this information to the Member States and AFSEC.

The Member State concerned responds within the shortest possible delays to the requests for information emanating from the AU and other Member States concerning the nature of the hindrance or the risk of a hindrance and the measures he has taken or intends to take. The responses, advice or comments of the Member States are also communicated to the AU and AFSEC and distributed according to the same methods.

In case of justified remarks examined within AFSEC and after notification of the latter, the AU may request the Member State concerned to take any measures necessary and proportionate so as to ensure the free circulation of goods on its territory in compliance with the AU Treaty.

The Member State informs the AU and AFSEC, of the measures which its competent authorities have taken or intend to take to this effect, and the AU immediately communicates the information received to the other Member States.

### **Article 23 : Requirements of transparency and notifications of hindrances to the free circulation**

When the AU is led to note the existence in a Member State of an obvious hindrance, characterised and not justified for the free circulation of goods and hence constituting a means of arbitrary discrimination or disguised restriction in the trade between the Member States in the sense of the AU Treaty, it:

- 1) notifies the Member State concerned of the reasons which led it to this finding, after notification of AFSEC responsible for assessing the proportionality of the obstacle and/or the quality of the procedure called into question;
- 2) and request it to take any measures necessary and proportionate to remove this hindrance within a delay which it determines according to the urgency.

The AU may publish in the Official Bulletin of the Union the text of the notification which it has sent to the Member State concerned and AFSEC and send a copy of it to the State which requests it.

Within a delay of five working days starting from the receipt of the text, the Member State concerned:

- 1) either informs the AU of the measures which it intends to take on the same terms as those referred to in article 27;
- 2) or communicates a file comprising the underlying documents and remarks justifying this hindrance which shall be examined under the conditions of article 27.

The AU may by way of exception, after it has received notification of AFSEC, grant an extension of the delay referred to in article 28, when the Member State gives a motivated request accompanied by justified reasons.

The AU, after having given the Member State concerned the possibility to make known its viewpoint on the advice of AFSEC which it will have submitted, within a delay which it determines depending on the urgency, which should not exceed 15 days counting from the notification of this advice, finalises its decision within the shortest possible delays and at the latest within 10 days after the end of the aforesaid delay.

The decision of the AU is notified to the Member State concerned accompanied by the motivated notification of AFSEC submitted, and by a request to bring it in compliance within 8 days.

In case of the failure of a Member State with regard to the decision with motivated notification taken by the AU based on the provisions of the aforesaid articles and maintaining of the violation of the provisions of the AU Treaty found, the matter may be referred to the Court of Justice of the AU.

**Article 24 : General system of mutual information**

The Member States shall supply upon request to AFSEC any information concerning their normative activities, technical regulations, compliance assessment procedures, as soon as this information has an impact on the trade within the AU.

The Member States must report back on their text in force concerned by the present regulations and the collection of the standards in the fields of electricity, electronics and associated technologies published, and shall inform AFSEC of:

- 1) the programme of the compulsory standards in the fields of electricity, electronics and associated technologies, in progress or planned;
- 2) the list of technical obstacles to trade and their updating procedures;
- 3) the list of draft technical regulations envisaged and concerning the quality of the products and services;
- 4) the status of the measures that are no longer in force or that have been repealed.

**Article 25 : Specific mutual information system by notification, aimed at facilitating the harmonisation of draft technical rules**

Each Member State must notify AFSEC of any draft technical regulation or standardisation measure, in the fields of electricity, electronics and associated technologies, which it intends to adopt as compulsory, accompanied by the reasons which justify it, and by the text of the underlying legislative and statutory provisions concerned by this draft.

AFSEC, after having verified that this draft was not in conflict with the continental provisions in force, notifies it to the other Member States to allow them to react, and the Member State concerned must wait at least 90 days, counting from the date of its notification to the Commission, before adopting the said measure.

This examination period is extended by 6 months when a Member State or Member States and/or AFSEC or the AU put forward by means of a written and motivated notification that the draft does not comply with the provisions of the present regulations and is likely in particular to hinder the free circulation of the products and services in the common market.

If the AU envisages to adopt, upon a proposal of AFSEC, an act applicable to the same field, or if the draft concerns products and services or activities already covered by a draft of AFSEC or a text of a Member State, the State notifying the measure envisaged must report the adoption of its draft within twelve months (12), in order to allow the putting in place of either a common position, or a mutual recognition between the parties concerned.

Failing the reaching of an agreement once this delay has expired, the Member State may adopt its draft text, or else, accept the extension proposed by the AU, to finalise the harmonisation work in progress between the States concerned. This extension of the delay must be approved by the AU and must not exceed a new period of 12 months.

**Article 26 : Information procedure in the field of non-compulsory technical standards or specifications**

Each member of AFSEC informs AFSEC of its draft standards in the fields of electricity, electronics and associated technologies, modifications of its existing standards and its national programme. These documents shall be made available to AFSEC and the Member States.

AFSEC can make comments on the draft standards, and the members shall be informed of follow-up given to their remarks, after their examination within the framework of the work of AFSEC.

The information procedure provided is also directed at the cases of adaptation of an international or intercontinental standard by a national standardisation body, but does not apply to drafts of continental standards of AFSEC, the writing, homologation and publication methods of which shall be fixed by the Statutes and Rules of Procedure instituting AFSEC.

**PART II – FINAL PROVISIONS**

**Article 27 : Intercontinental and international technical assistance**

The Member States shall not spare any effort to fully apply the general principles decreed by the present regulations and necessary for « the harmonisation and mutual recognition of the technical standards in the fields of electricity, electronics and associated technologies, as well as the procedures for the homologation and certification of the control of their observations » adopted by the AU Treaty.

The AU shall be responsible for adopting the Community acts instituting the technical structures and fixing their operating methods, when they are necessary for the implementation of the present organisational framework of AFSEC.

To serve the objectives of this gradual harmonisation, the Member States shall provide one another with any technical and scientific assistance available of their public structures and shall associate to a greater extent, the economic traders and the consumers of the Union with their concerted or consensual work.

The AU is also authorised by the present regulations to call upon non-member countries of the AU and to any bodies or entities able to supply the technical, scientific and financial assistance which it requires.

**Article 28 : Scope**

The Member States shall take any reasonable precautions and shall adopt any measures necessary to ensure the implementation and compliance with the terms of the present regulations, while making sure that they do not contain any measures in conflict with the international treaties, conventions or agreements signed by the AU or one of its member States.

**Article 29 : Coming into force**

The present regulations, which come into force starting from their date of signature, shall be published in the Official Bulletin of the AU.

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