

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE
AFRICAN ORGANISATION FOR STANDARDIZATION (ARSO) AND
THE KOREAN AGENCY FOR TECHNOLOGY AND STANDARDS (KATS)**

The African Organization for Standardization and the Korean Agency for Technology and Standards, hereinafter referred to as the Parties:

Acknowledging the importance and contribution of standardization to value addition improvement, production efficacy and commercial exchange of goods and services;

Desiring to promote mutual interest through collaboration and cooperation in capacity building for standardization, conformity assessment and metrology on the basis of equality and mutual benefit;

Aware of the need and importance of capacity building for standardization, conformity assessment and metrology for business development;

Conscious of the need to promote standardization and related conformity assessment systems to facilitate common regulatory platform for trade and industrialization as well as consumer protection;

Recognizing the fact that capacity building for standardization, conformity assessment and metrology increases opportunities for cooperation and collaboration with each other for trade facilitation, thereby strengthening the elements essential;

Mindful of the global challenges which lie ahead and **Underscoring** either Party's commitment to build upon consultative and cooperative

processes, as well as joint efforts, in high levels and in various areas such as standardization, conformity assessment and metrology;

Being guided by the economic and social interests of Member States of ARSO(AU) and the Republic of Korea;

Hereby have agreed as follows:

ARTICLE 1

DEFINITIONS

"AU" means African Union;

"IAF" means International Accreditation Forum, Inc.;

"IEC" means International Electrotechnical Commission;

"ILAC" means International Laboratory Accreditation Cooperation;

"ISO" means International Organization for Standardization;

"MoU" means Memorandum of Understanding;

"OIML" means International Organization of Legal Metrology;

"RECs" means Regional Economic Communities;

"SPS" means the WTO Agreement on the application of Sanitary and Phytosanitary Measures;

"TBT" means Technical Barrier to Trade;

"UEMOA" means West African Economic and Monetary Union;

“UNIDO” means United Nations Industrial Development Organization;

“WTO” means World Trade Organisation;

“WTO/TBT” means WTO Agreement on Technical Barriers to Trade.

ARTICLE 2

OBJECTIVE

The objective of this MoU is to establish the formal framework through which ARSO and her membership shall collaborate and cooperate with KATS as more specifically set out herein.

ARTICLE 3

SCOPE OF COOPERATION

1. The Parties acknowledge that:
 - 1.1 The main mandate of ARSO, as spelt out in the “Organization of African Unity Lagos Plan of Action 1980” for the “Economic Development of Africa” and in the “Abuja Treaty”, “Establishing the African Economic Community, 1991”, is to co-ordinate the promotion of standardization and related activities in Africa with a view to facilitating intra-African and global trade and consumer protection, participation and cooperation at the international level of its members in the sphere of scientific, technological and economic activities; and that in achieving this object, ARSO may inter alia, as outlined in Article 2 of the Revised ARSO Constitution 2007:

- i) Harmonize international, national and/or RECs standards and issue necessary recommendations to RECs and Member Bodies for this purpose;
- ii) Initiate and coordinate the development of African Standards with references to products which are of particular interest to Africa;
- iii) Encourage and facilitate adoption of International Standards by member bodies;
- iv) Promote and facilitate the exchange of experts, information and cooperation in training of personnel in standardization activities;
- v) Co-ordinate the views of its members at the ISO, IEC, OIML and other International Organizations concerned with standardization activities;
- vi) Create appropriate bodies in addition to the organs of the Organisation for the purposes of fulfilling its objectives

As a means to facilitating the realization of this mandate

- i) Resolution 79 of the African Union Ministers of Trade, Customs and Immigration, Rwanda 2004, while noting the effort so far deployed by ARSO to re-engineer itself, accordingly agreed to, among others, encourage country membership and participation in ARSO and its activities, urge AU Member States to commit adequate resources to Standardization, Conformity Assessment and related matters, promote the development of a quality culture in their respective Member Countries, apply the principles of harmonization of standards as laid down in the WTO/TBT and SPS Agreements.
- ii) Abuja Treaty Establishing the African Economic Community (1991), Chapter 67: "Common Policy on Standardization and Measurements Systems informed the agreement of Member States to:

- adopt a common policy on standardization and quality assurances of goods and services among Member States;
 - undertake such other related activities in standardization and measurement systems that are likely to promote trade, economic development and integration within the Community;
 - strengthen African national, regional and continental organizations operating in this field; and stressed further that for the purposes of this Chapter, Member States agree to cooperate in accordance with the provisions of the Protocol concerning Standardization, Quality Assurance and Measurement Systems”;
- iii) The Conference of African Ministers of Industry (CAMI), 17 Egypt, 2006 adopted paragraph 45, item c of the Conclusion of its Intergovernmental Expert Group Report: “We reiterate the commitments of our governments and call on our development partners to urgently strengthen African Standardization and Conformity Assessment infrastructure and increase standards harmonization in Africa, both at the national, regional and continental levels, based on UNIDO recognized experience in Africa (i.e. UEMOA quality programme). This should be done in cooperation with regional and international technical agencies, such as ARSO, ISO, ILAC, IAF and OIML”.

- 1.2 KATS was initially established in 1883, as the Analysis and Testing Laboratory under the auspices of the Mint Office in which charge of producing coinage as well as analyzing, processing, and refining metallic mineral.

KATS has mainly supported technology development and conducted testing, analysis and evaluation of consumer products, later on, integrating functions related to industrial criteria and quality safety on consumer goods.

In 1999, as aligned under the Ministry of Commerce, Industry and Energy (MOCIE), KATS has set the position as representative National Standardization Body in Korea and inaugurated Korea Laboratory Accreditation Scheme (KOLAS), overseeing various activities: development of Korean Industrial Standards (KS); accreditation for calibration laboratories, testing laboratories and inspection bodies; control of quality and safety of consumer products; operation of legal metrology system; management of technical evaluation and certification of state-of-the-art technology and products, et cetera.

Furthermore, in 2006, KATS has strengthened policy activities in standards and product safety and carried out a reorganization of divisions toward consumer-friendly system to actively engage in enhancing quality of life.

In 2008, following the new government's reshuffle focused on small-sized structure and practical business, KATS rearranged the organizational structure to the 4 Bureaus and 20 Divisions in order to boost efficiency and competence of organization, under the auspices of the Ministry of Knowledge Economy (MKE).

- 2 The MoU between ARSO and KATS may support capacity building for harmonization of national, RECs and international standards and may encourage and improve global trade as well as consumer protection.
- 3 In recognition of the acknowledgements set out hereinabove, the Parties agree as follows:
 - 3.1 The Parties may cooperate and offer assistance to each other in order to realize sustainable capacity building ;
 - 3.2 Either Party may at the request of the other party forward capacity building programs to facilitate the harmonization of national and regional standards with international ones;
 - 3.3 The capacity building program shall be based on the harmonization process and shall be in accordance with the

principles of harmonization of standards as laid down in WTO/TBT Agreements, and other international principles or any other rules agreed between the Parties.

ARTICLE 4

PRINCIPLES OF COOPERATION

4.1 The Parties reaffirm their commitment to the principles of the WTO/TBT and specifically agree to promote the use of voluntary standards which convert to regulations;

- i) Support and help the capacity building programs to benefit both of the member states of ARSO and the republic of Korea;
- ii) Align the capacity building programs with international accepted rules and practice.

4.2 The Parties solemnly agree to cooperate in the field of conformity assessment namely inspection and testing of products of mutual interest and share agreements and emerging proceeds in an open and transparent manner so that the Parties may benefit from such cooperation.

ARTICLE 5

EXCHANGE OF INFORMATION AND EXPERTS

The Parties hereby agree to exchange data or materials regarding the capacity building programs, and specialists or personnel for the purpose of studying experience and conducting consultations.

ARTICLE 6

INTERNATIONAL STANDARDIZATION

The Parties hereby agree to work in close contact within the framework of the international standardization organisations including ISO, IEC, OIML, ILAC, and IAF to promote consolidation of their positions and increase the role of both Parties in international activities in the field of standardization, quality assurance, accreditation and metrology.

ARTICLE 7

FUNDING

Financing of co-operation under this MoU may be executed on the basis of agreement between the Parties and from funds sourced individually by each Party, jointly or severally from Governments, International organizations or donor agencies.

ARTICLE 8

CONFIDENTIALITY

The Parties shall ensure confidentiality concerning documents and information received within the framework of this MoU. Either Party to this MoU shall transfer such confidential documents and information to third Parties only after seeking and receiving prior written consent of the other party.

ARTICLE 9

ADDITIONAL AGREEMENTS

The provisions of this MoU, if necessary, shall be specified in detail by additional Agreements and (or) the minutes signed by the Parties.

ARTICLE 10

DISPUTE RESOLUTION

The disputes connected with the interpretation and implementation of this MoU shall be settled by mutual consultations and negotiations on various levels.

ARTICLE 11

DURATION

This MoU shall come into operation from the date of execution and shall remain in operation for an initial period of five (5) years unless terminated by either Party as hereinafter provided and shall renew automatically for such further periods as the Parties may agree.

ARTICLE 12

AMENDMENTS

Any amendments to this MoU shall be by mutual agreement of the Parties hereto and shall be in writing duly executed by both Parties.

ARTICLE 13

TERMINATION

Either Party may terminate this MoU at any time, provided that the terminating party gives written notice of its intention at six months prior to termination.

The termination of this MoU shall not affect the validity, duration or completion of projects under this MoU that were initiated prior to any termination.

Done at This Day of

Signed for and on behalf of ARSO By

Name DR. GORDON KIOLO MANG'ELI

Signature
PRESIDENT

Date 2010/12/03

Witness

Name HON. J. K. KOSGEY

Signature J. K. Kosgey Date 3/12/2010

~~SECRETARY GENERAL~~

MINISTER FOR INDUSTRIALIZATION, KENYA

Signed for and on behalf of KATS

Name Huh, Kyung

Signature Kyung Huh Date 03 DEC 2010

ADMINISTRATOR

Witness:

Name Airon Hahn

Signature Hahn Ah Ron Date 03, DEC, 2010

DIRECTOR