
Made in Africa — Criteria for qualification and guidance for implementation



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Introduction and Background

Introduction

Made in Africa is a programme aimed at facilitating Africa's development by fostering industrialisation, productive capacities, promoting export diversification, protecting intellectual property and intra-Africa trade for brands, products, and services made in the African Continent by creating profitable and sustainable regional, continental and global value-chains.

The primary objective of this initiative is to mobilize investments in order for the continent to achieve satisfactory industrialization and high levels of intra-African trade. The Made in Africa initiative seeks to promote the economic development of the continent by utilising the existing natural resources of the continent, the talent base, creating additional employment opportunities and empowering secondary and tertiary sectors. The programme also aims at improving Africa's positioning in global trade negotiations by eliminating the unnecessary laws and regulations, making bureaucratic processes easier, making the governments more transparent, responsive and accountable.

The first aspiration of Agenda 2063 "A prosperous Africa based on inclusive growth and sustainable development" expresses a fundamental focus on the challenges which face the African continent ever since most of the African countries gained independence. Agenda 2063 foresees a situation where there is inclusive economic growth, high agricultural productivity and industrialization which shall add value to Africa's natural resources in order to reduce the dependence of the continent on imported goods and services while exporting raw materials.

The Agreement Establishing the African Continental Free Trade Area (AfCFTA) signed in March 2018 has among its stated objectives and aims:

- (a) the creation of a single market for goods and services, facilitated by movement of persons in order to deepen the economic integration of the African continent and in accordance with the Pan African Vision of "*An integrated, prosperous and peaceful Africa*" enshrined in Agenda 2063;
- (b) the creation of a liberalised market for goods and services aided by the elimination of tariff- and non-tariff barriers to trade in goods or services;
- (c) enhanced efficiency of customs procedures, trade facilitation and transit;
- (d) the development and promotion of regional and continental value chains;
- (e) enhanced socio-economic development, diversification and industrialization across Africa.

These objectives can be met when the continent trades in goods and services which are wholly made in Africa or are substantially transformed within the continent with attendant conferring of such goods or services as Made in Africa.

Realizing the full potential gains from the AfCFTA Agreement shall require a broad range of complementary policies, to address multiple challenges, designed to enhance an emerging trade–industrialization nexus on the continent: from business and trade facilitation to infrastructure, from productive capacities to entrepreneurship policies. The Rules of Origin – establishing the origin of products produced in Africa – shall greatly determine the extent to which preferential trade liberalization can be a game changer for Africa's industrialization.

Background: The Need for Made in Africa Criteria

A number of studies portray Africa as a growing consumer market with the following strong structural fundamentals driving the consumer opportunity [1–3]:

- (i) **Rapid population growth** which creates huge opportunities in retail and consumer markets.

- (ii) **A young and growing population** with a large size of a working population and a falling dependency ratio.
- (iii) **Rapid urbanization** with city dwelling populations spending more on consumption of goods and services compared to rural populations.
- (iv) **Rising incomes** allowing many households to reach “discretionary spending” income brackets.
- (v) **Promising consumer and business expenditure** with projected growth requiring more goods and services in the market place.

Studies indicate that companies outside Africa exploit opportunities to market their products in Africa. In this regard, the African continent needs to develop an incentive framework which promotes the production of good or services and services within the continent which shall benefit from the preferential trade arrangements of the AfCFTA Agreement. A system of authentication of products which qualify as “Made in Africa” is therefore necessary to incentivize trade in Made in Africa good or services and services.

In this regard, to facilitate the implementation and application of this African Guidelines, it has been developed as an auditable guideline which when conformed to would qualify Made in Africa goods and services to acquire the “Made in Africa” logo (mark) and Certificate.

Made in Africa Guiding Philosophies

MiA Vision:

A continent that is industrialised and trades both locally and internationally.

MiA Mission:

To facilitate Africa's industrialisation by boosting manufacturing, productive capacities, economic and export diversification and intra-Africa trade for brands, products, and services made in the African Continent by creating profitable and sustainable regional, continental and global value-chains.

Objectives:

1. Promote manufacturing, research and industrial innovation to achieve competitive production of domestic and export-oriented products, including commercialisation of indigenous knowledge and creative economy.
2. Create trust in the quality, safety and value for money of products made in Africa to boost intra-Africa trade and Regional Value Chains and tap into Africa's increasingly wealthy home consumer base.
3. Increase visibility and protection of IPRs, trademarks, brands of African goods and services.
4. Create a favourable environment to mobilize investments across priority sectors of comparative and competitive advantage.

Enablers:

- **Competitive business environment**
 - Rules of Origin
 - Facilitating investment
 - Free movement of goods
 - Reducing and simplifying paperwork, processes, procedures, rules & acts
 - Harmonizing the legal framework
 - Reducing costs of doing business (taxation and duties)
 - Building best-in-class manufacturing infrastructure
 - Improving connectivity and mobility
- **Protecting Intellectual Property Rights**
 - Using technology to leapfrog
 - Enhancing skills development
 - Indigenous knowledge
 - Branding and Trademarks
 - Geographical indicators
 - Patents and trade secrets
 - Fostering Innovation
 - Copyrights
 - Special Plant breeders' right
- **Quality and Regulatory Infrastructure**
 - Harmonisation of Standards and conformity assessment procedures
 - Harmonisation of Sanitary and Phytosanitary measures
 - Harmonisation and equivalence of Technical Regulations
 - Accreditation of conformity assessment services
 - Establishing Mutual Recognition Arrangements (MRA)

Made in Africa — Criteria for qualification and guidance for implementation

1 Scope

This African guideline specifies the criteria to be utilized to qualify goods as Made in Africa.

2 Normative references

The following referenced documents are indispensable for the application of this document.

Accelerated industrial development of Africa (AIDA)

Africa Agri-Business and Agro-industries Development initiative (A3DI)

Africa Mining Vision, February 2009

African Quality Policy

Agreement Establishing the African Continental Free Trade Area (AfCFTA), March 2018

African Standards Harmonisation Model (ASHAM)

Boosting intra Africa Trade (BIAT)

Comprehensive Africa Agriculture Development Programme (CAADP)

Programme for Infrastructure Development in Africa (PIDA)

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement)

Treaty Establishing the African Economic Community, OAU, June 3rd, 1991 Abuja, Nigeria.

Harmonized System (HS) Codes

Harare Protocol on Patents, Designs and Utility Models

The Banjul Protocol on Marks

The Swakopmund Protocol on the Protection of Traditional Knowledge and Expression of Folklore

The Arusha Protocol for the Protection of New Varieties of Plants

3 Terms and definitions

For the purpose of this guideline, the terms and definition in the AfCFTA Agreement and the following definitions apply.

3.1

accreditation

is a third-party attestation related to a conformity assessment body (such as certification body, inspection body or laboratory) conveying formal demonstration of its competence to carry out specific conformity assessment tasks (such as certification, inspection and testing)

3.2

agribusiness

a broad concept that covers input suppliers, agro-processors, traders, exporters and retailers [4]. Agribusiness provides inputs to farmers and connects them to consumers through the financing, handling, processing, storage, transportation, marketing and distribution of agro-industry products and can be decomposed further into four main groups:

- (i) Agricultural input industry for increasing agricultural productivity, such as agricultural machinery, equipment and tools; fertilizers, pesticides, insecticides; irrigation systems and related equipment;
- (ii) Agro-industry: Food and beverages; tobacco products, leather and leather products; textile, footwear and garment; wood and wood products; rubber products; as well as construction industry products based on agricultural materials;
- (iii) Equipment for processing agricultural raw materials, including machinery, tools, storage facilities, cooling technology and spare parts;
- (iv) Various services, financing, marketing and distribution firms, including storage, transport, ICTs, packaging materials and design for better marketing and distribution. Agribusiness is thus a term used to mean farming plus all the other industries and services that constitute the supply chain from farm through processing, wholesaling and retailing to the consumer (from farm to fork in the case of food products).

3.3

agri-food system

encompasses the interlinked set of activities that run from “seed to table”, including agricultural input production and distribution, farm-level production, raw product assembly, processing and marketing. It encompasses the value chains for different agricultural and food products and inputs and the linkages among them. The agrifood system is also a shorthand term for agriculture and related agro-industries. While most of the analysis refers explicitly to that part of this “expanded agriculture” that produces food, many of the conclusions apply equally well to those parts of agriculture and agro-industry that produce non-food products such as fibres and biofuels.

3.4

agro-industry

all the post-harvest activities that are involved in the transformation, preservation and preparation of agricultural production for intermediary or final consumption of food and non-food products [5]. It consists of six main groups according to the International Standard Industrial Classification (ISIC), namely food and beverages; tobacco products; paper and wood products; textiles, footwear and apparel; leather products; and rubber products. The term captures a diverse range of primary and secondary post-harvest activities, ranging from basic village-level commodity preparation to modern industrial processing and involving widely differing levels of scale, complexity and labour, capital and technology intensity. Food processing industries tend to dominate this sector in developing countries, including Africa. Food processing industries are grouped into three categories [6]: *Primary*—those that involve the basic processing of natural produce, for example, cleaning, grading and dehusking; *secondary*—those that include simple or elementary modification of natural produce, for example, hydrogenation of edible oils; and *tertiary*—those that include some form of advanced modification to the natural produce such as making it into edible products like tomatoes into ketchup, dairy products into cheese etc.

3.5

agro-processing

subset of manufacturing that processes raw materials and intermediate products derived from the agricultural sector. Agro-processing industry thus means transforming products originating from agriculture, forestry and fisheries [7]

3.6

certification marks

marks used in accordance with the defined standards

3.7**collective marks**

a mark owned by an association which itself does not use the collective mark but whose members may use the collective mark; the members may use the collective mark if they comply with the requirements fixed in the regulations concerning the use of the collective mark. An enterprise entitled to use the collective mark may in addition also use its own trademark

3.8**conformity assessment**

a set of processes that show a product, service or system meets the requirements of a standard. Conformity assessment can be applied to a product, a service, a process, a system, a body or persons and includes activities such as testing, inspection and certification

3.9**consumer**

a person to whom particular goods or services are marketed in the ordinary course of the supplier's business; a user of particular goods or a recipient or beneficiary of particular services, irrespective of whether that user, recipient or beneficiary was a party to a transaction concerning the supply of those particular goods and services; and/or a person or a group of persons within the target range of the producer or manufacturer or packer of goods, and includes the market within the anticipation of such producer, manufacturer or packer

3.10**country of origin**

the State Party in which the goods have been produced or manufactured in accordance with the AfCFTA Agreement

3.11**equivalence arrangement**

acceptance that technical regulations, although different, achieve the same objectives, even if through different means. Equivalence Arrangements are terms by which two or more trading partners (governments or jurisdictions) recognize each other's technical regulations as equivalent for the purpose of trade

3.12**Harmonized System [HS Code]**

the "Harmonized Commodity Description and Coding System", hereinafter referred to as the "Harmonized System", means the Nomenclature comprising the headings and subheadings and their related numerical codes, the Section, Chapter and Subheading Notes and the General Rules for the interpretation of the Harmonized System, set out in the International Convention on the Harmonized Commodity Description and Coding System (HS Convention) entered into force on 1 January 1988.

NOTE The objectives of the HS Convention are (i) to facilitate international trade and the collection, comparison and analysis of statistics by harmonizing the description, classification and coding of goods in international trade; (ii) to reduce the expenses related to international trade and (iii) to facilitate the standardization of trade documentation and the transmission of data. The HS is used (a) as a basis for Customs tariffs; (b) as a basis for the collection of international trade statistics; (c) as a basis for rules of origin; (d) as a basis for the collection of internal taxes; (e) as a basis for trade negotiations (e.g., the WTO schedules of tariff concessions and Free Trade Agreements); (f) as a basis for transport tariffs and statistics; (g) as a basis for the monitoring of controlled goods (e.g., wastes, narcotics, chemical weapons, ozone layer depleting substances and endangered species); (h) as a vital element of core Customs process areas of Customs controls and procedures, including risk assessment, information technology and compliance.

3.13**geographical indications**

Geographical indications and appellations of origin are signs used on goods that have a specific geographical origin and possess qualities, a reputation or characteristics that are essentially attributable to that place of origin. Most commonly, a geographical indication includes the name of the place of origin of the good. In this connection, the term is intended to be used in its widest possible meaning. It embraces all existing means of protection of such names and symbols, regardless of whether they indicate that the qualities of a given product are due to its geographical origin (such as appellations of origin), or they merely indicate the place of origin of a product (such as indications of source). This definition also covers symbols, because geographical indications are not only constituted by names,

such as the name of a town, a region or a country (“direct geographical indications”), but may also consist of symbols. Such symbols may be capable of indicating the origin of goods without literally naming its place of origin.

3.14

harmonized African standard

an African standard developed by the African Organisation for Standardisation (ARSO) and / or the African Electrotechnical Standardization Commission, (AFSEC)

NOTE National standards and industry-specific standards can be harmonised at African level. Manufacturers, other economic operators, or conformity assessment bodies can use harmonised standards to demonstrate that products, services, or processes comply with relevant legislation in African Countries.

3.14

industrial design

the creative activity of achieving a formal or ornamental appearance for mass-produced items that, within the available cost constraints, satisfies both the need for the item to appeal visually to potential consumers, and the need for the item to perform its intended function efficiently [8]. In a legal sense, industrial design refers to the right granted in many countries, pursuant to a registration system, to protect the original ornamental and non-functional features of an industrial article or product that result from design activity.

NOTE It is a requirement of all industrial design laws that protection through registration shall be granted only to designs which are novel or, as it is sometimes expressed, original. The novelty of the design constitutes the fundamental reason for the grant of a reward to the originator through protection by registration of the industrial design.

3.16

innovation

the application of new ideas to the products, processes, or other aspects of the activities of a firm that lead to increased “value.” [9] This “value” is defined in a broad way to include higher value added for the firm and also benefits to consumers or other firms. Two important definitions are:

- **product innovation:** the introduction of a new product, or a significant qualitative change in an existing product.
- **process innovation:** the introduction of a new process for making or delivering goods and services.

3.17

integrated circuit

defined by the **Integrated Circuits (IPIC Treaty)** as: (i) a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is intended to perform an electronic function, or (ii) layout-design (topography) being the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such a three-prepared for an integrated circuit intended for manufacture

3.18

intellectual property

creations of the mind: inventions; literary and artistic works; and symbols, names and images used in commerce [8,10]. Intellectual property is divided into two categories:

- **Industrial Property** includes patents for inventions, trademarks, industrial designs and geographical indications.
- **Copyright** is a legal term used to describe the rights that creators have over their literary (such as novels, poems and plays), films, music, and artistic works (e.g., drawings, paintings, photographs and sculptures) and architectural design. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases,

advertisements, maps, technical drawings and broadcasters in their radio and television programs.

NOTE 1 The Convention Establishing the World Intellectual Property Organization (WIPO), concluded in Stockholm on July 14, 1967 (Article 2(viii)) provides that “intellectual property shall include rights relating to: (a) literary, artistic and scientific works; (b) performances of performing artists, phonograms and broadcasts; (c) inventions in all fields of human endeavour; (d) scientific discoveries; (e) industrial designs; (f) trademarks, service marks and commercial names and designations; (g) protection against unfair competition; and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields.”

NOTE 2 Copyright law, however, protects only the form of expression of ideas, not the ideas themselves. The creativity protected by copyright law is creativity in the choice and arrangement of words, musical notes, colours, shapes and so on. Copyright law protects the owner of rights in artistic works against those who “copy”, that is to say those who take and use the form in which the original work was expressed by the author.

3.19

intellectual property rights

the rights given to persons over the creations of their minds. They usually give the creator an exclusive right over the use of his/her creation for a certain period of time

3.20

metrology

the science of measurement and its application, embracing both experimental and theoretical determinations at any level of uncertainty in any field of science and technology [11]. The national measurement standards of a country provide the basis for its other conformity assessment activities like calibration services, trade metrology services, conformance testing with respect to technical regulations, testing, accreditation etc., in both the regulatory and the voluntary sectors

3.21

mutual recognition arrangements (MRAs)

principle of international law whereby states party to mutual recognition agreements recognise and uphold legal decisions taken by competent authorities in another member state. Mutual recognition is a process which allows conformity assessments (of qualifications, product...) carried out in one country to be recognised in another country

3.22

patent

a document, issued, upon application, by a government office (or a regional office acting for several countries), which describes an invention and creates a legal situation in which the patented invention can normally only be exploited (manufactured, used, sold, imported) with the authorization of the owner of the patent [8]. “Invention” means a solution to a specific problem in the field of technology. An invention may relate to a product or a process. The protection conferred by the patent is limited in time (generally 20 years).

NOTE An invention must meet several criteria if it is to be eligible for patent protection [8]. These include, most significantly, that the invention must consist of patentable subject matter, the invention must be industrially applicable (useful), it must be new (novel), it must exhibit a sufficient “inventive step” (be non-obvious), and the disclosure of the invention in the patent application must meet certain standards.

3.23

plant variety and farmers rights

protection granted for plant varieties, the rights of farmers and plant breeders and to encourage the development of new varieties of plants

3.24

service marks

In modern trade consumers are confronted not only with a vast choice of goods of all kinds, but also with an increasing variety of services which tend more and more to be offered on a national and even international scale. There is therefore also a need for signs that enable the consumers to distinguish between the different services such as insurance companies, car rental firms, airlines, etc. These signs are called service marks, and fulfil essentially the same origin-indicating and distinguishing function for services as trademarks do for goods.

NOTE It follows from the above principle that service marks can be registered, renewed and cancelled in the same way as trademarks; they can moreover be assigned and licensed under the same conditions. Rules devised for trademarks therefore apply equally, in principle, to service marks.

3.25

services

intangible outputs of a process e.g. Knowledge, Information, telephone and utility service, legal and financial services, and travel and lodging services

3.26

trademark

a distinctive sign that identifies certain goods or services produced or provided by an individual or a company [10]. Its origin dates back to ancient times when craftsmen reproduced their signatures, or “marks”, on their artistic works or products of a functional or practical nature. Over the years, these marks have evolved into today’s system of trademark registration and protection. The system helps consumers to identify and purchase a product or service based on whether its specific characteristics and quality – as indicated by its unique trademark – meet their needs.

NOTE In order to individualize a product for the consumer, the trademark must indicate its source [8]. The function of indicating the source as described above presupposes that the trademark distinguishes the goods of a given enterprise from those of other enterprises; only if it allows the consumer to distinguish a product sold under it from the goods of other enterprises offered on the market can the trademark fulfill this function. This shows that the distinguishing function and the function of indicating the source cannot really be separated. For practical purposes one can even simply rely on the distinguishing function of the trademark, and define it as “any visible sign capable of distinguishing the goods or services of an enterprise from those of other enterprises.”

3.27

trade names

Enterprises may own and use one, several or many different trademarks to distinguish their goods and services from those of their competitors. However, they also need to distinguish themselves from other enterprises. For that purpose they will adopt a trade name. Trade names have in common with trademarks and service marks that they exercise a distinguishing function. Unlike trademarks and service marks, however, trade names distinguish one enterprise from others, quite independently of the goods or services that the enterprise markets or renders.

3.28

trade secrets

Trade secrets are IP rights on confidential information which may be sold or licensed. The unauthorized acquisition, use or disclosure of such secret information in a manner contrary to honest commercial practices by others is regarded as an unfair practice and a violation of the trade secret protection.

3.29

traditional knowledge

a living body of knowledge passed on from generation to generation within a community

3.30

utility model / or “short-term patent

somewhat less strict than for patents, in particular in respect of inventive step, and in comparison with patents the fees are lower, and the duration of protection is shorter, but otherwise the rights under the utility model or short-term patent are similar [8]

4 Sectors of competitive advantage

4.1 Africa’s competitive sectors

Goods and services shall be selected from identified sectors [12–14] of competitive advantage listed in Table 1.

Table 1 – Priority Sectors

Priority Sectors	Examples of goods and services
Agro-processing	Food and feed, fruit and vegetable products, fish, meat, dairy, poultry, etc.
Forestry and forestry products	Timber, wood products, honey, traditional medicine, essential oils,
Mineral products	Iron, steel, copper, gold, gemstones, etc..
Chemicals and pharmaceuticals	Pesticides, fertilizers, medicines, soaps, detergents, etc.
Leather and leather products	Garments, footwear, bags, belts, wallets,
Textiles and textile products	Fibres and yarn, fabrics, garments, accessories,
Machinery, tools and equipment	Light engineering, medical devices, farming implements,
Construction materials	Cement, stone, masonry, roofing materials, metallic materials, glass
Petro-chemical products, rubber and plastics	Fossil fuels, paints, varnishes,
Tourism, hospitality and creative services	Destination tourism, hotels, food tourism, beauty and wellness, performing arts, music, films, theatre, arts and crafts.
Knowledge based services	ICT, IoT, Business Processes Outsourcing, Education
Logistics and transport	Ticketing, Clearing and forwarding, Export and Import firms, brokerage and Insurance

4.2 Sector intervention strategies

Products in each sector should comply with relevant African standards and where these are not available, the products should comply with relevant international standards recognized by State Parties. Overarching development strategies for specific sectors such as the Comprehensive African Agriculture Development Programme (CAADP), African Mining Vision (AMV) or the Pharmaceutical Manufacturing Plan for Africa (PMPA) shall be taken into consideration.

The special provisions on trade in knowledge-based services should be achieved through mutual recognition of professional registrations in Africa. This will allow cross border supply of professional services.

5 Requirements

5.1 Competitive business environment

State Parties shall endeavour to provide a competitive environment for business comprising the following minimum criteria:

- Facilitating investment
- Free movement of goods
- Reducing and simplifying paperwork, processes, procedures, rules & acts
- Harmonizing the legal frameworks
- Reducing costs of doing business (taxation, duties, timelines)
- Building best-in-class manufacturing infrastructure
- Improving connectivity and mobility
- Establishing a robust cross border ICT infrastructure

— Implementing the AU Protocol on Free Movement of Persons

5.2 Rules of origin

5.2.1 Basic principles for the RoO in the Made in Africa Criteria

The Rules of Origin shall comply with the following basic requirements:

- (a) Predictability
- (b) Simplicity
- (c) Clear and understandable
- (d) Impartial applicability
- (e) Transparency
- (f) Readily available
- (g) Trade facilitating
- (h) Move towards regulatory convergence
- (i) Compliance with mechanisms and procedures for equitable resolution of disputes.

5.2.2 Application methodologies for the rules of origin

For the purposes of this Made in Africa Guideline, the Rules of Origin of the AfCFTA Agreement shall apply.

5.3 Intellectual property rights

5.3.1 The objectives of IPR registration

- (i) promote MiA initiative
- (ii) promote inventions and creations of intellectual property and
- (iii) avoid unnecessary conflicts and litigation.

5.3.2 Administration of Intellectual Property Rights (IPR)

The registration for Intellectual property rights in the Made in Africa innovations and creations shall be done at first national level, at the national property offices/authority then Regional level by either African Regional Intellectual Property Organization (ARIPO) or African Intellectual Property Organization (OAPI).

Both the national and regional offices shall provide for physical or online filing of applications for Intellectual Property Rights (IPRs).

The registering office/authority shall be a member of the following WIPO treaties on IPRs:

- (a) Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure
- (b) Paris Convention for the Protection of Industrial Property
- (c) Convention Establishing the World Intellectual Property Organization

- (d) Berne Convention for the Protection of Literary and Artistic Works
- (e) Patent Cooperation Treaty
- (f) Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks-Madrid Protocol
- (g) Washington Treaty on Intellectual Property in respect of Integrated Circuits
- (h) Nairobi Treaty on the Protection of the Olympic Symbol
- (i) Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms
- (j) The Swakopmund Protocol on the Protection of Traditional Knowledge and Expression of Folklore

5.3.3 Filing

The filing for registration shall be done either physically at the national or regional offices or electronically by filing the application form and payment of applicable fees.

NOTE 1 Irrespective of whether an individual or a business requires an Intellectual Property Rights (IPR), it is advisable to hire a professional well-versed in the field of intellectual property registration to provide guidance through the registration process for intellectual property.

NOTE 2 National and Regional offices are encouraged to provide functional and easily understandable electronic systems to ease the process for applicants.

5.3.3.1 Filling the application form

While filling out the IPR application form, both the applicant's and the agent's recognized signatures shall be provided. The applicant shall also submit a sworn statement of the case that explains how and why the invention is unique. For Manual applications a triplicate application that has both the-applicant's and the agent's recognized signatures shall be provided.

Applications shall be filed at the African Union Intellectual Property Institution in one of the official languages of the African Union which are: Arabic, English, French, Portuguese, Spanish, and Kiswahili.

5.3.3.2 Preliminary analysis and examination the application form

An examiner shall evaluate the application for any deficiencies after it gets submitted. If there are any, they shall be required to be fixed within a month of filing the application. A group of experts who are well-versed with this category of IPR shall also assess the content of the statement to ascertain the accuracy and the validity of the particulars furnished. The analyst shall then issue an examination report.

5.3.3.3 Filing the application form for patent

The registration process shall cover the following:

- (i) The application shall be made at African level within the African Union Intellectual Property institution by filing of a single African patent application that has the same effect as national applications filed in the designated countries.
- (ii) An applicant seeking patent protection may file one application at African level and request protection in all African State Parties. This application shall be filed in the African Union office in his country.

- (iii) The application shall be done online or any other means suitable for applicants. They shall be the interface to guide the applicant step-by-step through the submission form to fill in all the required information until the request is approved.

The institution shall send the applicant registration number and the filing date

5.3.3.4 Filing out the application form for Trademark/or Service Mark

The registration of the trade mark in African Union will involve the following steps:

- (i) The registration of trade mark/service mark will begin by trade mark search
- (ii) The applicant shall fill and file the application form. This form shall be available at the website of the institution.

5.3.3.5 Filing the application form for Traditional Knowledge

The registration process of Traditional Knowledge shall include the following:

- (i) identification of ownership and representation to their respective traditional/ indigenous community;
- (ii) appointment of the representative of the indigenous community in whose name the right must be registered a TK Right;
- (iii) filing of TK application.

5.3.3.6 Filing the application for geographical indication

The Registration of African Union geographical indication requires the following:

- (i) Producers are to be organized in associations, groups and prepare documents highlighting specifications and link to the geographical area. The national authority for standardisation approves the quality of the products for healthy, security and specificity of location.
- (ii) The file is sent to the African union intellectual property office for registration
- (iii) The application must include the full address of the applicant
- (iv) The capacity in which the applicant is applying for registration
- (v) The representation of the geographical indication for which registration is sought
- (vi) The geographical area to which the geographical indication applies
- (vii) The goods to which the geographical indication applies
- (viii) The quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic is essentially attributable to the place from which the goods originate

5.3.4 Objections are communicated via a show-cause notice

The applicants are informed in case the registrar has an issue with the application. The objection raised shall be responded to within a stipulated timeline of 4 weeks of receipt of the communication. Some applicants can also apply for a hearing and can make an appeal to request for the same within a month. In case they are unable to communicate the case strongly to the registrar, the latter has the right to withdraw the application despite being presented with the opportunity to appeal.

5.3.5 Publication in the IPR journal

The application then gets published in the IPR Journal within 12 weeks of the registrar accepting it.

5.3.6 Opposition of registration

Another inventor with a similar product may file a notice of opposition, after viewing the applicant's invention in the IPR journal. If any person has any objection to the application, they shall submit the opposition notice within 12 weeks. Upon receipt of a copy of the opposition notice from the registrar, the applicant shall have 8 weeks to lodge a counterstatement. If they fail to submit the counterstatement, the registrar deems the applicant has forfeited the application. Both, the applicant and the party filing the notice of opposition shall have to provide evidence through supporting documents and affidavits. Where deemed necessary, both parties shall be required to present the case through a formal hearing with the registrar.

5.3.7 Intellectual Property Rights (IPR) registration

IPR registration is the final step. Once the IPR application gets accepted, the applicant receives a seal stating that they are the rightful owner of the IPR.

5.3.8 Records of Intellectual Property Rights (IPR)

Intellectual Property Rights (IPR) records shall be kept in an electronic data base that protects from damage, loss or tampering.

5.4 Quality and regulatory infrastructure

5.4.1 General

The provisions of the AfCFTA Agreement Annexes 6 and 7 on Technical Barriers to Trade, and, Sanitary and Phytosanitary (SPS) Measures respectively are key to the successful implementation of Made in Africa products and services. Quality and Technical Regulatory provisions shall as a minimum provide for:

- (i) Transparency in development and application of standards, technical regulations, conformity assessment procedures, and, SPS measures
- (ii) Trade facilitation, safeguarding human, animal and plant life and not to create unnecessary and/or unjustifiable obstacles to intra-Africa trade
- (iii) Utilization of risk assessment and scientific evidence to determine the appropriate level of SPS protection and hence equivalence of SPS measures
- (iv) Notification of all changed or new standards, technical regulations, conformity assessment procedures and SPS measures to the AfCFTA Agreement Secretariat
- (v) Cooperation in the development and implementation of capacity building and technical assistance programmes.

5.4.2 Harmonization of Standards

5.4.2.1 The harmonization of African Standards shall be to achieve the objectives of Annex 6 and Annex 7 of the AfCFTA Agreement which shall be, among others to:

- (a) facilitate trade by the elimination of unnecessary and unjustifiable technical barriers to trade through:
 - (i) reinforcing international best practices in regulation and standards setting;
 - (ii) promoting the use of relevant international standards as a basis for technical regulations; and

- (iii) identifying and assessing instruments for trade facilitation such as harmonization of standards, equivalence of technical regulations, metrology, accreditation and conformity assessment.
- (b) establish mechanisms and structures to enhance transparency in the development and implementation of standards, technical regulations, metrology, accreditation and conformity assessment procedures

5.4.2.2 Products qualifying for Made in Africa shall comply with:

- (a) Harmonized African Regional Standards (ARS) published by the African Organisation for Standardisation (ARSO)
- (b) Harmonized African Standards published by the Electrotechnical Standardisation Commission (AFSEC)
- (c) International standards endorsed by ARSO and / or AFSEC through their harmonization structures, as African standards and duly notified to State Parties as such.

5.4.2.3 Strengthened harmonization of African Standards:

- a) Harmonization of African Standards and conformity assessment by ARSO shall be guided by the Principles and Procedures of the African Standards Harmonisation Model (ASHAM) at African continental level.
- b) State Parties shall have a National Standards Body (NSB) participating in regional and international activities
- c) A standardization plan for Made in Africa priority products shall be developed as a layout for conformity assessment.
- d) Stakeholder involvement shall be guided by international best practices

5.4.3 Harmonisation of conformity assessment

5.4.3.1 Conformity assessment shall be harmonized to support goods and services participating in Made in Africa with respect to the objectives of Annex 6 of the AfCFTA Agreement.

5.4.3.2 The conformity assessment be conducted in line with the African Conformity Assessment Programme (ACAP) which is based on international standards, as well as with the recognized continental rules and guidelines of the ARSO Conformity Assessment Committee (CACO).

5.4.3.3 A Made in Africa Logo shall be awarded to a product, service and process complying with the requirements of this criteria and already certified against relevant International or African standards (ARS) under all schemes of the African Conformity Assessment Programme (ACAP).

5.4.3.4 African businesses, government and local authorities requiring third party conformity assessment services to source such services, where they exist, from conformity assessment bodies accredited by an African Accreditation Body recognized by AFRAC as provided for in Annex 6) of the AfCFTA Agreement.

5.4.3.5 African Quality Assurance Centres shall be established to reduce the cost of testing that African companies would incur.

5.4.3.6 State Parties shall enhance confidence in the continued reliability of each other's conformity assessment results through, among others, peer reviews, proficiency testing and inter-laboratory comparisons where appropriate.

5.4.3.7 Make use of harmonized African Standards or international standards adopted as African Standards for conformity assessment procedures.

5.4.3.8 Promote mutual acceptance of conformity assessment results of conformity assessment bodies which have been recognised under appropriate multilateral agreements between their respective accreditation bodies and the relevant mutual recognition arrangements of the AFRAC, ILAC and IAF to enable their mutual acceptance.

5.4.4 Harmonization and equivalence of technical regulations

5.4.4.1 Made in Africa products subject to compliance to technical regulations shall comply with:

- (a) Technical regulations based on harmonized African standards or international standards adopted as African Standards.
- (b) Harmonized technical regulations or national technical regulations which are deemed to be equivalent among State Parties.
- (c) Technical regulations developed in accordance with the WTO/TBT Agreement adhering to good regulatory practices.

5.4.4.2 Goods subject to technical regulations and are certified to comply with an African standard or international standard addressing the requirements of the technical regulation shall be deemed to comply with the respective technical regulation and hence shall be accorded free movement.

5.4.5 Accreditation of Conformity Assessment Bodies

5.4.5.1 The Conformity Assessment Bodies used for inspection, calibration, testing and certification of products qualifying for Made in Africa shall be accredited in relevant scopes.

5.4.5.2 The conformity assessment results of products qualifying for Made in Africa shall be subjected to mutual recognition arrangements of AFRAC, ILAC and IAF to enable their mutual acceptance.

5.4.5.3 Proficiency Schemes and peer reviews shall be used and evidence availed, to provide confidence on the reliability of conformity assessment results.

5.4.5.4 Providers of Conformity Assessment services shall at all times be in a position to prove their recognised competence by at least attaining accreditation for each of the services they provide. The relevant African Quality Infrastructure (AQI) shall establish and maintain a register of recognised Conformity Assessment Bodies on the continent.

5.4.5.5 The accreditation and Mutual Recognition Arrangements shall be in accordance with the provisions at Articles 9 and 10 of Annex 6 of the AfCFTA Agreement.

5.4.6 Measurements and traceability

5.4.6.1 Producers of Made in Africa products shall adopt and implement the international system of units (SI units) of measurement in their presentation of legal, industrial and scientific metrology quantities.

5.4.6.2 AFRIMETS shall establish a continental measurement traceability system which links African State Parties to the international hierarchy of measurements.

5.4.6.3 AFRIMETS shall establish modalities for the mutual recognition of inspection and test certificates and approvals relating to metrology issued by national institutions. The measurement schedules on packaged goods should be as classified per OIML recommendations.

5.4.7 Accreditation and Mutual Recognition Arrangements

Accreditation shall serve to promote the objectives of the AfCFTA Agreement in accordance with Annex 6 on Technical Barriers to Trade.

The African Accreditation Cooperation (AFRAC) shall establish an international recognition system for national, regional and multi-economy accreditation bodies operating within the African Union Member States that provide accreditation services to State Parties.

Goods and services traded under Made in Africa shall undergo conformity assessment by accredited conformity assessment bodies.

Accreditation shall underpin mutual recognition of certified goods and services.

5.4.8 Harmonization of Sanitary and Phytosanitary Measures (SPS)

5.4.8.1 Annex 7 of the AfCFTA Agreement on Sanitary and Phytosanitary Measure shall form the basis for conformity assessment of Made in Africa products falling within this scope.

5.4.8.2 The products qualifying for Made in Africa shall comply with:

- (a) Harmonized and/or equivalent SPS measures at the continental level
- (b) Harmonized SPS import requirements
- (c) Annual assessment of the national SPS status shall be carried out.

6 Implementation and institutional framework for Made in Africa

6.1 Coordination unit

6.1.1 The operations of the MiA shall be based in the AUC for centrality and neutrality.

6.1.2 A Made in Africa coordination unit shall be established at the African Union Commission (AUC) under the auspices of the Department of Trade and Industry (DTI) in coordination with all other stakeholders. Organs or institutions dealing with the following shall be included:

- (i) Rules of origin
- (ii) Quality infrastructure
- (iii) SPS measures
- (iv) Intellectual property rights
- (v) AfCFTA Secretariat
- (vi) Pan-African Chambers of Commerce Private Sector
- (vii) Competition
- (viii) MiA Logo

6.1.3 On an annual basis, the Made in Africa Coordination Unit shall submit a Report to the AUC Department of Trade and Industry on the status of implementation of MiA including reports on Rules of Origin, Intellectual Property Rights (IPR), Quality Infrastructure and the Technical Regulatory Framework, the numbers of complaints/disputes raised and resolved as well as challenges encountered in the intervening period.

6.2 Administration and Assessment of Made in Africa Logo and certificate

6.2.1 Administration

ARSO shall be responsible for the administration of the Made in Africa Logo and certificate and the maintenance of this Made in Africa – Criteria for Qualification. The **Made in Africa – Criteria For Qualification** does not take precedence over statutory requirements. It is the responsibility of licensees to ensure that their usage of the Logo does not contravene any statutory requirements.

ARSO shall write an annual report to AUC on the progress of administering the Made in Africa Logo and

certificate

6.2.2 Assessment of Made in Africa Logo and certificate

The assessment shall be carried out by ARSO, using qualified independent compliance auditors (6.2.2.2.9), from State Parties' National Standards Bodies and Private Certification Bodies, to assess the implementation of agreed provisions of the requirements in clauses 4 and 5 of this Made in Africa – Criteria For Qualification. This shall be done to verify compliance with, the set objectives and requirements of this Made in Africa – Criteria For Qualification.

6.2.2.1 Objectives of the Made in Africa Logo and certificate

The objectives of the Made in Africa Logo and certificate are to:

- build consumer confidence that goods with the Made in Africa Logo and certificate comply with established legislative consumer information and country of origin labelling standards and promote the benefits of buying African goods; and
- enable the Logo to be used to raise the domestic and international profile of goods that are produced in Africa.

6.2.2.2 Modalities of Assessment

The modalities for assessment of Made in Africa Logo and certificate shall be as follows:

6.2.2.2.1 Certification Bodies

The assessment for certification to the Made in Africa Logo shall be carried out by the qualified independent compliance auditors and certification bodies from the following State Parties' Institutions;

- (i) National Standards Bodies
- (ii) Private Certification Bodies
- (iii) Bodies of National Certification/Auditors

6.2.2.2.2 Compliance criteria relating to the use of the Logo

Where a claim of "Made in Africa" is used with the Logo and certificate, the good shall comply with or parts of the provisions of clause 4 of this Made in Africa – Criteria for Qualification and guidance for implementation.

A licensee shall only use the Made in Africa Logo where the good meets the compliance criteria set out in clause 4 of this document and where the use of the Logo or the representation does not conflict with any statutory requirement.

6.2.2.2.3 Application for Made in Africa Logo

Any individual, business or organisation can apply for a license to use the Made in Africa Logo by completing and lodging the license application. The applications are done either physically or electronically by filing the application form and payment of applicable fees.

A stepwise approach to the full attainment of the MiA logo using a relevant recognized Maturity Model published by the ARSO Secretariat from time to time. This will assist smaller and less resourced organisations to make progress towards full MiA Logo attainment while they gain recognition for their interim achievement as reflected in the Maturity Model.

6.2.2.2.3.1 Self-assessment platform

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An online Self – assessment, using the approved assessment platform shall be performed by applicants prior to the application for the Made in Africa Logo. The self -assessment shall be carried out online by the aspiring applicants using a predefined checklist to determine the areas where there are gaps and the extent of compliance with the requirements specified in clauses 4 and 5 of this Made in Africa – Criteria for Qualification.

6.2.2.2.3.2 Approval of application for licence or renewal

ARSO shall approve an application for a new licence or renewal of an existing licence where ARSO is satisfied that:

- (i) taking into account the information provided in the application and any other relevant information, the products listed in the application meet the appropriate compliance criteria listed in clauses 4 and 5 of this Made in Africa – Criteria for Qualification;
- (ii) the granting of such a licence is not likely to bring the Made in Africa Logo into disrepute (as per **6.2.2.2.3.4**);
- (iii) the applicant has received a copy of the rules and conditions relating to the use of the Logo and agreed to abide by the rules and conditions in this Made in Africa – Criteria for Qualification. It is a condition of licence approval that an applicant shall agree to be bound by all of the rules and conditions contained in this “Made in Africa – Criteria for Qualification”;
- (iv) the independent reviewer’s fees and charges are paid;
- (v) the applicant has paid the necessary fees and;
- (vi) a product list – being a listing of all products identified on the licensee’s application, or as amended from time to time in accordance with these rules and conditions that have been approved by ARSO to use the Made in Africa Logo.

6.2.2.2.3.3 Right to independent review of a decision not to grant or renew a licence

Where an application for a new licence or renewal is refused by ARSO on the grounds of failure to meet the requirements set out in clause **6.2.2.2.3.2 (i) or 6.2.2.2.3.2 (ii)**, the applicant may request a review of the decision.

- (i) The principal executive officers of each party shall confer within 7 days of receipt of the request for a review by ARSO to try to resolve the dispute.
- (ii) If the dispute is not resolved within 14 days, the dispute may be submitted to an independent review.
- (iii) The independent review will be conducted by a person or organisation selected by agreement between the applicant and ARSO or appointed by the AU (Mediation and Arbitration Institutions in Africa)
- (iv) The independent reviewer’s fees and charges will be borne by the applicant.
- (v) The independent reviewer will determine the capacity of the applicant to comply with the rules and conditions.
- (vi) Where the independent reviewer determines that the applicant meets these rules and conditions, the applicant will be granted a license and ARSO shall reimburse the applicant for any fees and charges levied by the reviewer.
- (vii) Decisions of the independent reviewer are binding on all parties.

6.2.2.2.3.4 Registered products not bringing Logo into disrepute

ARSO may refuse to grant a licence, or may withdraw a licence previously granted, where it considers that the product or products concerned are likely to bring the Logo into disrepute. In such cases, the applicant or licensee may request a review of the decision, to be conducted according to the procedures outlined in **6.2.2.2.3.3**

A licence shall not be refused or withdrawn where the product is the subject of a voluntary recall resulting from faults or defects which are capable of being rectified or which involve particular batches of the product.

ARSO shall include any such resolved issues in its annual report to the African Union Commission.

6.2.2.2.4 Licensee certificate

On approval of a licence application, ARSO shall issue a certificate that is valid for the period specified on the certificate. The right to use this certificate expires upon the termination or expiry of the licence and it shall be destroyed immediately upon termination or expiry.

The Made in Africa Logo shall be issued for use by each licensee in relation to the goods identified on its product list, as amended from time to time, in accordance with the requirements of this Made in Africa – Criteria for Qualification where the use of the Logo and associated representations does not conflict with any underlying statutory obligation.

6.2.2.2.5 Use of Made in Africa a logo on products and services

The Made in Africa Logo to be displayed on made in Africa products and services shall be electronically traceable and protected.

For packaged products, the issued Made in Africa Logo shall be placed on either the primary, secondary or tertiary packaging of the product in an indelible and easily legible manner.

For unpackaged products, the Made in Africa Logo shall be indicated in a way which allows its visibility and shall be electronically traceable.

ARSO shall withdraw the MiA logo were the licensee has violated the use of the logo and the license shall remove the logo on the packaged goods.

6.2.2.2.6 Licensee register

ARSO shall maintain a register of all current and former licensees. The register shall contain the following details relating to each licensee:

- (i) registered business name;
- (ii) trading name/s;
- (iii) African Business Number or Company Number (where applicable);
- (iv) street address;
- (v) postal address;
- (vi) business telephone number and email address;
- (vii) business facsimile number (where applicable);
- (viii) nominated contact officer and title of that officer; and
- (ix) a goods list – being a listing of all goods identified on the licensee's application, or as amended from time to time in accordance with the rules and conditions that have been approved by ARSO to use the Made in Africa Logo.

For amendment to details on licensee register, a licensee shall notify ARSO within 30 days of any change to the details relating to that licensee contained on the licensee register.

The Information on current licensees and registered products shall also be made available on the ARSO website.

6.2.2.2.7 Responsibilities of licensees

Each licensee shall:

- (i) establish and maintain policies and systems to meet their obligations under this Made in Africa – Criteria for Qualification including, where appropriate, establishing compliance programs;
- (ii) ensure that these policies and systems recognize all underlying statutory obligations;
- (iii) ensure that all relevant employees and agents are aware of these rules and conditions; and
- (iv) permit ARSO and any auditor(s) appointed by ARSO or the AUC to obtain access during normal working hours to such records and to carry out such inspections and enquiries as are necessary to establish whether the Logo has been used in accordance with these requirements and conditions specified in this Made in Africa – Criteria for Qualification and the appropriate fees have been paid, and, provide access to information about the policies and systems maintained under 6.2.2.2.7 (i) sufficient to establish their effectiveness.

6.2.2.2.8 Independent compliance audit

ARSO shall before approval of an application conduct a third-party compliance audit, using an independent compliance auditor (6.2.2), who will independently determine the compliance of that licensee with the requirements of this Made in Africa – Criteria for Qualification. Such activity may include interviews with the licensee and inspection of manufacturing processes and products as well as the inspection of relevant documents in accordance with 6.2.2.2.7 (iv). Documents requested by the independent auditor may include sworn statutory declarations of compliance from time to time.

6.2.2.2.9 Selection of companies for annual compliance (Revalidation) audit

ARSO shall conduct an annual compliance audit of a sample of licensees selected at random from its licensee register to be carried out by an independent auditor and in accordance with arrangements agreed from time to time with the African Union Commission, to determine consistent compliance of the licensee with the requirements of this Made in Africa – Criteria for Qualification.

The Appointment and remuneration of independent compliance auditor (s) shall be appointed and remunerated by ARSO.

6.2.2.2.10 Appointment criteria for independent compliance auditor

The independent compliance auditor shall meet the following appointment criteria:

- (i) the independent compliance auditor must hold appropriate tertiary or professional qualifications, or have appropriate industry experience; and
- (ii) the independent compliance auditor shall not be a licensee of ARSO

6.2.2.2.11 Report of the independent compliance auditor

The independent compliance auditor will report to ARSO in relation to the compliance of licensees with these rules and conditions.

The decisions of the independent compliance auditor are final and binding on all parties

6.2.2.2.12 Complaints and dispute resolution

ARSO and every licensee shall abide by the procedures for complaints and dispute resolution as set out in Made in Africa – Criteria for Qualification.

6.2.2.2.13 Procedure for Investigating and Handling complaints

ARSO on receipt of a complaint about the use of the Logo:

- (i) shall acknowledge the receipt of the complaint and inform the complainant, in writing or by email within 14 days of receiving the complaint, what actions the complainant may themselves take to track the matter, including their statutory consumer rights, and what actions will be taken by ARSO to investigate and resolve the complaint.
- (ii) shall then initiate a compliance investigation in relation to the complaint.

ARSO shall follow the following procedures in relation to complaints:

a. Where the complaint involves use of the Logo by a licensee:

- (i) ARSO will issue to that licensee a notification informing the licensee of the receipt and describing the nature of the complaint together with a request for relevant compliance-related information.
- (ii) Upon receiving such notification from ARSO, the licensee will respond to ARSO, in writing within 14 days, attaching the requested information.
- (iii) ARSO will evaluate the licensee's response to determine whether or not the complaint is valid. This evaluation may include further investigations and enquiries, including site inspections, provided that ARSO has given the licensee reasonable notice of such inspection.
- (iv) As part of the compliance investigation process, ARSO may require a licensee to undergo an independent compliance audit, conducted according to these rules and conditions.
- (v) Should the compliance investigation determine that the complaint against the licensee is valid, the sanctions detailed in these rules and conditions become available to ARSO.

b. Where the complaint involves use of the Logo by a non-licensee:

- (i) ARSO shall write to the non-licensee in question setting out the circumstances under which the Logo may legally be used, and requesting that the non-licensee take action to rectify the situation.
- (ii) if the complaint has not been resolved within one month of the initial notice, ARSO shall have recourse to other action, including legal action and referral of the complaint to appropriate state or federal bodies.

6.2.2.3.14 Maintenance of Documentary Records

It is a requirement that each licensee shall maintain sufficient documentary records to prove the compliance of the goods identified on its product list with the requirements of this Made in Africa – Criteria for Qualification and to satisfy ARSO as to the value of the sales of licensed products. Under current legislative arrangements, a licensee may also be required to provide these records to an independent compliance auditor from time to time.

6.2.2.3.15 Compliance Monitoring and Auditing

ARSO is required to undertake monitoring of the compliance of licensees with the rules and conditions contained in this Made in Africa – Criteria for Qualification and guidance for implementation. This includes an ongoing program of independent compliance auditing that places obligations on licensees in relation to the provision of documentary records. It also includes compliance investigation by ARSO and possible independent compliance auditing in relation to a dispute. Where a compliance investigation or independent compliance audit is undertaken, it must be conducted according to the rules and conditions contained in this Made in Africa – Criteria for Qualification. By entering into an agreement with ARSO to use the Logo, each licensee agrees to cooperate fully with ARSO or its representatives if it is selected for a compliance audit.

6.2.3 Indications/milestones for progress

The performance of institutions involved in the requirements in clauses 4 and 5 shall be measured in accordance with their compliance with the timelines indicated for every stage of the process of relevant aspects of this Made in Africa – Criteria for Qualification.

6.2.4 Applications and filing for patents, trademarks and branding

A report on applications and filing for IPR shall be submitted on annual basis by IP agents to the Coordination Unit highlighting the new applicants and the respective areas of IPR.

6.2.5 Capacity building

- (i) ARSO shall be responsible for preparation of training Modules of this Made in Africa – Criteria for Qualification for capacity building.
- (ii) Long term capacity building shall continue to be offered and strengthened by relevant agencies.
- (iii) Other tailored short term professional courses shall be offered from time to time.
- (iv) Trainees shall be given the opportunities to practice across the continent.
- (v) Continuous awareness campaigns and sensitization programs through seminars, workshops, webinars; radio and TV programmes shall be implemented.

6.3 Institutional framework

The institutional framework for the implementation, administration, facilitation, monitoring and evaluation of the requirements of Made in Africa shall consist of the following:

6.3.1 Establishment of Monitoring and Evaluation Committees

Committees governing the implementation of the requirements set out in MiA shall be set up. These committees shall monitor and evaluate the implementation of MiA and submit reports and recommendations to the AUC. The committees shall establish programmes to facilitate smooth implementation of MiA.

6.3.2 Involvement of the private sector

The private sector shall be part of the implementation of MiA through:

- (i) Involvement in Public Dialogues
- (ii) Representation in different MiA Committees
- (iii) Participating in training and capacity-building

- (iv) Ease of access to relevant information
- (v) Access to speedy conflict resolution

6.4 Change of Mindset

6.4.1 Capacity building

- a) Specific training sessions shall be organised for the following groups for targeted sectors:
 - Experts involved in African standards harmonisation
 - Experts involved in the development and enforcement of technical regulations
 - Relevant Regulatory Agencies
 - Certification Bodies
 - Inspection Bodies
 - Laboratories and Testing facilities
 - Accreditation Bodies
 - Customs officers
 - Private sector associations (manufacturers, processors, packaging and labelling, service providers etc)
 - Consumer groups and associations
 - Peer assessment team members
- b) Sensitization and Communications Campaign shall be organised annually in each State Party
- c) Annual Made in Africa Expo shall be organised to promote the Made in Africa products and services
- d) Support systems and networks for small and medium-sized enterprises and the business community shall be promoted

6.4.2 Using new technology

- a) Setting up online tools and systems to provide more options to minimize compliance costs for exporting firms.
- b) Involving the wider African business community, chambers of commerce and industry, customs brokers and agents' associations to play a role in disseminating best practice and capacity-building.
- c) Establish One Stop Border Posts where possible to strengthen Cross-border Cooperation among Customs Authorities (Competent Authorities) and Cooperation with Issuing Authorities.

6.4.3 Monitoring and Evaluation, Institutional Arrangements and Coordination

6.4.3.1 A Coordinating organ of AU to manage the Made in Africa initiative shall be established within the AfCFTA Secretariat.

6.4.3.2 This organ shall elaborate key performance indicators of each product of the targeted sectors and shall through online Monitoring systems, develop an annual status report.

6.4.3.3 Establishment of focal or inquiry points and help desks at national level shall be set up.

6.4.3.4 National Implementation Committees that readily provide advice on compliance processes involving all relevant categories (private sector operators, Consumer, academia, Government institutions) shall be established.

6.5 Financial arrangements

6.5.1 The financial arrangements for the Made in Africa initiative shall be such that the initiative is self-financing and hence sustainable. Applications for the Made in Africa Logo shall be accepted from individuals, businesses and organizations of all sizes. Fees levied are categorized and scheduled into Small, Medium and Large Enterprises. The fees (non-refundable), due for the following steps/stages shall be in accordance with a fee schedule determined by the ARSO Council from time to time:

- Application
- Assessment
- License (on successful assessment)
- Annual license

6.5.2 Annual license fees for the Logo shall be based on the aggregated annual sales turnover for all products identified on the product list, as amended from time to time, that qualify for use of the Logo. The fee schedule will be determined from time to time by the ARSO Council and licensees shall be given not less than six months' notice of any proposed changes.

ARSO shall always publish and make available the fee schedule, and shall publish a notice of changes to the fee schedule at least six months before any change, and give advice of the changes to the African Union Commission (AUC) at the time of publication of the notice.

License fees shall normally be payable for a twelve-month period.

For new licences and renewals, the license fee shall be based on the aggregated sales turnover figure for the nominated products for the preceding 12 months.

Where the products have been available for sale for less than 12 months, the turnover figure will be based on the projected sales figure for a full year.

Development partners and other investors shall be approached for financial support at the initial stages of the implementation of the Made in Africa initiative.

Annex A (informative)

Reference and basis for application of RoO in the Made in Africa Criteria

A.1 Summary

Rules of Origin (RoO) play an important role in the regulation of International trade and are a core component of preferential trade arrangements like the AfCFTA. RoO set out the conditions under which traded goods are considered to be originating in a specific exporting country. Essentially, RoO confer a form of economic origin on products, being the country where a specific minimum degree of transformation and value addition has taken place.

The lack of a universal RoO methodology that is easily applied and simple to administer, yet which is able to balance the need to prevent trade deflection with the objective of enhancing trade under a given preferential trade regime make RoO an important component of trade Agreements. At the very least, the objectives of transparency, simplicity and equity should remain key to the outcome of an Origin Criteria so that compliance with RoO do not become a Non-Tariff Barrier to trade.

This Made in Africa Criteria is founded on the basis of the fact that AfCFTA should adopt rules of origin that are simple (in the sense of being clear and understandable), transparent, predictable and trade facilitating for businesses and trade operators, as well as stable in the short to medium terms yet evolutive in the longer term to allow for adjustments to changes in the business environment, while remaining context, industry and sector-specific, and aimed at making the best use of existing technologies

A.2 Basic Principle for the RoO in the Made in Africa Criteria

There is a clear understanding that the RoO have a direct impact on the uptake of preferences and the rate of preference utilization and this criteria is meant to address the challenges of Agenda 2063 and the objectives of the AfCFTA with respect to policies and activities that prioritize the production, trade and competitiveness of Made in Africa Products.

The RoO for the Made in Africa Criteria are designed to enable the countries and firms in Africa to utilize the preferential tariff and nontariff preferences to which they are entitled in the African Continental Free Trade Area, rather than making it optimal for firms to forgo utilizing preferences.

The RoO for the Made in Africa Criteria promotes the local content requirements in the production of final goods which directly affect the range of local intermediate goods that are necessary to finalize the production of Made in Africa products.

The basic understanding for the RoO in the application of the Made in Africa Criteria is that Preferential Rules of origin and preferential tariffs remain essential elements for the AfCFTA as the preferential rules of origin will help to discriminate against imports from third countries and levy preferential tariffs or implement policies such as anti-dumping duties and quotas.

The RoO for the Made in Africa Criteria are designed to ensure that the preferential market access negotiated under the AfCFTA is granted to African goods wholly produced or 'substantially transformed' within the AfCFTA State parties and enable the Small firms, informal enterprises and the private sector in the States parties under the AfCFTA to utilize trade preferences.

The RoO for the Made in Africa Criteria are designed and implemented in recognition of the "acquis" policy as recognized under Annex 2 of the AfCFTA Agreement.

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