

ECONOMIC COMMUNITY OF WEST  
AFRICAN STATES



COMMUNAUTÉ ECONOMIQUE DES ETATS  
DE L'AFRIQUE DE L'OUEST

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**SIXTIETH ORDINARY SESSION OF THE ECOWAS  
COUNCIL OF MINISTERS**

Abuja, 17 - 18 May 2008

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**FINAL REPORT**

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Abuja, May 2008

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## I. INTRODUCTION

1 The Sixtieth ordinary session of the ECOWAS Council of Ministers was held at the ECOWAS Commission in Abuja, from 17 to 18 May 2008.

2. The following member States were represented:

- Republic of Benin
- Burkina Faso
- Republic of Cote d'Ivoire
- Republic of The Gambia
- Republic of Ghana
- Republic of Guinea
- Republic of Liberia
- Republic of Mali
- Republic of Niger
- Federal Republic of Nigeria
- Republic of Senegal
- Republic of Sierra Leone
- Togolese Republic

3. The following ECOWAS Institutions and specialised agencies as well as an invited sister organisation were also represented:

- The ECOWAS Parliament;
- The ECOWAS Court of Justice;
- The ECOWAS Bank for Investment and Development (EBID);
- The West African Health Organisation (WAHO);
- The Inter-governmental Action Group against money laundering in West Africa (GIABA);
- The ECOWAS Gender Development Centre;
- The ECOWAS Youth and Sports Development Centre;
- The Water Resources Coordination Unit (WRCU)
- The West African Economic and Monetary Union (UEMOA).

4. The list of participants is attached to this report as an annex.

## II. OPENING CEREMONY

- **Welcome statement by the Host Minister**

5 In his statement, the Nigerian Minister of State for Foreign Affairs, His Excellency Ambassador Bagudu Hirse, welcomed all the participants to the meeting, stating that the atmosphere of warmth under which the deliberations would be held, would undoubtedly help to achieve fruitful results. He pointed out that the Government of the Federal Republic of Nigeria was fully aware of the importance of the challenges and difficulties facing the Institutions of the Community since the transformation of the Executive Secretariat into a Commission. He expressed satisfaction with the successes recorded in the security situation of the region, especially in the areas of peace, security and development, even though efforts still had to be made in other areas such as the Common External Tariff, the common currency and Free Movement of Persons and Goods. The Nigerian Minister of State for Foreign Affairs indicated that the challenges facing the region, such as the reduction of poverty and economic integration, can only be met by a strong political commitment.

- **Statement by the President of the ECOWAS Commission**

6. The President of the ECOWAS Commission, Dr. Mohamed Ibn Chambas, on behalf of all ECOWAS Institutions, welcomed the Ministers and delegations taking part in the Sixtieth Ordinary Session of the ECOWAS Council of Ministers. Recalling that the mid-year session of the Council of Ministers enables the Commission to carry out a mid-term review of the implementation of annual programmes, he announced that significant progress had been made in the implementation of all programmes, despite some difficulties encountered by the Commission, mainly as a result of inadequate staffing.

7. He expressed sincere gratitude to the members of the Ministerial Committees that would present the reports of their various meetings to the session of Council for the dedication with which they carried out tasks assigned to them, which enabled them to produce credible and high quality reports.

8. The President of the ECOWAS Commission then expressed the hope that after considering the reports on the status of implementation of the different activities, the Council would come up with new courses of action and directions to be pursued. Finally, he concluded his address by wishing the sixtieth ordinary session of the ECOWAS Council of Ministers fruitful deliberations.



• **Opening statement by the Chairperson of the Council of Ministers**

9. The Chairperson of the Council of Ministers, Her Excellency Madam Minata Samaté-Cessouma, Deputy Minister for Regional Cooperation of Burkina Faso, first and foremost, invited the meeting to observe a minute silence in honour of the victims of the recent pipeline explosion in Lagos. She then expressed sincere appreciation to the Government of the Federal Republic of Nigeria for the warm welcome extended to the members of the ECOWAS Council of Ministers. She also expressed gratitude to the President of the ECOWAS Commission and his colleagues for the facilities placed at the disposal of Council to facilitate the successful conduct of its session.

10. The Chairperson of Council stated that the meeting was being held at a time when an international economic crisis was seriously affecting the member States. She pointed out that in view of the gravity of the crisis, only solidarity and consultation at the regional level rather than the short-term emergency measures taken by our countries could help find appropriate and lasting solutions to the situation.

11. The Chairperson of the Council of Ministers expressed the conviction that the development objectives adopted by ECOWAS when it adopted the regional poverty reduction strategy cannot be achieved without a common solution internal to our institutions.

12. Furthermore, the Chairperson of Council assured the ECOWAS Commission of the support of Council in better directing its initiatives and meeting the great challenges facing the region.

13. Finally, the Chair of Council reiterated her hope for a successful session and declared the Sixtieth Ordinary Session of the ECOWAS Council of Ministers open

**III. ELECTION OF BUREAU**

14. The meeting elected the following Bureau:

- Chairman : - Burkina Faso
- Rapporteurs : - Benin  
- Liberia

**IV. ADOPTION OF THE AGENDA AND WORK PROGRAMME**

15. The following agenda was adopted:

1. **Opening ceremony**

- Welcome Statement by the Host Minister
- Statement by the President of the ECOWAS Commission
- Opening Statement by the Chairman of Council
- Election of Bureau
- Adoption of Draft Agenda and Work Programme

**Items for Decisions**

2. Consideration of the 2008 Interim Report of the President of ECOWAS Commission
3. Implementation Status on Tasks Assigned to the Community Institutions
4. Consideration of the report of the ad-hoc Ministerial Committee and Promotion of Statutory Appointees - Appointment of Commissioner/Human Development and Gender
5. Consideration of the Report of the Third Meeting of the Administration and Finance Committee
6. Consideration of the Report of the Audit Committee
7. Consideration of the Memorandum on the Allocation of Statutory Positions to Member States for the posts of Director General and Deputy Director General of GIABA
8. Consideration of the Draft Agenda for the Thirty-Fourth Ordinary Session of Heads of State and Government of ECOWAS

**Item for Adoption**

9. Report of the 6<sup>th</sup> GIABA Ad hoc Ministerial Committee Meeting

**Items for Information**

10. Report on the ECOWAS Water Policy, Environmental Policy and Regulatory Text on Pesticides, Green Seeds and Biotechnology

11. Report of the Ministerial Meeting on the Supplementary Act on Competition and Investment
12. Report of the Technical Committee on Trade, Customs & Free Movement of Persons
13. Brief on the Settling Down of Commissioners
14. Any other Business
15. Closing Session

## V. OUTCOME OF DELIBERATIONS

### Item 2: Consideration of the 2008 Interim Report of the President of ECOWAS Commission

16. The President presented the 2008 Interim Report of the Commission. In his presentation, he noted that the economic and political trends in the region had been positive. West Africa experienced an increase in GDP from \$141.9 billion in 2005 to \$170.1 billion in 2006, rising to \$199.1 billion in 2007. The regional GDP is projected to reach \$232.7 billion in 2008. Prospects for the region appear favourable in 2008, with a projected growth rate above 5%. Accounting for the positive economic outlook of the region in 2008 are improved macroeconomic management, improving governance and security situation, high cost of raw materials, the discovery of oil in commercial quantity in some Member States along the Gulf of Guinea and financial assistance from the development partners.

17. Nevertheless, the region faces a myriad of challenges which impede its ability to attain the MDGs. These challenges include poverty, infrastructure deficiency, insufficient formal intra-regional trade and increase in the prices of commodities, particularly food and oil. Member States are implored to sustain the economic and financial reforms embarked upon which are aimed at enhancing the growth of the regional economy. Moreover, the President implored the oil exporting Member States to show solidarity with their non oil-exporting counterparts. On the global food crisis, a Ministerial meeting scheduled for 19 May 2008 would fashion out a regional approach to the sustenance of food security in the region in line with the ECOWAS Common Agricultural Policy (ECOWAP).

18. As regards the implementation of the Community Work Programme, the President noted that ECOWAS remains engaged with the pursuit of its principal objective of promoting regional cooperation and integration. Progress has been recorded in a number of areas, which were explained in the Interim Report. The challenges facing the regional integration process are being addressed. He drew attention to the fact that less than two years to the new deadline of December 2009 for the introduction of the second monetary zone, serious differences have emerged between the Director General and the Committee of Governors of WAMZ. He called the WAMZ Member States to address this issue so that the monetary integration program is not derailed. On the trade issue, challenges in respect of free movement, right of residence and right of establishment are also being addressed. He further noted that the concern of the Community on the EPA is to make it a development tool.

19. Concerning the security situation in the region, this has improved generally with signs of stabilization in many areas. There is no longer any "active conflict" in the region. The joint efforts by ECOWAS and Member States in promoting dialogue, preventive diplomacy and peace building are clearly yielding positive results, as evidenced by the steadily improving security environments in Côte d'Ivoire, Guinea Bissau, Guinea, Liberia, Sierra Leone and Togo. Regional stability is also being enhanced through credible organization of legislative and presidential elections in many of the Member States.

20. However, there are some areas of concern which include migration, continuing armed attacks in the Niger Delta region of Nigeria, and insecurity in some areas of the northern parts of Ghana, Mali and Niger. The threats to regional peace and security also include banditry, hostage taking, human trafficking, cigarette smuggling and other criminal activities amidst the continuing proliferation of small arms and light weapons. Finally, the spreading phenomenon of drug trafficking poses serious challenges to the efforts by ECOWAS Member States to further consolidate the security environment. To address the issues, ECOWAS has cooperated with the Member States in their efforts to develop strategies to combat them.

21. After deliberations, Council commended the Commission for the high quality of the Report and made the following recommendations:

**i. Dispatch of documents**

While noting the improvement in dispatch of documents, Council, however, appealed to the Commission to improve further on timely dispatch of Council documents to Member States.



ii. **Participation of Ministers In Council Meeting**

Noting the poor participation of Ministers in statutory meetings, Council requested the Commission to present to its next session a memorandum on the effective functioning of the Council of Ministers. The Commission is to work with any relevant institutions or resource persons on this task.

iii. **Impact of High Oil Price**

Council implored Member States exporting oil and other forms of energy to show greater solidarity with their net crude oil importing counterparts.

iv. **Free Movement of Persons and Goods**

Council urged the Member States to implement the protocol relating to the free movement of persons, right of residence and establishment effectively. It further invited the ECOWAS Commission and the UEMOA Commission, in accordance with the recommendations of the Nouakchott Ministerial Monitoring Committee on EPA, to expedite the establishment of the rules and institutions required for the standardisation and certification of products originating from the Community in order to strengthen the mechanism relating to the facilitation of trade between the Member States

v. **Global Food Crisis**

Without prejudice to the outcome of the Ministerial meeting on Food Crisis, Council recommended that the suggestions of the Ministerial meeting should lead to a regional approach towards sustaining food security in conformity with the ECOWAS Common Agricultural Policy (ECOWAP) by proposing structural as well as short, medium and long-term responses.

vi. **Economic Partnership Agreement**

Council requested that all outstanding issues on the CET be resolved soon while the regional approach should continue to guide the negotiations on the agreement and development issues form the focus of the agreement

vii. **Monetary Integration**

Council implored Member States, particularly Member States of the second monetary zone, to ensure that the monetary integration programme proceeds unhindered.

viii. **Bilateral Regional Projects**



Council urged Member States to develop bilateral projects which will support the regional integration process.

**Item 3: Consideration of Tasks Assigned to the Commission**

22. The Commission presented the Memorandum on the tasks assigned to it from the 59<sup>th</sup> Ordinary Session of Council in December 2007.

23. After discussions on the Memorandum, the Council of Ministers made the following recommendations:

- i) The ECOWAS Commission should continue to implement the tasks that were already in progress;
- ii) The Commission should continue the dialogue with the Federal Republic of Nigeria with respect to the provision of accommodation and office space for its staff.
- iii) The Commission should continue to closely monitor the 60:40 ratio on programme expenditure vis-a-vis administrative expenditure in line with the Council of Ministers directive from the 59<sup>th</sup> Ordinary Session of Council of Ministers.

**Item 4: Consideration of Final Report of the Meeting of the Ad Hoc Committee on Selection and Evaluation of the Performance of Statutory Appointees (Appointment of Commissioner for Human Development and Gender)**

24. Dr. Charles Y. Brempong-Yeboah, Deputy Minister of Foreign Affairs, Regional Integration and NEPAD of Ghana, Chairman of the Ad Hoc Ministerial Committee on Selection and Evaluation of the Performance of Statutory Appointees, presented the outcome of the Committee's activities. He informed Council of the interview procedures and of the scoring method and then presented the results of the interviews as follows:

Candidate	Score	Position
Dr Adrienne DIOP	95.5	1 <sup>st</sup>
Mrs. Soukeyma Ndiaye BA	93.5	2 <sup>nd</sup>
Mrs. Mariema Toure THIAM	79.5	3 <sup>rd</sup>

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25. After considering the report, Council approved the appointment of Dr. Adrienne Diop, who came first, for the post of Commissioner for Human Development and Gender.

26. Council congratulated the new Commissioner for Human Development and Gender, Dr. (Mrs.) Adrienne DiOP.

**Item 5: Consideration of the Report of the Third Session of the Administration and Finance Committee**

27. This report, presented by Mr. Kabore Lassane, Director of Monetary and Financial Affairs at the Ministry of Economic Affairs and Finance of Burkina Faso, Chairman of the Administration and Finance Committee, focused on the following items discussed at the meeting:

- Status of tasks assigned to the Commission;
- staffing of GIABA;
- creation of a department of Customs under the Commissioner for Trade, Customs, Tourism, Free Movement of Persons, Industry and Mines;
- harmonisation of some allowances of ECOWAS staff.

28. After deliberations, the Council of Ministers adopted the report of the third session of the Administration and Finance Committee and made the following observations and recommendations.

- i. The ECOWAS Commission should do a global evaluation of the structures
- ii. Furthermore, the creation of divisions should be under the jurisdiction of the ECOWAS Commission President.
- iii. The ECOWAS Commission should formulate draft bye laws for all organs of the Community to be submitted to the Council of Ministers.
- iv. To correct the disparities observed in the education allowances of the different categories of Community staff, the Commission should present to the next session of the Council of Ministers a detailed memorandum on the issue.

29. The Council of Ministers thereafter agreed to submit for the approval of the Authority of Heads of State and Government, the creation of a Department of Customs under the Commissioner for Trade, Customs, Tourism, Free Movement of Persons, Industry and Mines.



**Item 6: Consideration of the Report of the Ninth meeting of the Audit Committee**

30. Council deferred the presentation and consideration of this Report till its next session.

**Item 7: Consideration of the Memorandum on the Allocation of the posts of Director General and Deputy Director General of Inter-Governmental Action Group Against Money Laundering in Africa (GIABA) to Member States**

31. The Memorandum presented to Council indicated that the four year tenure of the Director General and Deputy Director General of GIABA would expire on 30 April 2009 and 11 January 2009 respectively. The Memorandum urged the immediate allocation of the posts to Member States so as to allow for the commencement of the procedures for recruitment into these positions in order to guarantee continuity in the activities of GIABA as from 11 January 2009.

32. Consequently, two options were proposed as follows:

- The renewal of the mandates of the Director General and Deputy Director General for another non renewable four year term;
- Application of the principle of rotation in accordance with the existing policy on rotation of Member States.

33. With the second option based on rotation, the positions of Director General and Deputy Director General should be allocated to Burkina Faso and The Gambia in accordance with the policy adopted by Member States on that matter.

34. In the absence of a consensus, Council decided to refer the matter to the Authority of Heads of State and Government for consideration and decision.

35. In this context, Council directed the Commission to prepare and include in the memorandum a detailed memorandum all issues, especially those concerning the nature of the initial appointments of the Director General and Deputy Director General, as well as the legal and rotational issues involved

**Item 8: Consideration of the draft Agenda for the Thirty-Fourth Ordinary Summit of the Authority of Heads of State and Government of ECOWAS**

36 Council considered the draft Agenda submitted by ECOWAS Commission and decided to forward it for adoption by the Authority of Heads of State and Government at its next Summit scheduled for 23 June 2008 in Abuja.

**Item 9: Consideration of the report of the Sixth GIABA Ad hoc Ministerial Committee Meeting**

37. The report of the 6<sup>th</sup> GIABA Ad hoc Ministerial Committee meeting held in Accra, Ghana on 7 May 2008 was presented by Dr Abdulahi Shehu, the Director General of GIABA. The major highlights of the report are as follows

- the adoption of the mid-year report of the Director General of GIABA;
- the adoption of Memorandum on the importance of mutual evaluations in the member countries of GIABA;
- adoption of the Mutual Evaluation Reports of the Federal Republic of Nigeria and Republic of Senegal;
- on the functioning of GIABA, the Ad hoc Ministerial Committee considered and made recommendations on the following issues:
  - i) **Mandate to Combat Drug Trafficking-** ECOWAS Commission should reconsider its decision to extend GIABA's mandate to drug trafficking control because its original mandate of the fight against money laundering and terrorist financing is a vast area that it must contend with. To this end, the committee suggested that ECO-DRUG which already exists, should be revitalized, or another appropriate body be set up to this effect.
  - ii) **Guidelines on the establishment of the National Inter-ministerial Committee-** Given the importance of the Inter-ministerial Committees in the area of money laundering and terrorist financing, the management submitted a Memorandum on the guidelines for the establishment of National Inter-ministerial Committees. The Memorandum submitted on this issue was adopted.
  - iii) **Appointments of National Correspondents-** The guidelines on the roles and functions of national correspondents were adopted. However, it was decided that implementation modalities should fall under the jurisdiction of Member States.

- iv) **Revised Organogramme of GIABA/Staffing needs-** The revised organogramme of GIABA on staffing needs was adopted.

38 Council considered and adopted the Report.

**Item 10: Report relating to the ECOWAS Water Resources and Environmental Policy and regulatory texts on pesticides, seeds and biotechnology**

39. The Commissioner for Agriculture, Environment and Water Resources presented to the Council of Ministers the report of the three ministerial meetings of the Technical Committee on Agriculture, Environment and Water Resources, held in Ouagadougou on 8, 15 and 16 November 2007 respectively. At the meeting, the sectoral ministers deliberated on and validated issues relating to the regulatory texts on pesticides, seeds, the ECOWAS Environmental Policy, the plan of action on biotechnology and bio-security, the Water Resources Policy relating to the adoption of the 2007 – 2015 CPCS Strategic Plan, the change of name of the Water Resources Coordination Unit and the recognition of the ZIE as an ECOWAS centre of Excellence for the promotion and research on water and the environment.

40. Council took note of the reports and recommendations contained therein. It approved the regulations submitted and recommended to the Authority of Heads of State and Government to adopt the Supplementary Acts.

**Item 11: Report of the Ministerial meeting on the Supplementary Act on Competition and Investment**

41. With a view to combating the establishment of an anti-competitive environment that could slow down innovation, discourage investment and impact on the unemployment levels in Member States, the Ministerial Monitoring Committee on EPA recommended for adoption of the Authority, based on the favourable opinion of the ECOWAS Parliament, three draft texts on competition and investment. The draft texts are (i) Supplementary Act adopting Community rules on competition and modalities for implementing them within ECOWAS; (ii) Supplementary Act establishing the Regional Authority on Competition and defining its duties and functions; and (iii) Supplementary Act on Community rules on investment and establishing modalities for implementing them.

42. Council took note of the report and recommended the texts for adoption by the Authority of Heads of State and Government.

**Item 12: Report of the Technical Committee on Trade, Customs and Free Movement of Persons**

43. The Commissioner for Trade, Customs, Tourism, Free Movement of Persons, Industry and Mines presented the report of the meeting of the Committee on Trade, Customs and Free Movement of Persons, held in Accra from 25 to 27 September 2007.

44. At that meeting, the Committee deliberated on matters relating to the implementation of the Protocol on the Free Movement of Persons, the harmonisation of the ECOWAS passport, equal treatment between refugees and other ECOWAS citizens as well as the right of residence and establishment.

45. Council took note of the report and the recommendations contained therein.

**Item 13: Brief on the Settling Down of Commissioners**

46. This memorandum, which was presented by the Commission, informed Council about the settling down of the Commissioners since the take-off of the Commission. All commissioners have assumed duties with the exception of the Commissioner for Human Development and Gender (Senegal), whose selection interview was before Council for adoption. Based on the approval of Council on new conditions of service for all ECOWAS statutory appointees, benefits accruing to this category of officers have been monetized, a situation which has ensured benefits in terms of time and financial resources freed more of the Commission's administrative time and energies for better management of official duties of all staff.

47. Council took note of the information contained in the memorandum.

**Item 14: Any other business**

48. Following the postponement of the consideration of the Report of the Audit Committee, the Council of Ministers discussed the issue of renewal of the External Auditors' contract, which expired in March 2008. In view of the firm's impressive performance, Council authorised the ECOWAS Commission to renew the contract of the External Auditors, Deloitte & Touche, for a period of two years.

**Item 15: Adoption of Report**

49. This Report was adopted after amendments.

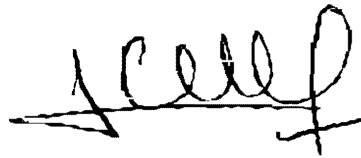
**Item 16: Closing ceremony**

50. In her closing address, the Chairperson of Council stated that the session represented an important phase in the integration process of the sub-region. She indicated that the useful contributions made by all the participants enabled the Council to make relevant recommendations on issues as important as free movement of persons and goods, the call for solidarity among petroleum exporting countries, the improvement of the work of the Council of Ministers and of the Commission, the crisis, the EPA and the monetary integration programme. The Chairperson of the Council of Ministers then urged the Commission to operationalise the different recommendations, and the member States to implement them.

51. Furthermore, the Chairperson of the Council of Ministers urged all statutory ministers to be present at the future sessions of the Council. She also expressed sincere gratitude to the President, the Vice President as well as to all the staff of the Commission.

52. Finally, the Chairperson of the Council of Ministers wished all the participants a safe trip back to their respective countries, and declared the 60<sup>th</sup> ordinary session of the ECOWAS Council of Ministers closed.

**DONE AT ABUJA, THIS 18<sup>th</sup> DAY OF MAY 2008**



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**H. E. MRS. MINATA SAMATE-CESSOUMA  
CHAIRPERSON  
FOR THE COUNCIL**



**SIXTIETH ORDINARY SESSION OF THE ECOWAS  
COUNCIL OF MINISTERS**

Abuja, 17 - 18 May 2008

**VOTE OF THANKS**

The ECOWAS Ministers, meeting in Abuja on 17 and 18 May 2008, express their deep appreciation to His Excellency, President Umaru Musa Yar'Adua, President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, and to the Government and people of Nigeria, for the warm and brotherly welcome extended to them and for the excellent facilities put at their disposal to ensure the success of their deliberations.

**DONE AT ABUJA, THIS 18<sup>TH</sup> DAY OF MAY 2008**

**THE COUNCIL**



**COMMUNAUTE ECONOMIQUE  
DES ETATS DE L'AFRIQUE  
DE L'OUEST**



**ECONOMIC COMMUNITY  
WEST AFRICAN STATES**

**SIXTIETH ORDINARY SESSION OF THE COUNCIL OF MINISTERS  
SOIXANTIEME SESSION ORDINAIRE DU CONSEIL DES MINISTRES DE LA CEDEAO**

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Abuja, 17 & 18 May 2008  
Abuja, 17 et 18 mai 2008 /

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**LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS**

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ECOWAS Commission  
Abuja, Mai/May 2008

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**Sixtieth Ordinary Session of the Council of Ministers**

Abuja 17 and 18 May 2008

**REGULATION C/REG 1/05/08 RELATING TO THE  
REORGANIZATION OF THE DEPARTMENTS UNDER THE  
SUPERVISION OF THE COMMISSIONER FOR TRADE, CUSTOMS,  
INDUSTRY, MINES, TOURISM, AND FREE MOVEMENT OF  
PERSONS AND ADDITIONAL STAFFING**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the ECOWAS Treaty as amended establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of Regulation C/REG.7/06/07 approving the organizational structure of the Commission of the Economic Community of West African States;

**MINDFUL** of Article 4 of the said Regulation giving competence to the President of the ECOWAS Commission to recommend to the Council of Ministers the creation of a new Department when the need arises;

**MINDFUL** of Decision A/DEC.17/12/06 relating to the ECOWAS Common External Tariff;

**MINDFUL** of the Regulation C/REG.1/12/07 approving the Budget of the ECOWAS Commission, its agencies and offices for the 2008 Financial year;

**CONSIDERING** that the thirty-third (33<sup>rd</sup>) ordinary session of the Authority of Heads of State and Government stressed the need for the establishment of the common external tariff as a matter of priority;

**CONSIDERING** that custom issues are of paramount importance to the Economic Community of West African States in its efforts to rise up to the current

challenges of the Economic Partnership Agreement (EPA) negotiations and of the realization of a free trade zone within the Community;

**NOTING** that there is no department in charge of custom issues within the ECOWAS Commission;

**CONSIDERING** also the need to reorganize judiciously the Department of Free Movement of Persons;

**DESIRIOUS** of establishing a new department within the Commission, to manage the custom issues, on one hand and on the other hand, relocate the division of Tourism to Department of Free Movement of Persons

**ON THE RECOMMENDATION** of the third meeting of the Administration and Finance Committee, held in Abuja from 21 to 23 April 2008;

## **ENACTS**

### **Article 1**

1. A Department of Customs is hereby created within the ECOWAS Commission.
2. The Department of Customs is under the supervision of the Commissioner for Trade, Customs, Industry, Mines, Tourism and Free Movement of Persons

### **Article 2**

1. The Division of Tourism is hereby re-located to the Department of Free Movement of Persons.
2. The reorganized department referred to under Paragraph (1) of this article is called "Department of Free Movement of Persons and Tourism". This department is under the supervision of the Commissioner for Trade, Customs, Industry, Mines, Tourism and the Free Movement of Persons.

### **Article 3**

The underlisted Departments under the Commissioner in charge of Trade, Customs, Industry and Mines, Tourism, Free Movement of Persons are charged with the following functions:

**i) The Department of Trade**

The Department will be in charge of issues related to the harmonization of Trade Policy, the Creation of the regulatory Framework for Competition, Informal Trade, Multilateral and Bilateral Negotiations, as well as the pursuit of the Economic Partnership Agreement Negotiations between West Africa and the European Union and the monitoring of its implementation after it has been signed.

**ii) The Department of Customs**

This Department will be in charge of issues related to the creation of the Common Market through Liberalization of intra-community trade (Free Trade Area), the establishment of a Common External Tariff, the removal of obstacles to the free movement of goods and the harmonization of domestic taxation.

**iii) The Department of Industry and Mines**

This Department will be in charge of formulating and implementing the regional policies on Industries and Mines.

**iv) The Department of Free Movement of Persons and Tourism**

This Department will be in charge of issues related to the free movement of persons, Tourism Development, Immigration and Cross-border issues

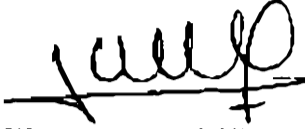
### **Article 4**

1. The Commission shall ensure that staff is recruited for the efficient functioning of the four (4) departments mentioned in Article 3 of this Regulation in line with the approved Staff requirement as contained in the Appendix attached to this Regulation.
2. The Commission will take necessary measures to ensure that staff recruitment is carried out within the limits of the existing budget allocation for 2008.

**Article 5**

This Regulation shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairperson of the Council of Ministers. It shall also be published by each Member State in its National Gazette within the same time frame.

DONE AT ABUJA, THIS 18 DAY OF MAY 2008.



.....  
**H.E MRS. MINATA SAMATE CESSOUMA**  
CHAIRPERSON  
FOR COUNCIL



## **Sixtieth Ordinary Session of the Council of Ministers**

Abuja 17 - 18 May 2008

### **REGULATION C//REG. 2/05/08 APPOINTING DR. (MRS.) ADRIENNE DIOP AS THE COMMISSIONER FOR HUMAN DEVELOPMENT AND GENDER OF THE ECOWAS COMMISSION**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of the ECOWAS Treaty as amended establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of Article 2 of the Supplementary Protocol A/SP.1/06/06 amending articles 17 and 18 of the ECOWAS Revised Treaty of 1993 and which provides the appointment of nine (9) Commissioners for the ECOWAS Commission and the procedure for appointing them;

**MINDFUL** of Decision A/DEC.16/01/06 transforming the Executive Secretariat into a Commission;

**MINDFUL** of Decision A/DEC.05/06/06 allocating to Member States the positions of Commissioners within the ECOWAS Commission;

**BEARING IN MIND** that the position of Commissioner for Human Development and Gender was allocated to the Republic of Senegal;

**RECALLING** Regulation C//REG.7/06/07 approving the Organizational Structure of the Commission of the Economic Community of West African States;

**ALSO RECALLING** Decision A/DEC.3/7/91 relating to the Selection and Evaluation of the Performance of Statutory Appointees of the Community;



**ON THE RECOMMENDATION** of the twelfth Meeting of the Ad-hoc Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees held in Abuja on 16 May 2008;

**ENACTS**

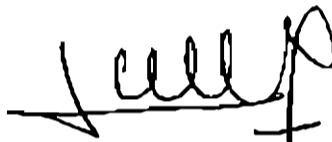
**Article 1**

**Dr. (Mrs.) Adrienne DIOP** is hereby appointed as the **Commissioner for Human Development and Gender** for a non-renewable term of four (4) years with effect from the date she assumes duty.

**Article 2**

This Regulation shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Chairperson of the Council of Ministers. It shall also be published by each Member State in its National Gazette within the same time frame.

DONE AT ABUJA, THIS 18 DAY OF MAY 2008.



.....  
**H.E MRS. MINATA SAMATE CESSOUMA**

**CHAIRPERSON  
FOR COUNCIL**



## **Sixtieth Ordinary Session of the Council of Ministers**

Abuja 17 - 18 May 2008

### **REGULATION C/REG.3/05/2008 ON HARMONIZATION OF THE RULES GOVERNING PESTICIDES REGISTRATION IN ECOWAS REGION**

#### **THE COUNCIL OF MINISTERS**

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

**MINDFUL** of Decision A/DEC. 11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

**MINDFUL** of Decision C/DEC. 1/5/83 relating to the short and medium-term programme for the implementation of the regional agricultural development strategy;

**MINDFUL** of Decision A/DEC. 5/5/82 relating to the production of selected basic seeds and the choice of seed production stations;

**MINDFUL** of Decision C/DEC. 1/5/81 relating to common agricultural policy;

**CONSIDERING** the FAO International Code of Conduct on the Distribution and Use of Pesticides;

**CONSIDERING** the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade;

**CONSIDERING** the Stockholm Convention on Persistent Organic Pollutants (POPs),

**CONSIDERING** the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;

**CONSIDERING** the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa;

**CONSIDERING** the strategic role of the agricultural sector in the economies of Member States, in providing food for the populations and reducing poverty in rural areas;

**AWARE** that promotion of sustainable agriculture leading to food security and improved living standard for the populations requires the use of any substance or combination of substances likely to help achieve this result;

**CONVINCED** that pesticides could contribute to development of sustainable agriculture in our Member States, given their proven efficacy in agricultural systems across the world;

**AWARE** of the need to foster and create, in the sub-region, the conditions for sustainable agriculture underpinned by regular market supply of quality pesticides accessible to farmers;

**RECOGNIZING**, however, that the use of pesticides could pose a danger both for the populations and for the environment of our Member States;

**DESIROUS** of building inter-state cooperation within ECOWAS for the sale and use of quality pesticides through harmonization of the rules governing registration of pesticides in ECOWAS region;

**WELCOMING** the active involvement and positive contribution of other sub-regional organizations, notably CILSS and UEMOA, in the formulation of this Regulation;

**ON THE RECOMMENDATION** of ECOWAS Member States' Ministers of Food and Agriculture meeting in Ouagadougou, Burkina Faso, on 8 November 2007;

## **ENACTS**

### **SECTION I: GENERAL PROVISIONS**

#### **CHAPTER 1: DEFINITIONS**

##### **Article 1: Definitions**

For the purpose of this Regulation:

**ECOWAS** means the Economic Community of West African States;

**WAPRC** means the West African Pesticides Registration Committee for pesticides evaluation and registration in West Africa;

**Applicator** means any individual or corporate entity engaged, for his/her own purposes or on behalf of a third party, in phytosanitary protection of crops, treatment of stored food items,

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treatment of the premises and materials used for storage of agricultural produce, sanitization of the means of transport for and storage of agricultural produce, sanitization of public places, dwelling accommodation and animal shelters, and in external disinfection of animals;

**Provisional authorization of sale (PAS)** means the temporary authorization to market a pesticide, pending collection of such additional data as may be required for its registration;

**Biocide** means any product used to combat harmful organisms; for example, products designed to eliminate mosquitoes, fleas and cockroaches; cowshed disinfectants, etc,

**Biopesticide** means any pesticide derived from natural organisms such as animals, plants, bacteria and some kinds of mineral;

**Packaging** means any container together with its protective wrappings used to deliver pesticides to the consumer through wholesale and retailer distribution networks;

**Distributor** means any authorized individual or corporate body who imports or procures for himself, approved pesticides for commercial purposes;

**Manufacturer** means any company, individual, public or private body, activities or functions of which comprise, directly or indirectly through an agent or body under its control, or with whom it has entered into an agreement for the manufacture of the active ingredients of pesticides or the preparation of formulations and products from such ingredients.

**Formulation** means any combination of processes which aims at making a pesticide effectively usable for a set purpose or transforming such product in a marketable form;

**Registration** means the process by which relevant national or regional authorities approve the sale and use of a pesticide after satisfying themselves through appraisal of all available scientific data that the product in question effectively contributes to attainment of established objectives and does not constitute unacceptable risk to human and animal health or the environment;

**Active ingredient** means the biologically active part of a pesticide as contained in its formulation,

**Common name** means the name given to the active ingredient of a pesticide by the International Standards Organization or a name endorsed by a national standards structure as generic term for the product or a name commonly used solely to describe the said active ingredient;

**Commercial name (trade name)** means the name under which the pesticide is labeled, registered and marketed by the manufacturer and which, if protected by national or regional legislation, may be used exclusively by the manufacturer to distinguish the product from other pesticides containing similar active ingredient;

**Standards** means any set of benchmarks that could be used to assess the quality of a pesticide;

**Pesticide** means any substance or combination of substances:

- a) used to repel, eliminate or control harmful organisms including human or animal disease vectors and undesirable plant or animal species that cause damage or are otherwise harmful during production, processing, storage, transportation or marketing of food items, agricultural produce, timber and timber products or animal feed;
- b) administered to animals to combat insects, arachnids and other endo- or ectoparasites;
- c) used as growth regulator of plants and defoliants, desiccation agents and fruits polishing agents or to prevent premature fall off of fruits; as well as substances applied on crops, before or after harvest, to protect produce from deterioration.

**Prohibited pesticide** means any such pesticide, use of which has been fully or partly prohibited by specific regulation with the objective to protect human and animal health or the environment. This term is also applicable to a pesticide, first use registration of which has been rejected or which has been withdrawn by the industry either from the domestic market or from the national or regional registration process, where it is obvious that such a measure has been taken to protect human health or the environment.

**Strictly Regulated Pesticide** means all such pesticides, use of which has been fully or partly prohibited by a specific decision of the competent authority with the objective to protect human and animal health or the environment, but of which one or several specific uses have been authorized. The term is also applicable to any pesticide, registration of which has been fully or partly rejected or which has been withdrawn by the industry either from the domestic market or from the national or regional registration process, where it is obvious that such a measure has been taken to protect human health or the environment.

**Product or pesticide product** means any active ingredient and other components, in the form it is packaged and sold.

**Persistent organic pollutant (POP)** means any chemical substance with toxic properties, resistant to deterioration, builds up in living organisms and is disseminated by air, water and migratory animals across international borders and deposited far away from its original location, or builds up in land and water ecosystems.

**Residue** means any specific substances left by pesticides in food, agricultural products, animal feed or the environment. The term refers to all pesticides residues, such as conversion products, metabolites and reagents, as well as impurities deemed significant from the toxicology standpoint. It (pesticides residues) includes residues from unknown source or unavoidable residues like those contained in the environment, and also those resulting from known use of chemical products;

**Retailer** means all such authorized individual or cooperate body that procures pesticides from distributors or manufacturers in the national territory for commercial purposes.

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## **CHAPTER II: PURPOSE AND FIELD OF APPLICATION**

### **Article 2: Purpose**

A Regulation on pesticides registration common to all ECOWAS Member States (hereinafter referred to as Common Regulation), is hereby established.

The purpose of this Common Regulation shall be to:

- a) protect the populations and the environment of West Africa against the potential dangers in the use of pesticides;
- b) facilitate trade in pesticides amongst and within the Member States, through application of principles and rules mutually agreed at regional level, to dismantle trade barriers;
- c) facilitate timely and convenient access by farmers to quality pesticides;
- d) ensure rational and judicious use of pesticides;
- e) contribute to the creation of a climate propitious to private investment in the pesticides industry; and
- f) promote public-private sector partnership.

### **Article 3: Field of Application**

This Regulation shall be applicable to all activities involving experiments on, as well as authorization, marketing, use and control of, pesticides and biopesticides in the Member States.

## **CHAPTER III: GUIDING PRINCIPLES**

### **Article 4: Principle of Harmonization**

In pursuance of harmonization as intended by this Regulation, ECOWAS shall help bridge the gap between Member States' legislations in the field of pesticides.

### **Article 5: Principle of Free Movement of Pesticides**

For effective organization of a regional market in furtherance of the regional agricultural policy, there shall be free movement of pesticides in the territory of ECOWAS Member States upon registration and being declared as being in conformity with the quality standards defined in the applicable texts.

### **Article 6: Principle of Mutual Recognition and Equivalence**

Member States shall implement the principle of mutual recognition of pesticides registrations based on the technical specifications and regional standards on pesticides as well as on the registration conditions and procedures applicable in ECOWAS, and shall recognize such conditions and procedures as equivalent.

### **Article 7: Principle of recognizing International Standards**

To ensure the free movement of pesticides within ECOWAS region and foster regional and international trade thereon, Member States shall anchor their pesticides technical regulations on:

- a) international standards, directives and recommendations, particularly those prescribed by the Rotterdam, Stockholm, Basle and Bamako Conventions,
- b) FAO specifications and OECD standards; and the
- c) commitments of the Member States that have ratified the aforementioned Conventions.

### **Article 8: Principle of Participation and Information**

1. Member States shall ensure the full participation of the pesticides sector players in the process of public decision-making in matters of pesticide.
2. Member States shall organize public access to pesticide information available to public authorities.
3. Member States shall help train and build the awareness of pesticides sector players.

## **CHAPTER 1V: ORGAN AND TOOLS FOR PESTICIDES MANAGEMENT**

### **Article 9: West African Committee for Pesticides Registration**

1. A West African Committee for Pesticides Registration, hereinafter called WACPR, is hereby established. This Committee shall implement the Common Regulation on behalf of the ECOWAS Commission. To this end, it shall operate under the direct institutional authority of the Commission.
2. The WACPR shall be structured into sub-divisions to improve its effectiveness.
3. The head office of WACPR coordination unit shall be located within ECOWAS Commission premises in Abuja. However, this head office may be transferred to any other ECOWAS Member State.
4. The WACPR shall work closely with national pesticides management committees for development of the sector. To this end, each Member State shall set up a National Committee for Pesticides Management (NCPM) where this does not already exist.
5. The NCPM shall first examine and approve pesticides registration applications, prior to their submission to ECOWAS Commission for similar action
6. All applications for pesticides registration shall be submitted to ECOWAS Commission which shall, through the WACPR, verify that such applications have met the set standards. In the registration process, the NCPM shall be responsible for pre-registration (experimental trial) as well as post-registration (control).

7 The functions, composition, functioning and financing of WACPR as well as the number of its sub-divisions shall be determined by ECOWAS Commission in an enabling Regulation.

#### **Article 10: Pesticide Management Tools**

1. Five lists of pesticides are hereby instituted for more effective pesticides management in ECOWAS and in its Member States:
  - a) List of registered pesticides or pesticides accorded provisional authorization of sale (PAS);
  - b) List of strictly controlled pesticides,
  - c) List of pesticides under toxicant monitoring;
  - d) List of prohibited pesticides; and
  - e) List of registered pesticides approved by each Member State.
2. The above lists shall constitute the official tools for pesticides management in Member States.
3. The list of registered pesticides approved by each Member State shall be drawn up on the basis of list of the pesticides registered by ECOWAS Commission.
4. However, Member States may refuse to authorize the sale, on their national market, of a registered pesticide, or a pesticide that has been accorded provisional authorization of sale (PAS). In this connection, they shall submit a request to the Commission stating the reasons for the refusal. ECOWAS Commission shall inform the Member States of its decision.

### **SECTION II: REGISTRATION OF PESTICIDES**

#### **CHAPTER V: OBLIGATION AND RESPONSIBILITY TO REGISTER**

##### **Article 11: Obligation to register**

No pesticide may be marketed and used in the territory of Member States unless it has been registered or accorded PAS in accordance with the provisions of this Common Regulation, except where the use for which it is intended has not been covered by the provisions of Articles 19 and 28 hereunder.

##### **Article 12: Registration Responsibility**

1. Consideration and evaluation of pesticides registration applications shall be the responsibility of WACPR. This exercise shall be applicable to all Member States.
2. The decision to register shall be taken by ECOWAS Commission on the recommendation of WACPR.
3. Registration conditions and procedures are defined in Chapters VI and VII of this Common Regulation.



**Article 13: Implementation**

Pursuant to the provisions of *Article 7* of this Regulation, the WACPR shall evaluate all the notifications and Decision Concept Papers (DCP) regarding the aforementioned Conventions. It shall submit its opinion thereon to the Commission which, in turn, shall transmit same to Member States for implementation.

**Article 14: Inappropriate Use**

1. Pesticides shall be used in appropriate manner.
2. Appropriate usage includes:
  - a) compliance with the conditions stipulated in *Articles 15* and *16* and those indicated on the label; and
  - b) application of the principles of best phytosanitary and veterinary practices, or of vectors control, as well as the principle of integrated management of harmful pests, whenever this is possible.

**CHAPTER VI: REGISTRATION CONDITIONS**

**Article 15: Registration Requirements**

1. A pesticide shall be registered on the basis of registration dossier, the contents of which shall be clearly defined by ECOWAS Commission.
2. A pesticide shall be registered where it has met the requirements defined in the registration dossier.
3. The applicant for pesticide registration shall have its headquarters or a representation in one of the Member States.
4. Pesticide registration shall be granted for specific purpose, and such purpose shall be such as has been authorized in the Member States.
5. Registration shall be granted with specific restrictions as to its use.

**Article 16: Registration Criteria**

1. The registration criteria shall embrace the biological efficacy and quality of the formulations offered for sale, their toxicity and risk to humans, as well as their harmful impact and the danger posed to the environment.
2. These criteria shall be spelt out by ECOWAS Commission in conjunction with WACPR and Member States, in an enabling Regulation.

### **Article 17: Registration Processing Fee**

A fee is hereby instituted for processing of all pesticides registration applications. The amount of such processing fee shall be determined by ECOWAS Commission on the recommendation of WACPR. The said fee shall be borne by the applicant.

### **Article 18: Period of Validity of Registration**

Pesticide registration shall be valid for **five (5) years**, renewable.

### **Article 19: Emergency Situations**

1. The use of unregistered pesticide or a pesticide that has not been accorded the PAS by the Commission shall be accepted, exceptionally, in the event of phytosanitary, veterinary and sanitary emergencies such as unforeseen pest invasion or unexpected emergence of disease vector.

2. The use of unregistered pesticide or a pesticide that has not been accorded the PAS shall be authorized only where there is no other available alternative for management of the harmful organism. The usage so authorized shall be at limited scale and for specific time frame.

3. A Member State wishing to use unregistered pesticide or a pesticide that has not been granted provisional authorization of sale (PAS) in the event of emergency, shall immediately inform the Commission accordingly, submitting to it a report containing the justification for its request. The Commission shall approve or reject such request after due consideration.

## **CHAPTER VII: REGISTRATION PROCEDURE**

### **Article 20: Evaluation of Registraton Applications**

The procedures for evaluation of registration applications shall be established and defined by the Commission.

### **Article 21: Registration Decisions**

1. The Commission may:

- a) decide to register a pesticide for a period of **five(5) years, renewable**;
- b) grant provisional authorization of sale (PAS) pending further study;
- c) keep the file open for further information;
- d) refuse to register a pesticide; and
- e) withdraw the registration or the PAS.

2. A pesticide registered or accorded the PAS shall bear one sole registration number that is common to all Member States.

3. The registration or the PAS granted by Commission shall be signed in two copies. One copy shall be transmitted to the applicant, and the second kept by WACPR.

4. The WACPR shall, after every meeting, update the list of registered pesticides and of those accorded the PAS. The updated list shall be forwarded to each Member State and published in the Official Journal of ECOWAS.

#### **Article 22: Provisional Registration and Validity**

1. Provisional authorization of sale (PAS) shall be granted where additional data and information have been deemed necessary to satisfactorily meet the conditions spelt out in *Article 15* of this Regulation.

2. The PAS shall be valid for three (3) years, and is not renewable.

#### **Article 23: Further Study**

A pesticide registration application shall be kept for further study where the information provided is not sufficient to meet the conditions stipulated in *Article 15* of this Regulation. In that event, the Commission shall, through the WACPR, request the applicant to furnish the requisite additional information.

#### **Article 24: Rejection of Registration Application**

An application for registration of pesticide shall be rejected where it has failed to meet the conditions set out in *Articles 15 and 16* of this Regulation.

#### **Article 25: Review, Modification or Annulment of Registrations and PAS**

1. Pesticide registration or PAS may be reviewed. Such review may result in withdrawal of registration or, where appropriate, legal action.

2. Pesticide registration or PAS may be annulled were:

- a) any one of the requirements is no longer fulfilled; and
- b) the information required for registration or PAS has been deemed false or fallacious.

3. Pesticide registration or PAS may be modified where, in light of new scientific and technical knowledge:

- a) the directions and the quantities recommended for use could be modified; and
- b) appraisal of the data provided in the application for registration has changed.

#### **Article 26: Confidentiality**

1. The data furnished by an applicant for pesticide registration shall be confidential.

2. This confidentiality shall not apply in the event of a request by a Member State regarding:

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- a) designation and level of the active ingredient (s) and description of commercial product;
- b) the names of other substances considered hazardous for humans or the environment;
- c) the physical-chemical data on the active ingredient (s), matters concerning degradation or metabolites of (eco) toxicological significance and the commercial product;
- d) the means used to make the ingredient (s), active; or the commercial product, harmless;
- e) summary of the results of the tests conducted to establish the efficacy of the product and its safety for humans, animals, plants and the environment;
- f) the methods and precautions recommended to reduce risks during handling, storage, transportation, etc;
- g) the methods used for analysis of the active ingredient(s), its or their post-application residues, as well as the metabolites or other components deemed to be (eco)toxicologically significant;
- h) product disposal and packaging modalities;
- i) needed decontamination measures in the event of accidental application or leakage; and
- j) the first aid measures and the medical treatment to be applied in the event of accidental exposure or poisoning.

## **CHAPTER VIII: TRIALS**

### **Article 27: Trial Protocols**

Detailed conditions for experimental protocols and methodologies, for the purpose of pesticide registration, shall be spelt out in the pesticides registration dossier of the Commission.

### **Article 28: Experimental Trials with Emissions of Unauthorized Products**

Experimental trials in Member States for research or development purposes, involving emission into the environment of phytosanitary product not authorized by the Commission, shall not be conducted except with prior authorization of the appropriate authority of the Member State in which the trial or test is to be undertaken and in accordance with applicable national legislation.

### **Article 29: Biological Efficacy Tests**

1. Biological efficacy tests for the purpose of registration of a pesticide shall be conducted by the public or private institutions approved by ECOWAS Commission on the recommendation of WACPR.

2. Such tests shall be undertaken according to the protocols formulated by the Commission on the recommendation of WACPR.

## CHAPTER IX: APPEAL

### **Article 30: Right of Appeal**

1. Appeal against the rejection of application for registration as defined in *Article 24* of this Regulation, or for modification or annulment of a PAS or registration as stipulated in *Article 25* above, may be brought before the President of the Commission or his/her representative or, where appropriate, before the Community Court of Justice.
2. The appeal procedure shall be defined by ECOWAS Commission on the recommendation of WACPR.

## SECTION III: MARKETING OF PESTICIDES

### CHAPTER X: CONDITIONS

#### **Article 31: Licencing**

1. The exercise of the profession of pesticide manufacturer, importer, distributor, retailer, applicator, exporter, formulator, repackaging and transporter shall be subject to license issued by the Member State concerned.
2. The licence is renewable at the request of the holder for similar duration. It may be suspended or withdrawn.
3. The conditions and modalities for obtaining license, or for its suspension or withdrawal shall be specified by each Member State, in accordance with the pertinent provisions of this Regulation.

#### **Article 32: Stock Accounting**

1. All pesticide dealers shall keep a detailed record of all entries and sales of pesticides in a ledger which could be consulted and checked at any time by the official control service or any other accredited private body and by the competent Departments of the Ministry of Trade or other relevant Ministry.
2. The quantities of pesticides received, procured and stored shall not be included in obsolete stock.

#### **Article 33: Warehouse Storage Conditions**

For the purpose of effective conservation of pesticides, all warehouses for storage of pesticides intended for sale shall:

- a) have adequate temperature and moisture levels; and

- b) be tidy and well-ventilated.

#### **Article 34: Storage Conditions**

1. Pesticides shall be stored in their original container with their labels intact. They shall be conserved separately in key-locked cupboards. The storage cupboards shall be exposed to free air circulation and access thereto shall be monitored to avoid unauthorized use.
2. More detailed conditions for storage of pesticides that conform to international directives shall in due course be spelt out by the Commission on the recommendation of WACPR.

#### **Article 35: Transportation Conditions**

1. Pesticides shall be transported in a compartment isolated from the driver and passengers.
2. Pesticides shall not be transported in the same compartment as animals, food, clothings, household items or other personal effects.
3. Detailed conditions for transportation of pesticides shall, in due course, be defined by the Commission on the recommendation of WACPR.

#### **Article 36: Installation of Factorles**

Installation of pesticide manufacturing and/or packing company shall be subject to prior authorization of the country concerned in conformity with international standards.

#### **Article 37: Import and Export Regimes**

1. Without prejudice to community regulations in matters of foreign trade, the import and export of pesticides shall be subject to prior authorization of the concerned country based on the list of registered pesticides approved by the Member State in question.
2. The importer or exporter shall furnish all the information required on the forms designed for that purpose by the Commission.

### **CHAPTER XI: LABELLING**

#### **Article 38: Obligation to Label**

1. Any packaging containing a registered pesticide shall bear a label.
2. User information shall be provided in the labels and the instruction leaflets attached to the registration application.

### **Article 39: Content of a Label**

1. The minimum information required on the label and/or instruction leaflets shall be specified by the Commission. The labels and/or instruction leaflets shall be written in the official language(s) of the country where the product is marketed.
2. Pictograms shall complement the text on the label.
3. The label shall bear at the bottom a toxicology band in accordance with FAO/WHO classification of pesticides.

## **CHAPTER XII: PACKAGING**

### **Article 40: Characteristics of Packaging**

The characteristics of packagings shall be those set by ECOWAS Commission, and shall be in conformity with international standards.

## **SECTION IV: QUALITY CONTROL OF PESTICIDES**

### **CHAPTER XIII: RESPONSABILITIES AND PROCEDURES**

### **Article 41: General Responsibility for Quality Control**

1. Member States have the overall responsibility for post-registration control, distribution and use of pesticides. They shall, to this end, accord to their competent authorities the necessary powers as well as the human and financial resources to carry out their mission.
2. Management of packagings and stocks of obsolete pesticides shall be the responsibility of Member States; and this shall be realized in accordance with the standards set by ECOWAS Commission.

### **Article 42: Empowerment and Powers of Quality Control Agents**

1. Member States shall draw up a list of the phytosanitary agents accredited to undertake control.
2. Such agents shall be empowered to conduct inspections and investigations enabling them to, among other things:
  - a) enter professional premises including compounds and buildings for pesticide manufacture, formulation and distribution as well as warehouses, storerooms and storage depots for pesticides.
  - b) access and cause to be transmitted to it all documentation relating to the operations of pesticides formulators, repackaging agents and distributors;

- c) inspect pesticides plants, vehicles and treatment devices; and
  - d) collect samples, and ensure that these samples are representative enough and quantitatively sufficient to allow for comparative evaluation.
3. Inspections during production and marketing shall be carried out in the presence of the formulator, repackaging agent, distributor or his/her representative.

#### **Article 43: Toxicant Monitoring**

Registered pesticides or pesticides accorded the PAS featuring on the list of products under toxicant monitoring as stipulated in *Article 10* of this Regulation shall be subject to special monitoring by the competent structures of Member States.

#### **Article 44: Field of Control**

1. Pesticides control in ECOWAS region shall be conducted at any time and at any venue of production, import, export, storage, transportation, formulation and packaging, as well as marketing, utilization and disposal of the said pesticides.
2. Member States shall monitor compliance with the prescriptions contained of this Common Regulation, particularly those on:
  - a) licensing;
  - b) the import and export requirements stipulated in *Article 36*;
  - c) quality of the formulations offered for sale;
  - d) authorized areas of application and the restrictions prescribed for registration and PAS;
  - e) labeling requirements;
  - f) use of pesticides marketed according to the indications on the labels;
  - g) storage and transportation conditions;
  - h) impact of pesticides on the environment.
  - i) any other conditions defined in this Regulation

#### **Article 45: Control Procedures**

1. Pesticides control shall be conducted in accordance with extant Regulations of the Community.
2. However, pesticides control shall be carried out in the presence of the pesticide manufacturer, importer, distributor, applicator, exporter, formulator, repackaging agent and transporter or his/her accredited representative, with an appropriate report containing pertinent observations as well as technical recommendations or instructions.
3. A model control report shall be defined by the Commission on the recommendation of WACPR



#### **Article 46: Right of Appeal and Experts' Re-evaluation**

1. In the case of dispute over control report, the formulator, packaging agent, distributor, applicator and transporter shall have the right of recourse to experts' re-evaluation.
2. The appeal process shall be that which is in force in Member States.

### **SECTION V: SPECIAL PROVISIONS**

#### **CHAPTER XIV: SANCTIONS**

#### **Article 47: Sanctions**

1. Member States shall take appropriate measures to impose sanction for breaches of the provisions of this Regulation and its enabling texts.
2. The following shall constitute breaches of the provisions of this Regulation and its enabling texts:
  - a) the production, import or export of unregistered pesticides;
  - b) marketing of pesticides without license;
  - c) false statements on the label of a pesticide and the use of any trickery to mislead people over the quality of the pesticide;
  - d) alteration or any wilful falsification of a label;
  - e) lack of proper stock accounting;
  - f) hindrance to the official discharge of control duties;
  - g) any other infringement of this Regulation and its enabling texts.

### **CHAPTER VI: FINAL PROVISIONS**

#### **Article 48: Implementation**

In furtherance of its activities, WACPR shall be open to the sub-regional institutions operating in the pesticides sector. Specific Conventions shall define the modalities of such opening.

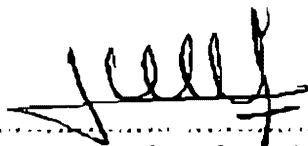
#### **Article 49: Publication**

This Regulation shall be published by the Commission in the Official Journal of the Community within thirty (30) days following signature by the Chairperson of the Council of Ministers. It shall also be published in Member States' Official Gazette within the same timeframe.

**Article 50: Entry into Force**

This Regulation shall enter into force upon publication.

**DONE AT ABUJA, THIS 18<sup>th</sup> DAY OF MAY 2008**



.....  
**H.E. MRS. MINATA SAMATE CESSOUMA**

CHAIRPERSON

FOR: COUNCIL OF MINISTERS



## **Sixtieth Ordinary Session of the Council of Ministers**

Abuja, 17 - 18 May 2008

### **REGULATION C/REG.4/05/2008 ON HARMONIZATION OF THE RULES GOVERNING QUALITY CONTROL, CERTIFICATION AND MARKETING OF PLANT SEEDS AND SEEDLINGS IN ECOWAS REGION**

#### **THE COUNCIL OF MINISTERS**

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

**MINDFUL** of Decision A/DEC.11/01/05 adopting an Agricultural Policy for the Economic Community of West African States;

**MINDFUL** of Decision C/DEC.14/12/90 on the establishment of a Sub-regional Seed Committee;

**MINDFUL** of Decision C/DEC.16/12/90 on the establishment of Inter-State Technical Committees to monitor Price Trends for Specific Agricultural Products or Groups of Products;

**MINDFUL** of Decision C/DEC1/5/83 relating to the short and medium-term programme for the implementation of the regional agricultural development strategy;

**MINDFUL** of Decision A/DEC. 5/5/82 relating to the production of selected basic seeds and the choice of seed production stations;

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**MINDFUL** of Decision C/DEC.1/5/B1 relating to common agricultural policy,

**CONSIDERING** the strategic role of the agricultural sector in the economy of Member States in terms of meeting the food needs of the population and eradicating poverty in rural areas;

**CONSIDERING** the need to promote in Member States, sustainable agriculture that is more productive and competitive, and capable of ensuring food security and higher living standards for farmers;

**CONVINCED** that seeds are of crucial importance in promoting sustainable agriculture and for actualization of the Community agricultural policy;

**RECOGNIZING** that regular supply of quality and affordable seeds to markets of Member States is a prerequisite for achieving food security and improved living standards for farmers;

**DESIROUS OF** ensuring safe and regular quality seeds supply to Member States' markets and, to this end, harmonizing the rules governing seed production and marketing in these States;

**EXPRESSING SATISFACTION AT** the active involvement and positive contribution of other sub-regional organisations such as CILSS and UEMOA in the formulation, improvement and finalisation of this draft Regulation;

**ON THE RECOMMENDATION OF ECOWAS** Member States' Ministers of Food and Agriculture meeting in Ouagadougou on 8 November 2007;

**ENACTS:**

## **SECTION I: GENERAL PROVISIONS**

### **CHAPTER I: DEFINITIONS**

#### **Article 1: Definitions**

For the purposes of this Regulation:

**FARMER-MULTIPLICATOR** means the category of farmers specialized in seed multiplication.

**ALLOGAMY** means the cross-pollination mode whereby the two gametes (male and female reproductive cells) are from two different individuals.

**SEED ANALYSIS** means the range of techniques used in the laboratory to determine the quality of seed sample.

**CROPPING HISTORY** means cropping undertaken during the planting season immediately preceding the season under consideration.

**SELF FERTILIZATION** means the fertilization of a pistle by pollen from the same flower or another flower of the same plant.

**AUTOGAMY** means the fertilization mode whereby the male and female gametes come from the same individual.

**PLANT CASTRATION** means the removal or destruction of plant male reproductive organs.

**CATALOGUE OF SPECIES AND VARIETIES** means the official document containing the list of all registered species and varieties.

**WEST AFRICAN CATALOGUE OF PLANT SPECIES AND VARIETIES** or **WACPSV** means the catalogue of plant species and varieties common to Member States.

**SEED CATEGORY** means the class of seeds of the same nature potentially of one or several generations.

**PHYTOSANITARY CERTIFICATE** means the document that conforms to the models advocated by the International Convention for Plant Protection (ICPP)

**CERTIFICATION** means the culmination of seed quality control process in the field or in laboratory, leading to assurance that the seeds conform to minimum standards of varietal purity through genealogical parentage and a system of breeder seed maintenance of varietal features, in accordance with the provisions of extant technical regulations

**SEED PRODUCTION FARM** means any parcel of land devoted to production and multiplication of seeds of specific variety

**MARKETING** means the sale, conservation for the purpose of sale, sale offer and any form of cession, supply or transfer for the purpose of commercial transaction, of seeds or plants with or without remuneration.

**COMMISSION** means ECOWAS Commission.

**COMMUNITY** means the Economic Community of West African States.

**SEEDS PACKAGING** means the operation by which seeds are dried, cleaned, sorted, treated and packaged to avoid physical, chemical or biological degradation and facilitate handling.

**SEED MULTIPLICATION CONTRACT** means a written agreement between the farmer-seed growers and seed producers accredited by the competent services.

**QUALITY CONTROL** means the range of activities carried out by the competent services to verify that the varietal or genetic purity of seeds, their physiological and health conditions as well as their technological standards conform to the technical rules applicable in Member States.

**SEED CONTROLLER** means any technician with responsibility to inspect standing plants to ensure that location and management of seed multiplication farms conform to the extant technical regulations in Member States.

**CROPPING DECLARATION** means the document or form filled out by any individual or corporate body whose name features on the list of seed producers.

**DISJUNCTION** means any plant produced from the descendant of a specie but without the features of that specie given the fact that it has not been genetically engineered.

**SEED DISTRIBUTOR** means any individual or corporate body other than the seed producer engaged in seed marketing either as a wholesaler, semi-wholesaler or retailer

**COMMUNITY LAW** means a law resulting from application of the ECOWAS Treaty and subsequent texts.

**SEED SAMPLE** means any portion that is representative of seed batch sampled in accordance with extant technical regulations.

**SAMPLING** means the range of operations used to obtain samples in accordance with an established process.

**PACKAGE** means any container notably bags, satchet, cartons made of a variety of materials such as cotton, paper, aluminium and polythelene in which seeds are packaged.

**ROGUING** means the elimination of off-type plants, diseased plants or any other plants that could alter seed quality.

**SPECIE** means all individuals that inter-cross and are distinguishable by a number of common features.

**GERMINATION TEST OR TRIAL** means any laboratory test meant to observe the appearance of a seedling and its development up to the stage where its essential organs indicate that it would be able or unable, in future, to evolve into a normal plant under conducive full soil conditions.

**SEED HEALTH STATUS** means a condition involving the presence or otherwise of disease occasioned mainly by moulds, bacteria, virus and other parasites such as insects, acarinas and nematodes.

**LABEL** means any document visibly displaying specific information in readable manner to facilitate seed identification or traceability.

**GERMINATING CAPACITY** means the ability of a batch of seeds to germinate, evaluated by calculating the percentage of grains that germinate in a given batch of seeds, under normalized conditions within a given time frame

**GENERATION** means phylogenesis in successive progenies.

**FARM GRAIN AND SEED** means any seed or grain produced by a farm meant for the personal use of the farmer and not destined for the market.

**WEED GRAIN** means any grain produced by herbaceous wild plants.

**REGISTRATION** means the procedure by which the species or varieties intended to be included in the national catalogue of species, are registered.

**HOMOZYGOTE** means any individual whose cells contain double the amount of genes of a specific nature.

**OFF-TYPE** means any plant of given specie that does not conform to the standards of the specie.

**DOUBLE CROSS HYBRID** means the product of a cross between two single cross involving four lines

**SINGLE CROSS (F<sub>1</sub>)** means the product of a cross between two pure lines obtained by artificial self fertilization.

**THREE-WAY CROSS** means the product of a cross between a single female cross and a pure male line.

**HYBRID** means the product of a cross between two or several genetically different varieties.

**INDIVIDUAL** means any live specimen of an animal or plant specie produced from one cell.

**ISOLATION** means measures taken to protect a seed production farm from pollution by foreign pollen.

**ISOLATION IN TIME** means staggering the planting date of varieties of the same specie such that the flowering periods do not coincide.

**ISOLATION IN SPACE** means keeping a set distance between the variety meant for multiplication and another variety of the same specie, or between a variety that has been multiplied and the same variety that has not been rogued.

**ISTA** means International Seed Test Association.

**LABORATORY ASSISTANT** means any person trained to work in a laboratory.

**SEED ANALYSIS LABORATORY** means any premises specifically designed to conduct seed tests generally involving special purity, varietal purity, germination, humidity level and health status, with a view to determining seed quality.

**PURE LINE** means any genetically homozygote and homogeneous line.

**LINE** means all individuals descendants of one or several parents. In plants, line is the result of successive self-fertilizations over several generations.

**SEED BATCH** means any quantity of seed defined and identifiable by a number, and is homogenous especially in terms of identity and varietal or genetic purity, special purity, germinating capacity and humidity level.

**RAW SEED BATCH** means any batch of seeds meant for certification.

**MAINTAINER** means any person or organization responsible for maintaining a variety featuring in the national catalogue and likely to be sent in for certification

**PARENT MATERIAL (G<sub>0</sub>)** means any initial or zero generation (G<sub>0</sub>) material, production of which is based on a well-defined breeder seed maintenance method.

**ACTIVE INGREDIENT** means the content of a product to which its effectiveness is wholly or partly attributable.

**INERT INGREDIENT** means any impurities such debris, soil or straw fragments contained in a batch of seeds

**STANDARDS** means a set of benchmarks for evaluating seed quality

**SEED BREEDER** means any individual or cooperate body who has created or discovered or developed a new variety

**ACCREDITED PRIVATE BODY** means any private institution empowered by a member state to undertake control and certification activities

**BATCH ORIGIN** means any venue for production of seed batch such as country, town, village or any other relevant locality.

**SEED PRODUCTION FARM** means any single holder parcel of land comprising one or several seed farms

**ADVENTIVE PLANT** means any undesirable plant or weed growing in a farm land

**ALLOGAMOUS PLANT** means any cross-fertilized plant.

**AUTOGAMOUS PLANT** means any plant which reproduces through the fertilization of its ovules by its own pollen.

**PLANT** means any young plant, stem cuttings, leaves or root, grafts and runners meant for plant production.

**DISEASED PLANT** means any plant showing signs of malformation resulting from infestation.

**SHOOT** means any young plant resulting from grain germination and still dependent on the same grain for nourishment.

**POLLEN** means an aggregation of microscopic grains produced by stamens and which constitute the male productive elements of flowering plant.

**CONTAMINATION** means any contamination of the seed multiplication process by the presence of off-type and adventive weeds and/or dangerous diseases and other cultivated plant species difficult to separate.

**SEED PRODUCER** means any individual or corporate body specialized in the production of seeds and registered for inspection.



**SEED PRODUCER-DISTRIBUTOR** means any individual or corporate body specialized in the production of seeds and engaged in their wholesale, semi-wholesale or retail marketing.

**SPECIFIC PURITY** means the proportion of elements considered in a seed batch.

**VARIETAL OR GENETIC PURITY** means the proportion of plants in the field that meet the standards of the variety. In the laboratory, it means the proportion of a given variety in a seed batch.

**TECHNICAL REGULATION** means the document specifying the characteristics of a product or its production procedures and methods, including the applicable administrative requirements that must be respected. Technical regulation may also partially or fully determine the terminologies, symbols or specifications used for packaging, marking and labelling of a product, service, production procedure or method

**PLANT BREEDER** means any individual or corporate body engaged in plant improvement with a view to creating new varieties.

**SEED** means any plant material or organ, or part of plant organ, such as grain, shoot, bulb, scion, rhizome, tuber or embryo, able to reproduce an individual

**SEED TUBER** means all or any part of a tuber meant for cultivation, as in the case of yam and potato.

**CONVENTIONAL SEED** means any seed of a variety of which the visual, technological and agronomic characteristics have been stabilized through genetic and biological manipulation

**CERTIFIED SEED** means any seed obtained from the first or second multiplication of basic seed

**ROGUE SEED** means any seed of undesirable plants or weeds growing in a farmland.

**BASIC SEED OR FOUNDATION SEED (G<sub>1</sub>)** means any seed from pre-basic or breeder seed produced under the responsibility of a maintainer according to generally accepted maintenance breeding rules for that variety and intended for the production of certified seeds.

**INFECTED SEED** means any seed penetrated by living pathogens such as bacteria, mycoplasma, viruses, protozoa, fungi or yeasts.

**INFESTED SEED** means any seed invaded by parasitic animals such as insects or acarids.

**PARENT SEED** means any seed sown to produce a new generation. Any generation can be used as parent seed, except the generation sold to farmers to produce consumer grains.

**NON-CONVENTIONAL SEED** means any seed other than conventional seed

**PRE-BASIC OR BREEDER SEED** means any generation  $G_1$ ,  $G_2$  or  $G_3$  seed situated between parent material and basic seed. Pre-basic seed is produced directly by the breeder of the variety or his authorized agent

**OFFICIAL CONTROL AND CERTIFICATION SERVICE** means the national service or body responsible for seed control and certification.

**SEED STORAGE** means any conservation of seeds in a storage area or warehouse under appropriate temperature and humidity conditions.

**MOISTURE OR WATER CONTENT** means the percentage of water content in a seed sample.

**SEED TECHNICIAN** means any seed professional licensed to assist seed producers by the national seed quality control and certification body or service of Member State.

**CHEMICAL TREATMENT** means the application of one or several chemical agents on seeds for their phytosanitary protection.

**PHYTOSANITARY TREATMENT** means the application of chemical products on seeds to protect them against disease and parasites.

**COMPOSITE VARIETY** means any variety obtained by the combination of several lines or populations, of relative genetic variability.

**PLANT SPECIE OR VARIETY** means the collection of plants of the lowest known botanic taxon i) defined by using the characteristics of some genotype or a combination of genotypes, ii) distinguishable from all other plant collections by at least one of these characteristics and iii) considered as an entity given its capacity for authentic reproduction

## **CHAPTER II: PURPOSE AND FIELD OF APPLICATION**

### **Article 2: Purpose**

1. The purpose of this Regulation is to harmonize the rules governing quality control, certification and marketing of plant seeds and agricultural plants in Member States.
2. The harmonization is intended to ensure good quality and determine the origin of the seeds of plant species and varieties listed in the West African Catalogue of Plant Species and Varieties, as defined in *Article 9* of this Regulation.
3. More specifically, the purpose of this harmonization is to:
  - facilitate local production of quality seeds;
  - facilitate trade in seeds amongst Member States, through application of regionally agreed principles and rules that minimize trade barriers;
  - facilitate timely and convenient access by farmers to quality seeds;
  - create a climate propitious for private investment in the seed industry;
  - help widen the choice of the seeds available to farmers; and

- promote partnership between the public and private sectors.

**Article 3: Field of Application**

1. This Regulation shall apply to all seed related activities, especially those pertaining to seed quality control, certification and marketing.
2. It shall not be applicable to freely used farm grains and seeds, without prejudice to the regulations in force in ECOWAS.

**CHAPTER III: GENERAL PRINCIPLES**

**Article 4: Principle of Harmonization**

In pursuance of harmonization as intended by this Regulation, the Community shall help bridge the gap between Member States' legislations in the field of seeds.

**Article 5: Principle of Free Movement of Pesticides**

For the purpose of organization of a common market as defined in the Community agricultural policy, there shall be free movement of seeds in the territory of ECOWAS Member States as soon as the seeds meet the quality standards applicable in the Community.

**Article 6: Principle of Mutual Recognition and Equivalence**

Member States shall implement the principle of mutual recognition of certifications based on the technical specifications and Community standards on plant seeds as well as on the registration conditions and procedures applicable in ECOWAS, and shall recognize such conditions and procedures as equivalent.

**Article 7: Principle of recognizing International Standards**

To ensure the free movement of seeds within Community and foster regional and international trade thereon, Member States shall anchor their seed technical regulations on international standards, directives and recommendations.

**Article 8: Principle of Participation and Information**

1. Member States shall ensure the full participation of the seed sector players in the process of public decision-making in seed related matters.
2. Member States shall organize public access to the seed related information available to public authorities.
3. Member States shall help train and build the awareness of seed sector players.

## **CHAPTER IV: SEED MANAGEMENT TOOL AND ORGAN**

### **Article 9: West African Catalogue of Plant Species and Varieties**

1. A West African Catalogue of Plant Species and Varieties, hereinafter known as the "WACPSV", is hereby established for more effective management of seed quality control and certification in the Member States.
2. The WACPSV shall be the official document containing the list of all registered varieties in Member States.
3. The WACPSV shall be constituted by all registered varieties listed in Member States' national catalogues. To this end, each Member State shall institute a national catalogue of plant species and varieties.
4. The organizational modalities for WACPSV shall be determined by the Commission in an enabling Regulation.

### **Article 10: West African Seed Committee**

1. A West African Seed Committee hereinafter referred to as WASC is hereby established. This Committee shall implement extant regulations in matters of seed quality control, certification and marketing, with a view to fostering the development of the seed sector in Member States.
2. The West African Seed Committee shall work closely with national seed committees for development of the seed sector. To this end, each Member State shall set up a national seed committee and a seed sector support fund.
3. At the request of WASC, each Member State shall provide information for verification of compliance of national seed quality control and certification systems with Community texts. WASC may conduct investigations in Member States to verify the accuracy of information provided.
4. The functions, organization, operations and financing of the West African Seed Committee shall be defined in due course.

## **SECTION II: QUALITY CONTROL**

### **CHAPTER V: PRELIMINARY PROVISIONS**

#### **Article 11: Purpose of Control**

1. The purpose of control shall be to enable the official quality control and certification service or any other accredited private body to ascertain that the seeds submitted to it:
  - are of acceptable varietal or genetic purity;
  - are in good physiological and health condition; and
  - meet technological standards, where appropriate.

2. The requisite standards regarding the above characteristics shall be spelt out in enabling technical regulations as mentioned in *Article 58* of this Regulation.

#### **Article 12: Area of Control**

Seed quality control shall apply to all stages and venues of production, from the farm to the producer's or distributor's storage facility which must have previously been admitted for control.

#### **Article 13: Quality Control Authority**

Seed quality control in each Member State shall be carried out by the official quality control and certification service or any other accredited private body, in accordance with the provisions of this Regulation.

### **CHAPTER VI: ADMISSION FOR CONTROL**

#### **Article 14: Application for Admission for Quality Control**

- (a) In each Member State, admission for quality control shall be granted to any individual or corporate body who applies accordingly. Admission shall be determined by the official national quality control and certification service or any other accredited private body for one or several of the species listed in the WACPSV and, in regard to each of these species, for one or several categories of seed as defined in *Article 22* of this Regulation;
- (b) Applications, using the appropriate form, shall be addressed to the official quality control and certification service or any other accredited private body in Member State before the start of the planting season;
- (c) The quality control and certification service or any other accredited private body shall examine the application and satisfy itself that the admission requirements under prevailing regional regulations have been met. The applicant shall be notified of the approval or rejection of the application within fifteen (15) days of its submission;
- (d) Where the official quality control and certification service or any other accredited private body deems necessary, it may grant additional period of ten (10) days to the applicant for submission of fresh application or provision of supplementary information.

#### **Article 15: Admission Criteria**

##### **(a) General Criteria**

Any individual or corporate body wishing to be admitted for quality control, shall meet the following conditions:

- I undertake to observe the enabling technical regulations as mentioned in *Article 58* of this Regulation;

- II. have sufficient land;
- III. have sufficient and qualified technical personnel; and
- IV. possess appropriate facilities and equipment.

**(b) Special Criteria**

The special criteria shall be determined by the enabling technical regulations in accordance with the characteristics of each specie.

**Article 16: Professional Card**

1. The official quality control and certification service shall issue a professional card to individuals or corporate bodies who have met the admission requirements.
2. Issuance of such card shall be subject to payment of single registration fee in accordance with the type of activity. The amount, payment modalities and allocation of the proceeds of the single registration fee shall be determined by the individual Member State.
3. Professional card shall be issued to the following individuals or corporate bodies:
  - Seed/Plant Breeder;
  - Producer of basic seeds;
  - Producer of certified seeds;
  - Plant producer (Nursery farmer)
  - Wholesaler;
  - Retailer;
  - Importer /Exporter;
  - Associated operators such as packaging professionals, brokers, transporters and packers.

**Article 17: Validity of Professional Card**

Professional card shall be issued for three years, renewable at the holder's request, in accordance with the applicable procedures.

**Article 18: Suspension of Professional Card**

1. Professional card shall be suspended in the following cases, after written notification to the holder:
  - (a) Where there has been non-observance of the provisions of this Regulation despite the directives of the official quality control and certification service;
  - (b) Where sanction has been imposed on the holder in accordance with the concerned Member State's legislation on crack down on offenses.
2. In the event of suspension of professional card, the holder shall have a period of thirty (30) days from the date of notification to comply with the provisions of this Regulation. After this deadline, the holder's name shall be deleted from the register of professionals for the specific activity.

**Article 19: Withdrawal of Professional Card**

1. Professional card shall be withdrawn where:
  - (a) the holder has not been active for two consecutive years;

- (b) the holder commits fresh infringement punishable by suspension within one year of the lifting of a previous suspension;
  - (c) the holder under suspension has not complied with the provisions of this Regulation within the thirty (30) days time frame granted under *Article 18* of this Regulation.
2. The official quality control and certification service shall serve notice of termination to the professional card holder. However, the holder may still have access to the quality control services for crops cultivated prior to the withdrawal decision and, hence, obtain certification for the seeds therefrom produced, where these have met the set standards.
  3. Where a professional card has been withdrawn, fresh application may be filed only after three years following the date of withdrawal of the card.

## **CHAPTER VII: ORGANIZATION OF PRODUCTION**

### **Article 20: Seed Producer and Farmer-Seed Grower**

1. A seed producer is any individual or corporate entity duly admitted for quality control
2. A seed producer may enter into multiplication contract with one or several farmer-seed growers engaged in similar species.
3. A farmer-seed grower shall not be authorized to conclude multiplication contract with several producers. However, exemptions may be allowed where the contract with several producers does not cause prejudice to any one of them.

### **Article 21: Varieties to be multiplied**

1. Only seeds of the varieties registered in national catalogue or the West African Catalogue of Plant Species and Varieties (WACPSV) may be eligible for multiplication, for the purpose of certification.
2. The characteristics of these varieties shall be consistent with those of the samples deposited at the time of registration in the WACPSV and conserved under the responsibility of the national committee in charge of registration in the catalogue.

### **Article 22: Seed Categories**

The seed categories shall be as follows:

- (a) **Parent Material (G<sub>0</sub>)**  
Parent material G<sub>0</sub> means the initial material, production of which shall be based on well-defined methodology for pedigree seed production.
- (b) **Pre-basic Seed (G<sub>1</sub>, G<sub>2</sub> and G<sub>3</sub>)**  
Pre-basic seed G<sub>1</sub>, G<sub>2</sub> and G<sub>3</sub> means the seed generations between parent material and basic seed. Pre-basic seed shall be produced directly by the breeder of the variety or his/her authorized agent.

(c) **Basic Seed (G<sub>4</sub>)**

Basic seed G<sub>4</sub> means the seed derived from pre-basic seed produced under the responsibility of the maintainer according to pedigree seed production rules generally accepted for the variety, and intended for production of certified seed.

(d) **Certified Seed**

Certified seed means the seed resulting directly from the first or second multiplication of basis seeds.

**Article 23: Generations of Certified Seed**

1. Certified seed may concern several successive seed generations:
  - First generation or "R<sub>1</sub>" certified seed, from basic seed;
  - Second generation or "R<sub>2</sub>" certified seed, from "R<sub>1</sub>" certified seed;
  - Third generation or "R<sub>3</sub>" certified seed, from "R<sub>2</sub>" certified seed.
2. For hybrid varieties, certified seeds result from one sole hybridization (F<sub>1</sub>) of basic seeds. These are referred to as certified seeds of hybrid varieties.

**Article 24: Authorized Generations of Certified Seeds**

1. The last authorized generation under this Regulation shall be the certified seeds of the second generation "R<sub>2</sub>" which is not likely to produce seeds.
2. However, in case of difficulty of supply of certified seeds owing to *force majeure* in one Member State, the other Member States may authorize the delivery or marketing of seeds from the last authorized R<sub>2</sub> generation to address the crisis situation. Such seed must comply with the basic standards required for R<sub>2</sub> certified seed and shall be referred to as third generation or "R<sub>3</sub>" seed.
3. The required standards relating to the above characteristics shall be defined in the enabling technical regulations mentioned in *Article 59* of this Regulation.

**CHAPTER VIII: PRODUCTION CONDITIONS**

**Article 25: Location of Seed Farm**

1. Individual or corporate entities admitted for quality control shall abide by the production zones recommended by the breeder of a given variety.
2. The seed farm shall be accessible for inspection at any time throughout the growing cycle.

**Article 26: Cultivated Areas**

The minimum and maximum areas per crop and per parcel shall be as applicable in each Member State.



**Article 27: Number of Varieties and Categories**

1. The number of seed varieties and categories authorized for multiplication on the same agricultural holding shall be determined by the species and in accordance with the standards laid down in the enabling technical regulations.
2. The number of varieties shall not be restricted, as far as testing stations or experimental farms are concerned, on condition that the isolation standards defined in the aforementioned technical agreements are observed.

**Article 28: Origin of the Parent Seed**

1. The official quality control and certification service or any other accredited private body shall ensure that the seed producer or farmer-multiplicator uses only certified parent seed
2. All seed producers or farmer-multiplicators shall justify the origin of parent seed with documentary evidence such as certification label, invoice, delivery note or any other appropriate document.

**CHAPTER IX: PRODUCTION CONTROL**

**Article 29: Control Periods**

Control shall be undertaken at all stages of activity, namely: seed production, conservation, packaging, warehousing, transportation, marketing and utilization.

**Article 30: Cropping Declaration**

1. Before each certification season, individuals or corporate bodies admitted for control shall transmit, prior to cultivation, cropping declaration to the national quality control and certification service or any other accredited private body within a reasonable timeframe, failing which the declaration shall be rejected.
2. Any subsequent changes to the cropping declaration shall be reported immediately to the quality control and certification service or any other accredited private entity.
3. A model cropping declaration shall feature in the enabling Regulation as defined in *Article 57* of this Regulation.

**Article 31: Seed Multiplication Contract**

1. The seed multiplication contract concluded between the seed producer and one or several farmer-multiplicators shall include:
  - (a) a commitment by the farmer-multiplicator to respect existing regulations, allow the quality control agents to inspect his/her crops and not inconvenience neighbouring seed farms; and
  - (b) an undertaking by the producer to provide the farmer-multiplicator with all necessary technical instructions and deliver the parent seeds in good time.
2. A model seed multiplication contract shall be presented in the enabling Regulation referred to in *Article 57* of this Regulation.

### **Article 32: Control Agents**

1. Throughout their growing cycle, seed crops shall be under the surveillance of sworn agents, hereinafter known as inspectors, drawn from the official national quality control and certification service of the concerned Member State or any other accredited private body.
2. The inspectors shall have the mandate to visit the seed farms to ascertain their characteristics and cropping condition.

### **Article 33: Field Inspections**

1. The inspectors shall carry out extension visits and shall, in this regard, have free access to the seed farms. They shall produce a field inspection report with respect to each visit.
2. At least four inspection exercises shall be undertaken in the course of a cropping cycle.

#### **(a) First Inspection: Preliminary Inspection**

This first inspection shall take place before cropping to ascertain whether or not the land set aside by the producer meets the minimum characteristics and standards required for the species to be multiplied.

#### **(b) Second Inspection: Pre-Flowering Phase**

The second inspection shall take place during the vegetative phase extending from cropping phase to that start of flowering up to emergence of inflorescence.

#### **(c) Third Inspection: Flowering Phase**

The third inspection shall take place when some 50 percent of the plants are in flower; the flowers are open, the stigmas are receptive and the spores release pollen.

#### **(d) Fourth Inspection: Pre-Harvest Phase**

The fourth inspection shall take place a few days before harvest: the seed is sufficiently firm and has attained physiological maturity.

3. The field characteristics and minimum standards required for each specie shall be defined in the enabling technical regulations mentioned in *Article 58* of this Regulation.

### **Article 34: Factors determining Number of Inspections**

1. The minimum number of inspections shall be determined in light of the following characteristics:
  - Seed farm environment;
  - Origin of parent seed;
  - Cropping history;
  - Isolation,
  - Crop condition.
2. All these characteristics shall be spelt out in the enabling technical regulations mentioned in *Article 58* of this Regulation.

**Article 35: Grounds for Rejection of a Seed Farm**

1. A seed farm shall be rejected by the official quality control and certification service or any other accredited private body if it fails to meet the required standards in respect of:
  - Physical purity,
  - Adventive plants,
  - Health status, and
  - Varietal purity.
2. The required standards in regard to the above characteristics shall be spelt out in the enabling technical regulations mentioned in *Article 58* of this Regulation.

**Article 36: Inspection Report**

1. The inspections shall take place in the presence of the seed grower or an accredited representative of the producer, and a report containing observations on the cropping condition of the seed farm issued.
2. The report shall also contain technical recommendations or directives in accordance with the rules governing the specific specie.
3. A model field inspection report shall be presented in the enabling Regulation mentioned in *Article 57* of this Regulation.

**Article 37: Seed Technicians**

1. Any seed producer without the necessary technical competence shall resort to the services of a seed technician whom he shall engage from the stage of production up to that of sale to distributors.
2. The seed technician shall meet the following conditions:
  - be accredited by the official national quality control and certification service;
  - serve only one producer at a time. This requirement may, however, be waived if the contracts concluded with several producers do not cause prejudice to any of them.
3. The seed technician shall:
  - oversee standing crops;
  - be present at each inspection visit;
  - tidy up the sowing, cropping, harvesting and transportation as well as the packaging and storage facilities;
  - identify seed batches; and
  - store the seeds in appropriate conditions.
4. The model application for registration as seed technician shall be presented in the enabling Regulation mentioned in *Article 57* of this Regulation.

**Article 38: Internal Control**

Any producer admitted for control may install an internal crop control structure that engages seed technicians.



**Article 39: Abandonment of a Seed Farm**

A seed farm may be abandoned for climatic or technical reasons at any stage of the vegetative process. In that event, the producer shall accordingly inform the official quality

**Article 40: Classification of Crops**

1. The inspectors shall classify the crops on the basis of the outcomes of and the observations made during control visits.
2. A crop may be rejected where the technical recommendations or directives issued during previous visits have not been complied with:
  - (a) any rejection shall be notified to the concerned party as soon as possible;
  - (b) where there has been multiplication of parent seeds imported from non-ECOWAS Member State, classification of the seed farms shall be predicated on the results of varietal control conducted in the laboratory or in the farm.

**CHAPTER X: QUALITY CONTROL OF SEED BATCHES**

**Article 41: Constitution of Seed Batch**

1. All seed batches shall be physically identifiable by a number which could be in the form of figure or letter or a combination of both.
2. With the authorization of the quality control service, a given batch of certified seeds may be constituted from the products of several farms of the same variety and of the same parent seed.
3. However, with respect to pre-basic and basic seeds, a seed batch shall be constituted by the product of one farm.

**Article 42: Size of Seed Batch**

The size of a seed batch shall depend on the species. It shall be defined in the enabling technical regulations mentioned in *Article 58* of this Regulation.

**Article 43: Identification of Raw Seed Batches**

From harvest to packaging stage, raw seed batches of all categories, whether bagged or loose, shall be provisionally identified by label, harvest tag or other appropriate document to avoid accidental mix up.

**Article 44: Sampling**

1. To determine the value of seed batches, the official quality control and certification service or any other accredited private body shall take samples for laboratory testing.

2. Sampling shall be carried out in accordance with the international rules developed by the International Seed Testing Association (ISTA).
3. The sample weight for each specie shall be defined in the enabling technical regulations mentioned in *Article 58* of this Regulation.
4. The samples shall be placed in sachets bearing the following information:
  - Official quality control and certification service or accredited private body of the Member State;
  - Name of producer;
  - Specie and variety;
  - Category;
  - Batch number;
  - Batch weight or number of units in the batch;
  - Treatment and products used;
  - Sampling date;
  - Name of agent of the official service or accredited private body responsible for quality control and certification or of the laboratory assistant.

**Article 45: Laboratory Control**

1. Any seed batch submitted for certification shall be tested in a laboratory designated by the Member State or an official laboratory affiliated to the ISTA.

2. Such control shall embrace the five key areas indicated hereunder. The related standards shall be defined in the enabling technical regulations stipulated in *Article 58* of this Regulation

**(a) Analytical Purity**

The laboratory control of analytical purity shall seek to determine:

- i. the composition of the analysed sample; and
- ii. the identity of the seed specie and the inert particles that constitute the sample.

**(b) Water Content**

The laboratory control of water content shall seek to determine seed moisture content using appropriate methodology.

**(c) Germination Test**

The germination test shall seek to determine the germinative value of the seeds for sowing in farm and furnish data for comparison of seed batches.

**(d) Health Status Test**

The health status test shall determine the health of a seed sample through examination to detect diseases occasioned by organisms such as fungi, bacteria and viruses and animal parasites including nematodes and insects.

**(e) Varietal Purity**

The laboratory control of varietal purity shall ascertain the varietal identity of a seed batch and compare its varietal purity with that of a reference sample.

Determination of varietal identity may be morphological, physiological, cytological or chemical.

**Article 46: Laboratory Reports**

1. All test results shall be consigned in a seed analysis report issued by the competent national seed testing laboratory of Member State.
2. A model seed laboratory report shall be presented in the enabling Regulation mentioned in *Article 57* of this Regulation.
3. For the purpose of seed trade in Member States, the national seed testing laboratory of Member State may also issue an International Seed Analysis Certificate in accordance with the applicable rules of the ISTA.

**Article 47: A posteriori Control**

1. *A posteriori* control shall be carried out after certification, on a reference sample of seeds of all categories. Such control may extend to parent material and pre-basic seeds in the event of dispute or complaint.
2. As regards pre-basic and basic seeds, the outcomes of such control shall serve to confirm or modify the classification of the seed batches still in stock and the progeny of the controlled batches.
3. The sample used for quality control shall be taken in accordance with ISTA standards and conserved by the official quality control and certification service or any other accredited private body of the Member State.
4. *A posteriori* control shall be conducted in accordance with a protocol defined by the quality control and certification service in concert with the national research institutions concerned.
5. Quality control during seed marketing shall be carried out by agents of the official quality control and certification service or any other accredited private entity and agents of the Ministry of Trade.

**CHAPTER XI: CONDITIONING**

**Article 48: Seed Treatment**

Seeds presented for certification shall be treated in a seed conditioning plant accredited by the official quality control and certification service of the Member State in which they have been produced.

**Article 49: Use of Sorting Sieve**

Seed cleaning lines in accredited conditioning plants shall use at least one set of three-grid sieve, with top, middle and bottom sieves, selected according to the species to be conditioned.

**Article 50: Maintenance of Facilities**

The conditioning facilities shall be cleaned after every use to avoid accidental mix up.

## **CHAPTER XII: PACKAGING**

### **Article 51: Types of Packaging**

The type of packaging used shall be those authorized in each Member State. The packaging shall be clean, resistant and appropriate for seed protection and viability.

### **Article 52: Marking the Packagings**

1. All producers shall mark the packagings of their seeds.
2. The package markings shall indicate in clear and easily legible print
  - (a) name and address of the producer or distributor;
  - (b) logo or trade name, where these exist;
  - (c) name of the species and of the variety as listed in the WACPSV;
  - (d) category, generation and production cycle;
  - (e) net weight;
  - (f) certification label; and
  - (g) name of the product used for treatment

## **CHAPTER XIII: SPLITTING - REPACKAGING**

### **Article 53: Splitting and Repackaging**

Where seed batches have been assembled and labelled, any subsequent splitting and/or repackaging shall be undertaken in the presence of agents of the quality control and certification service, failing which the seed batches concerned shall be rejected.

### **Article 54: Labelling**

In the case of splitting and/or repackaging, the new labels shall bear the same particulars as the original labels, with additional annotation indicating that the batch has been repackaged.

## **CHAPTER XIV: STORAGE**

### **Article 55: State of Storage Facilities**

1. All seed storage facilities must have an appropriate temperature and humidity. They shall be kept tidy and well aerated for effective seed conservation.
2. Storage facilities must also be regularly disinfected.

### **Article 56: Conditions for Bags Storage**

Seed bags shall be placed on duckboards or pallets. They must not be kept in contact with the ground or with walls. Seed batches shall be arranged in a way that allows a passage between piles of seeds to facilitate control and sampling.

## **CHAPTER XV: CONTROL MODALITIES**

### **Article 57: Model administrative documents**

An enabling Regulation of the Commission shall define the model administrative documents to be used for seed quality control in Member States.

### **Article 58: Enabling Technical Regulations**

An enabling Regulation of the Commission relating to enabling technical regulations shall complement the modalities of seed quality certification and control in the Member States.

## **SECTION III: SEED CERTIFICATION**

### **CHAPTER XVI: CERTIFICATION, ELIGIBILITY CONDITIONS AND CERTIFICATION FEE**

#### **Article 59: Certification**

All plant seed produced for the purpose of marketing shall be certified in accordance with the provisions of this Regulation and its enabling Regulations.

#### **Article 60: Eligibility**

Certification shall be applicable only to seed batches from farms normally eligible for control and for the varieties listed in the WACPSV.

#### **Article 61: Certification Fee**

1. Any service in respect of certification, be it for control in the field or in laboratory, shall be subject to certification fee.
2. A certification fee shall be collected by the official service or any other quality control and certification body at the time of issue of certification labels or laboratory reports.
3. The fee amount, payment modalities and the conditions for allocation of the proceeds shall be determined by each Member State.

## **CHAPTER XVII: LABELLING**

#### **Article 62: Mandatory Labelling**

1. Any packaging containing certified seeds shall bear a certification label issued by the official quality control and certification service or body. The certification label shall be different from the seed producer's label as provided for in *Article 52* of this Regulation.
2. The official service or body responsible for quality control and certification shall have the sole authority to print, distribute and affix official certification labels. This responsibility may, however, be delegated to an accredited private body.
3. Certification labels shall be affixed in a way to ensure inviolability of the package.



4. A certification label identical to that affixed to the package shall be placed inside the package, where such package does not bear printed specifications of the seed batch.

5. Model certification labels shall be presented in the enabling Regulation stipulated in *Article 57* of this Regulation.

**Article 63: Colour of Certification Labels**

The colours of certification labels shall depend on seed category. The authorized colours shall be:

- (a) **white with diagonal violet stripes** - for parent material and pre-basic seeds;
- (b) **white** for basic seeds;
- (c) **blue** for "R<sub>1</sub>" or first generation certified seeds; and
- (d) **red** for "R<sub>2</sub>" or second generation certified seeds and "F<sub>1</sub>" hybrid seeds

**Article 64: Specifications on Certification Labels**

1 The top side of certification labels shall bear the following indications:

- (a) Name of specie, followed where appropriate by cropping suitability or varietal type; for example:
  - Specie: rainfed rice or irrigated rice;
  - Hybrid maize or composite maize;
- (b) Name of variety as listed in the WACPSV,
- (c) Batch number;
- (d) Size;
- (e) Minimum germination capacity;
- (f) Year and month of harvest;
- (g) Minimum genetic purity;
- (h) Weight;
- (i) Reference to this Regulation;
- (j) Name of official quality control and certification service or body.

2. The seal of the official quality control and certification service or accredited private body of the country in which the seed was produced, shall be used as a guarantee of the authenticity of the certification label.

3. The back side of the certification label shall bear no annotation.

4 The number of certification labels shall be strictly limited to the number of units that make up each certified batch.

**Article 65: Withdrawal of Certification Labels**

1. Where a seed batch has been declassified or rejected after testing, for reasons of non-compliance with the set standards, all certification labels already issued shall be withdrawn and recovered by the official quality control and certification service.

2. The seed batch in question shall no longer be used or marketed.

## CHAPTER XVIII: CERTIFICATION ATTESTATION

### **Article 66: Issuance of Certification Attestation**

1. Certification attestation is an official document issued in respect of a seed batch by the official control and certification service or any other accredited private body at the request of any person wishing to use the batch in question.
2. A model certification attestation shall be presented in the enabling Regulation mentioned in *Article 57* of this Regulation.

## CHAPTER XIX: EXEMPTIONS

### **Article 67: Exceptional Issuance of Certification Labels**

#### (a) Authorization of non-conforming pre-basic and basic seeds

The official service or any other accredited private body responsible for quality control and certification may exceptionally issue certification labels for pre-basic or basic seeds, germination capacity of which falls short of the required standards. In such case, the real germination capacity shall be indicated on the label.

#### (b) Authorization of non-conforming seeds

The official service or any other accredited private body responsible for quality control and certification may exceptionally issue, in the case of emergency and/or for dormant seeds, certification labels for non-conforming seed batches, after preliminary and summary biochemical evaluation of viability.

## CHAPTER XX: CARRY-OVER SEED BATCHES

### **Article 68: Declaration of Carry-Over Seed Batches**

1. Certified seed batches shall be considered as carry-over batches counting from the starting date of the new planting season following the harvest season. Such batches shall be declared to the official quality control and certification service or any other accredited private body.
2. Such seed batches shall be examined to ascertain germination capacity by the national laboratory of the Member State or any other accredited laboratory. The labels of non-conforming batches shall be withdrawn.

## CHAPTER XXI: MUTUAL RECOGNITION

### **Article 69: Mutual Recognition of Certification**

Seeds certified by an authorized service of a Member State in accordance with the provisions of this Regulation and its enabling Regulations shall be recognized as such by all other Member States.

## **SECTION IV: SEED MARKETING**

### **CHAPTER XXII: MARKETING BY PRODUCER-DISTRIBUTORS AND DISTRIBUTORS**

#### **Article 70: Variety of Seeds marketed on the Regional Market**

Only seeds registered in the West African Catalogue of Plant Species and Varieties shall be marketed in the sub-region.

#### **Article 71: Accreditation**

1. The marketing of seeds by producer-distributors and distributors shall be subject to official accreditation.
2. Such accreditation shall be renewable every three years at the request of the holder.
3. The criteria for accreditation shall be determined by each Member State in accordance with the provisions of this Regulation.

#### **Article 72: Stores Accounting**

All seed producer-distributors and distributors shall keep detailed account of stock entries and withdrawals in a ledger that shall be available for checking and inspection at all times by the official quality control and certification service or any other accredited private body, and by the competent Departments of the Ministry of Trade.

#### **Article 73: State of Storage Facilities**

1. All storage facilities for seeds for marketing must have appropriate temperature and humidity levels. They shall be kept tidy and well aerated for effective seed conservation.
2. The storage facilities shall also be regularly disinfected.

#### **Article 74: Conditions for Bags Storage**

Seed bags shall be placed on duckboards or pallets. They must not be kept in contact with the ground or with walls. Seed batches shall be arranged in a way that allows a passage between piles of seeds to facilitate control and sampling.

#### **Article 75: Conditions for Transportation**

Seeds shall be transported in such conditions as can maintain their intrinsic quality.

### **CHAPTER XXIII: EXPORT - IMPORT**

#### **Article 76: Procedure**

1. Without prejudice to Community regulations on external trade, the import and export of conventional seeds shall be subject to prior declaration to the official quality control and certification service or body.

2. The importer or exporter shall provide the following information regarding the seed batch:

- Individual or corporate name;
- Name and address of consignee or supplier;
- Species and variety as registered in the WACPSV;
- Category and generation;
- Batch number;
- Declared batch weight;
- Number of packages;
- Chemical treatment with the name of active ingredients used.

3. The import and export of unconventional seeds shall be governed by the legislation applicable in Member States.

**Article 77: Issuance of International Certificate**

Member States' national seed testing laboratories accredited by the ISTA shall be authorized to issue an International Certificate where this is required.

**Article 78: Phytosanitary Certificate**

1. All seed export and import shall be accompanied by a phytosanitary certificate issued by the national service or agency responsible for plant protection in the country of origin of the seed.

2. For the purpose of issuance of phytosanitary certificate, Member States shall periodically conduct surveys and exchange information with a view to drawing up comprehensive inventories of the pests existing in the States.

3. Such inventories shall serve to update the list of quarantine and non-quarantine organisms.

4. The list of quarantine and non-quarantine organisms drawn up for the purpose of inter and intra-Community trade and the modalities of seed phytosanitary control shall be determined by ECOWAS Commission.

**Article 79: Scientific Research**

Exchange of plant material among Member States for scientific research shall not be affected by the provisions of *Article 76* of this Regulation. However, the requirement for a phytosanitary certificate shall be applicable.

**Article 80: Suspect Seed Batches**

1. Any imported or exported seed batch that arouses suspicion of fraud or falsification shall be considered as suspect and provisionally impounded.

2. A sample thereof shall be taken by the official quality control and certification service or any other accredited private body and transmitted to the national seed testing laboratory for investigation of fraud and falsification. Where the results fail to match the specifications on the documents accompanying the seeds, the seed batch shall be seized

by the agents or officers of the criminal police or the sworn agents of the customs and plant protection authorities. Thus, utilization of the seeds in such batch shall not be authorized; and the labels shall be withdrawn and destroyed.

#### **Article 81: Batches in Transit**

1. Any batch transiting the territory of a Member State shall be declared to the official quality control and certification service or any other accredited private body by the individual or corporate entity responsible for the transit.
2. Information concerning the consignee and the country of destination shall be communicated to the official quality control and certification service or any other accredited private body and to the official plant protection services by the aforementioned individual or corporate entity.
3. Transiting batches shall be accompanied by a phytosanitary certificate indicating the source and destination of the seeds. The batches in question shall not be subject to quality control in the transit countries.

### **SECTION V: SANCTIONS**

#### **Article 82: Sanctions for Infringement**

1. The following shall constitute breaches of the provisions of this Regulation and its enabling Regulations:
  - (a) production of seeds without professional card;
  - (b) marketing of seeds without accreditation;
  - (c) misleading information on seed labelling, wilful modification or alteration of labelling and the use of any trickery to mislead third parties as to the quality of the seeds;
  - (d) distribution, for animal or human consumption, of seeds treated with substances dangerous to human or animal health and, thus, unfit for consumption;
  - (e) failure to keep proper ledger as laid down in *Article 73* of this Regulation;
  - (f) import or export of conventional seeds without prior declaration;
  - (g) import or export of unconventional seeds in violation of applicable legislation;
  - (h) obstruction of official inspection or control activities;
  - (i) non-compliance with the conditions of admission for control; and
  - (j) fraud or attempted fraud in the utilization or marketing of seeds transiting Member States.
2. Member States shall take all appropriate measures to impose sanctions for any breach of the provisions of this Regulation.

#### **Article 83: Empowerment and Powers of Control Agents**

1. Member States shall draw up a list of the agents authorized to carry out verifications of compliance.

2. The agents shall be accorded powers of inspection and investigation to enable them to, among other things:

- (a) enter the professional premises including compounds and buildings meant for seed distribution as well as seed warehouses, storerooms and other storage places and depots;
- (b) access and cause to be transmitted to them all documentation relating to the operations of seed producers and seed distributors;
- (c) inspect installations, facilities, works, vehicles, devices and tools used in seed related activities; and
- (d) collect samples and ensure that these samples are representative enough and leave open the possibility of alternative evaluation

3. Inspections during seed production and marketing shall be carried out in the presence of the producer and the distributor or their representative.

## **SECTION VI: GUARANTEES FOR PERSONS ADMITTED FOR CONTROL AND FOR DISTRIBUTORS**

### **Article 84: Scope of the Guarantees**

Individuals or corporate bodies subject to compliance control and inspection at all stages of seed production, certification and marketing shall be accorded the following guarantees:

- (a) confidentiality of the information they provide, since the individual or corporate entity concerned are bound to keep the secrets of their profession.
- (b) representativeness of the samples used as basis for contested administrative measure;
- (c) right to resort to alternative opinion and to lodge an appeal according to applicable procedures;
- (d) right to be present or be represented during control exercise;
- (e) right to demand disclosure of documents such as notification of measures taken against their person, grounds for such decision, receipts for samples and seed seizure reports, laboratory test results, their statements and any other document that inform the decisions that affect them.

## **SECTION VII: MISCELLANEOUS PROVISIONS**

### **Article 85: Implementation**

In furtherance of its activities, WACPSV shall be open to the sub-regional institutions operating in the seed sector. Specific Conventions shall define the modalities of such opening.

### **Article 86: Relation with other Community Texts**

Seed quality control, certification and marketing activities within the Community shall be exercised in accordance with the applicable ECOWAS texts.

## **SECTION VIII: FINAL PROVISIONS**

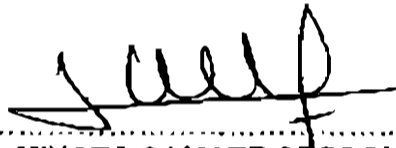
### **Article 87: Publication**

This Regulation shall be published by the Commission in the Official Journal of the Community within thirty (30) days following signature by the Chairperson of the Council of Ministers. It shall also be published in Member States' Official Gazette within the same timeframe.

### **Article 88: Entry into Force**

This Regulation shall enter into force upon its publication.

**DONE AT ABUJA, THIS 18<sup>th</sup> DAY OF MAY 2008**



.....  
**H.E MRS. MINATA SAMATE CESSOUMA**

**CHAIRPERSON**

**For COUNCIL**



## **Sixtieth Ordinary Session of the Council of Ministers**

Abuja 17 - 18 May 2008

### **REGULATION C/REG.5/05/08 ON THE ADOPTION OF THE ACTION PLAN FOR THE DEVELOPMENT OF BIOTECHNOLOGY AND BIOSAFETY IN THE ECOWAS REGION**

**THE COUNCIL OF MINISTERS,**

**MINDFUL** of Articles 10, 11 and 12 of ECOWAS Treaty as amended, establishing the Council of Ministers and defining its composition and functions;

**MINDFUL** of Decision A/DEC. 11/01/05 on the adoption of the ECOWAS Agricultural Policy;

**MINDFUL** of Decision A/DEC. 1/5/81 relating to the sections on eradication of hunger, extension of some plant and animal varieties, programme funding, research and agricultural production projects;

**MINDFUL** of Decision C/DEC.5/5/81 relating to selected staple seeds production and to the selection of production stations;

**MINDFUL** of Decision C/DEC.1/05/83 on short and medium term programmes on the implementation of a regional strategy for agricultural development;

**MINDFUL** of Decision C/DEC.14/12/90 on the establishment of a seeds committee;



**CONSIDERING** the Strategic role of the agricultural sector in the economies of ECOWAS member States in providing food to the population and reducing poverty in rural areas;

**CONSIDERING** the necessity to promote among member States, a more productive and competitive agriculture to ensure food security and to improve the standard of living of farmers;

**CONVINCED** that seeds are of utmost importance in the promotion of a sustainable agriculture and in the achievement of the agricultural policy of the community;

**ACKNOWLEDGING** that regular supply to member States' markets of good quality and affordable seeds to farmers is an essential condition for achieving food security and raising living standard of farmers;

**RECOGNIZING FURTHER**, the need to improve current seed systems and regulations on seed production, use and marketing;

**DETERMINED** therefore to ensure access to new agricultural technologies from which biotechnologies emanate and taking into account all considerations relating to biosafety;

**DESIROUS** to adopt, for these purposes, a five-year Action Plan on the development of biotechnology and biosafety in the ECOWAS region;

**EXPRESSING SATISFACTION** at the active involvement and positive cooperation of other sub-regional institutions such as CILSS, UEMOA in the drafting, review and finalisation of this Regulation;

**ON THE RECOMMENDATION** of the meeting of ministers in charge of agriculture and food of ECOWAS member States held in Ouagadougou on 8<sup>th</sup> November 2007;

## **ENACTS**

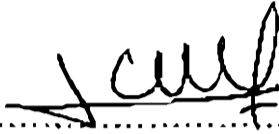
### **Article 1:**

The attached five-year Action Plan for the development of biotechnology and biosafety in the ECOWAS region is hereby adopted.

**Article 2:**

This Regulation shall be published by the Community in its Official journal thirty days (30) days after the date of its signature by the Chairperson of the Council of Ministers. It shall also be published by each member State its national gazette within the same time-frame.

DONE AT ABUJA, THIS 18TH DAY OF MAY 2008.



.....  
**H.E. MRS. MINATA SAMATE CESSOUMA**

**CHAIRPERSON**

**FOR COUNCIL**



## **Sixtieth Ordinary Session of the Council of Ministers**

Abuja 17 - 18 May 2008

### **REGULATIONS C/REG.06/05/08 ADOPTING THE STRATEGIC PLAN 2007-2015 OF THE PERMANENT COORDINATION AND FOLLOW-UP FRAMEWORK FOR INTEGRATED WATER RESOURCES MANAGEMENT (IWRM) IN WEST AFRICA**

#### **THE COUNCIL OF MINISTERS,**

**MINDFUL OF** articles 10, 11 and 12 of the ECOWAS Treaty as amended, establishing the Council of Ministers and defining its composition and functions;

**MINDFUL OF** Decision A/DEC.12/12/00 of 16 December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

**MINDFUL OF** Decision A/DEC.5/12/01 of 21 December 2001 setting up the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa,

**MINDFUL OF** Decision A/DEC.6/12/2001 of 21 December 2001 amending Decision A/DEC.12/12/00 of 16 December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

**MINDFUL OF** Decision A/DEC.4/01/06 of 12 January 2006 adopting the Statutes of the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa and the rules and regulations of the constituent organs;

**CONSIDERING** that the plan which is presented replaces back, in a consolidated strategic framework, the IWRM Permanent Coordination and Follow-up Framework

activities in West Africa based on projects envisaged in the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

**CONSIDERING** that the aforementioned plan is in keeping with the ECOWAS Strategic Plan 2007-2010.

**ON THE RECOMMENDATION** of the 2<sup>nd</sup> session of the IWRM Ministerial Follow-up Committee in West Africa held in Ouagadougou, on 15 November 2007

### **ENACTS**

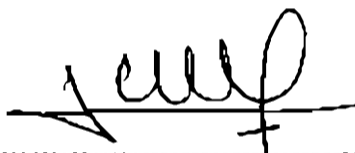
#### **Article 1:**

The Strategic Plan of the IWRM Permanent Coordination and Follow-up Framework in West Africa for 2007-2015 is adopted

#### **Article 2:**

This Regulation shall be published by the President of the Commission in the Official journal of the Community within thirty (30) days following its signature by the Chairperson of the Council of Ministers. It will also be published by each Member State in its national gazette within the same time-limits.

**DONE AT ABUJA, THIS 18 DAY OF MAY 2008.**



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management, which led to the establishment of a Permanent Coordination and Follow-up Framework of Integrated Water Resources Management made up of a Ministerial Follow-up Committee assisted by an Experts Technical Committee and an IWRM Coordination Unit, pursuant to Decision A/DEC 5/ 12/ 01 referred to above;

**ON THE RECOMMENDATION** of the 2<sup>nd</sup> Session of the IWRM Ministerial Follow-up Committee in West Africa held in Ouagadougou, on 15 November 2007,

**ENACTS**

**Article 1 :**

The Water Resources Coordination Unit shall be named "Water Resources Coordination Centre", in abbreviated form "WRCC"

**Article 2 :**

The Department of Environment and Water Resources under the ECOWAS Commission shall be named Department of Environment.

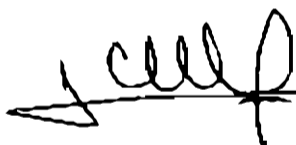
**Article 3 :**

The expressions "Water Resources Coordination Unit" and "Department of Environment and Water Resources" shall be replaced, wherever they appear in the legal instruments regulating the Community, by "Water Resources Coordination Centre" and "Department of Environment" respectively.

**Article 4 :**

This Regulation shall be published by the President of the Commission in the Official Journal of the Community within thirty (30) days following its signature by the Chairperson of the Council of Ministers. It shall also be published by each Member State in its national gazette within the same time frame.

**DONE AT ABUJA, THIS 18 DAY OF MAY 2008.**



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## **Sixtieth Ordinary Session of the Council of Ministers**

Abuja 17 - 18 May 2008

### **REGULATION C/REG.8/05/08 RELATING TO THE RECOGNITION OF THE INTERNATIONAL INSTITUTE FOR WATER AND ENVIRONMENTAL ENGINEERING (IWEE) AS A CENTRE OF EXCELLENCE OF THE COMMUNITY FOR WATER AND ENVIRONMENTAL TRAINING AND RESEARCH**

#### **THE COUNCIL OF MINISTERS,**

**MINDFUL OF** articles 10, 11 and 12 of the ECOWAS Treaty as amended establishing the Council of Ministers and defining its composition and functions;

**MINDFUL OF** Decision A/DEC.12/12/00 of 16 December 2000 adopting a Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA);

**MINDFUL OF** Decision A/DEC.5/12/01 of 21 December 2001 establishing the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa,

**MINDFUL OF** Decision A/DEC.6/12/2001 of 21 December 2001 amending Decision A/DEC.12/12/00 of 16 December 2000 adopting the Regional Action Plan for Integrated Water Resources Management in West Africa;

**MINDFUL OF** Decision A/DEC.4/01/06 of 12 January 2006 adopting the Statutes of the Permanent Coordination and Follow-up Framework for Integrated Water Resources Management in West Africa and the rules and regulations governing its constituent organs;

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**CONSIDERING** the crucial importance of building the capacities of the stakeholders in the regional approach to integrated water resources management;

**CONSIDERING** the recognised competence of the *Institut International de l'Eau et de l'Environnement* (International institute for Water and Environmental Engineering) as regards training and research in the water and environmental sectors in Africa;

**CONSIDERING** the request addressed to ECOWAS by the International institute for Water and Environmental Engineering;

**ON THE RECOMMENDATION** of the 2<sup>nd</sup> Session of the Ministerial Follow-up Committee of IWRM in West Africa held in Ouagadougou, on 15 November 2007

#### **ENACTS**

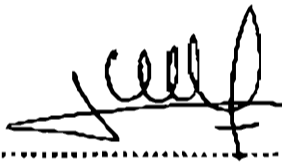
**Article 1:**

The International institute for Water and Environmental Engineering), in abbreviated form, "2iE" is recognised as a centre of excellence of the Community as regards training and research in the water and environmental sectors.

**Article 2:**

This Regulation shall be published by the President of the Commission in the Official Journal of the Community within thirty (30) days following its signature by the Chairperson of the Council of Ministers. It shall also be published by each Member State in its National Gazette within the same timeframe.

**DONE AT ABUJA, THIS 18 DAY OF MAY 2008.**



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**H.E MRS. MINATA SAMATE CESSOUMA**

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