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A standard for standards

Part 1:

The development of Kenya Standards — Specification

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TECHNICAL COMMITTEE REPRESENTATION

The following organizations were represented on the Technical Committee:

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Nampak Limited

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Kenya Bureau of Standards — Secretariat

REVISION OF KENYA STANDARDS

In order to keep abreast of progress in industry, Kenya Standards shall be regularly reviewed. Suggestions for improvements to published standards, addressed to the Managing Director, Kenya Bureau of Standards, are welcome.

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DKS 01-1: 2019

A standard for standards

Part 1:

The development of Kenya Standards — Specification

PUBLIC REVIEW DRAFT

Foreword

This Kenya Standard was prepared by the Quality Management and Quality Assurance Technical Committee under the guidance of the Standards Projects Committee, and it is in accordance with the procedures of the Kenya Bureau of Standards.

This standard outlines, the status of KEBS, benefits of standardization, concepts and principles behind the development of Kenya Standards, acceptance criteria of Kenya Standards, the development stages of Kenya Standards, composition and responsibilities of technical committees, process for participation in international standardization, appeal process for the resolution of disputes, process for maintenance of Kenya Standards, copyright policy and patent policy.

During the development of this standard, reference was made to the following documents:

SANS 1-1:2012, Edition 3, Standard for standards Part 1: The development of South African national standards

BS 0:2016, Edition 2, British standard — A standard for standards — Principles of standardization.

Participating in International Standardization, ISO Publication, of September 2007, ISBN 978-92-67-10453-9.

Using and referencing ISO and IEC standards for technical regulations ISO/IEC Publication of September 2007, ISBN 978-92-67-10454-6.

Acknowledgement is hereby made for the assistance received from these sources.

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A standard for standards

Part 1:

The development of Kenya standards

1 Scope

This Draft Kenya Standard describes the principles of preparation of the national standards. It also outlines the application of Kenya standards in technical regulations.

This standard is intended to serve as a guide for technical committee members, regulators, and as background information for standards development organizations, members of the public and other stakeholders.

It is not intended to lay down detailed internal procedures since these are generally documented in operating procedures of the Kenya Bureau of Standards.

2 Normative references

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies.

The Standards Act, Cap. 496, of the Laws of Kenya

KS/ISO/IEC Guide-2, *Standardization and related activities – General Vocabulary*

CPR 183, *Kenya Bureau of Standards, Standards Development process Procedure*

World Trade Organization, Technical Barriers to Trade (WTO/TBT) Agreement Annex 3: Code of Good Practice for the preparation, adoption and application of standards

3 Terms and definitions

For the purpose of this document, the terms and definitions given in KS ISO/IEC Guide 2 and the following apply.

3.1

KEBS

is the Kenya National Standards Body (Kenya Bureau of Standards)

3.2

standard

document, established by consensus and approved by a recognized body, that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, aimed at the achievement of the optimum degree of order in a given context

NOTE Standards should be based on the consolidated results of science, technology and experience, and aimed at the promotion of optimum community benefits

3.3

technical regulation

document which lays down product or service characteristics or their related processes and production methods, including the applicable administrative provisions, with which compliance is mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method

3.4

Kenya Standard

a standard gazetted in the Kenya Gazette under the provisions of the Standards Act, CAP 496 of the Laws of Kenya

NOTE Compliance with a Kenya standard is mandatory if it is referenced in a technical regulation.

3.5

project

an activity which has a fixed time and utilizes resources

3.6

new work item

any work leading to the development, revision or amendment of a Kenya Standard

3.7

code of good practice, CGP

as per Annex 3 of World Trade Organization Technical Barriers to Trade (WTO/TBT) agreement, 1995 on technical barriers to trade, good practice for the preparation, adoption and application of standards, or ISO Guide 59

3.8

consensus

general agreement, characterized by the absence of sustained opposition to substantial issues by any important part of the concerned interests, and by a process that involves seeking to take into account the views of all parties concerned and to reconcile any conflicting arguments

NOTE Consensus need not imply unanimity

3.9

standardization

activity of establishing, with regard to actual or potential problems, provisions for common and repeated use aimed at the achievement of the optimum degree of order in a given context

NOTE 1 In particular, the activity consists of the processes of formulating, issuing and implementing standards.

NOTE 2 Important benefits of standardization are improvement of the suitability of products (including services) and processes for their intended purposes, prevention of barriers to trade and facilitation of technological cooperation

3.10

normative reference/provision

standard or provision within a standard, with which it is necessary to conform in order to be able to claim compliance with that standard or provision

3.11**standards development organization**

body assuming responsibility for the preparation and maintenance of national standards and other normative documents

3.12**standards approval committee (SAC)**

an internal committee of KEBS responsible for approval of all new work items, standards, revisions, amendments and withdrawals on the basis of due process

3.13**subcommittee (SC)**

group of representatives that is responsible for the preparation of Kenya standards within a subfield of the scope of a technical committee and that reflects valid national interests within the subfield

3.14**national technical committee(TC)**

group of representatives that is concerned with standardization, responsible for identifying the need for, and the preparation of Kenya standards in a defined field and that reflects valid national interests within that field

3.15**east african standards committee (EASC)**

is a committee responsible for development and harmonization of the East African standards

3.16**african regional organization for standardization (ARSO)**

is a body responsible for development and harmonization of African regional standards

3.17**standards projects committee (SPC)**

internal committee of KEBS responsible for approval of New Work Items, new TCs and general supervision of standardization process

3.18**national standards body (NSB)**

standards body, recognized at the national level, that is responsible for the development and promulgation of national standards, and eligible to be the national member of the corresponding international and regional standards organizations

3.19**national executive codex committee (NECC)**

a national committee with the responsibility of co-ordination and management of Codex Alimentarius Commission activities at country level on behalf of the Kenya Government

3.20**private circulation**

distribution under the principle that material presented or circulated to a Technical Committee is not in the public domain, and that dissemination should, as far as practically possible, be limited to those who have a legitimate interest in the development of the standardization projects to which it relates

NOTE This principle does not preclude due consultation on such material within organizations represented on the committee. For this reason it has to be recognized that absolute confidentiality cannot be guaranteed and KEBS can offer no assurances in this respect. Those submitting commercially sensitive material do so at their own risk.

3.21**harmonized standard**

standard that is officially recognized by reference in the Official Standards Catalogue of the East African Community as meeting essential requirements of a relevant provisions of EASQMT Act (East African Standards, Quality Assurance, Metrology and Testing Act)

3.22

project management

the discipline of defining and achieving project targets, while optimizing the use of the available or allocated resources (including time) over the course of a project

4 The National Standards Body

4.1 KEBS is, in terms of the Standards Act, CAP 496, of the laws of Kenya the recognized National Standards Body for the development and maintenance of Kenya standards. The affairs of KEBS are controlled by the National Standards Council, whose members are appointed by the Cabinet Secretary in the parent ministry. The Council determines the direction and strategic objectives of KEBS.

4.2 The development process of Kenya standards shall be managed and facilitated by KEBS. However, process ownership (contributions to contents) and output (published standards) shall be with the users of the standards (those who require standards in order to benefit from their application).

4.3 The development of Kenya standards shall be funded as stipulated in the Standards Act. KEBS shall act as a facilitator in the development and maintenance of Kenya standards, provide secretarial and technical writing facilities and services for the committee responsible for this task and acts as a publishing house for Kenya standards and related documents.

5 Standards and Technical Regulations

5.1 It is Kenya's intention to carry out Good Regulatory Practice, increase the competitiveness of enterprises and remove barriers to trade at the international level through the implementation of the World Trade Organization Agreement on Technical Barriers to Trade, the use of Kenya standards as a basis in the development of technical regulations and the harmonization of standards within the East African Community and the African continent

5.2 Kenya standards, being readily available, are the most convenient choice as a basis in the development of technical regulations as they can readily be amended to keep up with technology (via the national standards process) and has the benefit that they comply with the world trade organization (WTO) Code of Good Practice for the preparation, adoption and application of standards. The administrative provisions would be given through description, in the technical regulation(s).

6 Standardization

Standardization process involves the development and publication of standards covering, for example, specifications for products, services or systems, codes of practice, methods of test, etc.

The main aims and benefits of standardization can be summarized as follows:

- a) Improving the quality (fitness for purpose) of goods and services;
- b) Maintaining and improving the quality of life of society, by paying attention to such matters as safety, health and the environment, and by providing a basis for legislation needed for the protection of the public;
- c) More efficient utilization of resources through better (i.e. standardized) communication through simplification of manufacturing, product identification and purchasing by means of variety control and through cost savings as a result of economies of scale, reductions in wastage, etc.;
- d) providing a framework within which to facilitate and encourage trade among willing partners and contracts based on standards, elimination of trade barriers, the promotion of service excellence and fair and efficient trade at all levels;
- e) Promotion of efforts to facilitate the correct application of standards through, for example, the consideration of training principles;

- f) **Technology Transfer:** Standards act as good vehicles for transfer of technology. Since standards constitute the result of science, technology and experience, they reflect the state of art of the technical development;
- g) **Interchangeability:** The convenience in use, one experiences while using some of the products such as electrical lamps from different manufacturers with the same lamp holder is the result of dimensional interchangeability of products from different manufacturers; and
- h) **Compatibility:** -Parallel development of products which are required to be used in combination pose problems if they are not compatible with each other. For example, data transmission equipment and data communication equipment systems require interconnection between different sub-systems and computers.

7 Principles for development of Kenya standards

The development of Kenya standards shall be guided by the standardization principles as follows and as detailed in Annex A

- a) Transparency
- b) Openness
- c) Impartiality and consensus
- d) Effectiveness and relevance
- e) Coherence
- f) Development dimension
- g) Stakeholder engagement
- h) Due process
- i) National implementation/adoption of International Standards

8 Concepts behind the development of Kenya Standards

The procedures for the development of Kenya standards shall be as contained in KEBS' Standards Development Operating Procedures and shall be based on the concepts outlined in clauses 8.1 to 8.6.

8.1 Code of Good Practice

8.1.1 The World Trade Organization (WTO) is the international organization that deals with the global rules of trade between nations. Its main goal is to ensure that trade flows as smoothly, predictably and freely as possible.

8.1.2 Kenya is a signatory to the World Trade Organization Agreement on Technical Barriers to Trade (WTO TBT Agreement). The WTO TBT Agreement contains a code that standards bodies should follow to ensure that their standards do not constitute technical barriers to trade in line with the objectives of the WTO. This code appears in Annex 3 of the WTO/TBT Agreement and is called the Code of Good Practice for the preparation, adoption and application of standards.

8.1.3 Kenya shall implement the Code of Good Practice (CGP) through Policies and Procedures which specifies adherence to WTO/TBT Code of Good Practice.

8.2 Project management

8.2.1 KEBS shall ensure effective and efficient management of projects. This is essential because:

- a) Standards have to be on time in order to retain their value; and
- b) The resources managed are the stakeholders' resources.

8.2.2 Effective project management shall be pro-active. It requires a planned and systematic approach, including certain routines with regard to timely and adequate corrective action.

8.2.3 Project targets shall be defined in work programme bulletins and work plans. The TC secretary shall be responsible for the management of all projects in the work programme of the TC, including monitoring of project progress against the agreed target dates. Performance shall be monitored through KEBS' monthly and quarterly reports.

8.3 Consensus

The principle of consensus entails trying to ensure that the interests of all those likely to be affected by the standard are taken into account, and that individual concerns are carefully and fairly balanced against the wider public interest. Achievement of consensus entails recognition of this wider interest and willingness to make reasonable compromises. Trivial objections are unlikely to gain support and may be over-ruled. However, where a member consistently maintains a fundamental objection and supports it with sound arguments, these concerns will be taken seriously.

8.4 Discipline

Discipline is required with respect to deadlines, and adequate establishment of consensus and national positions. It is the responsibility of each organization represented in the TC to ensure that the technical standpoint presented at the TC – at the earliest possible stage – reflects the best national interest.

8.5 Application of modern technology

Kenya standards and the development process shall take into account applicable modern technology.

8.6 Cost-effectiveness

The development process of Kenya standards shall be cost effective and this shall be achieved through effective project management.

9 Approval requirements

9.1 The standardization process shall meet the approval requirements in table 1.

9.2 Acceptance of a new work item by correspondence requires a response from at least 50 % of the members of the TC with a simple majority of the respondents in favour.

9.3 The public review process shall be repeated if, in the TC chairperson's opinion, significant technical changes are required to be made to the standard at the end of the public review stage. The comment period may, however, be shortened in line with the code of good practice, in cases where urgent problems of safety, health or environment arise or threaten to arise.

Table 1 — Summary of approval requirements for Kenya Standards

Stage	Process	Product	Product acceptance criteria
1	Proposal stage <ul style="list-style-type: none"> — Adoption of proposal for new work item by TC — Approval of proposal for new work item by SPC 	New Work Item proposal (NWIP);	Support from simple majority of the TC members in a meeting or through correspondence
2	Committee stage <ul style="list-style-type: none"> — Preparation, circulation of preliminary(Working) draft with a template inviting TC comments — TC meeting and comments included in CD — Acceptance of CD for submission as DKS 	Draft Kenya standard (DKS)	Consensus, or Support from simple majority of the TC-members voting
3	Public review stage <ul style="list-style-type: none"> — Submission of DKS for public comment for 60 days for adapted standards — Submission of DKS for national comment for 30 days for total adoption standards — Submission of DKS for editing <p>NOTE The comment period may, however, be shortened in line with the code of good practice, in cases where urgent problems of safety, health or environment arise or threaten to arise</p>	Draft Kenya standard (DKS)	Consensus or; Support from simple majority of the TC-members voting
4	Balloting stage <ul style="list-style-type: none"> — Review of public comments on DKS by TC — Acceptance for submission as FDKS by TC — Submission of FDKS for Editing by secretariat <p>NOTE The DKS process shall be repeated if, in the TC chairperson's opinion, significant technical changes are required to be made to the standard at this stage. If no comments are received, or no significant technical changes are introduced, the standard shall be submitted as FDKS to the TC for acceptance</p>	Final Draft Kenya standard (FDKS)	2/3 of TC members vote positive
5	Approval stage <ul style="list-style-type: none"> — Agreement by SAC to Publish 	Kenya Standard (KS)	As per the provisions of the Standards Act

9.4 If no comments are received, or no significant technical changes are introduced at the end of the public comment stage, the DKS shall be submitted as Final Draft Kenya Standard (FDKS) to the TC for acceptance.

10 Committees

10.1 General

Committees are the backbone of the standardization process. Committees shall be

- Technical Committees (TCs),
- Sub Committees (SCs) of Technical Committees, or
- Working Groups (WGs).

10.2 Confidentiality

10.2.1 Committee proceedings

With the exception of drafts for public review, documents circulated by KEBS to any committee, or those designated as confidential by a third party, shall be confidential and for private circulation only (even when documents are not marked as such). Committee members shall not disclose committee proceedings/documents to any body, other than their nominating body, without the committee's express authorization.

When distributing documents, committee members and their nominating bodies shall ensure that recipients are aware of their confidential nature and are responsible to the committee for the safeguarding of the confidentiality of such documents.

With a committee's agreement, documents may be circulated to individuals who are not committee members at the request of interested organizations; such agreements shall be minuted. Committee members receiving documents through their work on a committee shall not use the contents of such documents for any purpose other than the work of the committee.

NOTE This does not preclude due consultation on such material within organizations represented on the committee. For this reason it has to be recognized that absolute confidentiality cannot be guaranteed and KEBS can offer no assurances in this respect. Those submitting commercially sensitive material do so at their own risk.

10.2.2 External communication

The standards development process is, as far as is feasible, open and transparent to those not participating in it directly. However, in order to encourage the free exchange of views, it is expected that formal committee meetings will usually be held in private, and that individual views and standpoints will not be reported outside the meeting without the explicit consent of those involved. Unless previously authorized by KEBS, it is not acceptable for any committee member to issue a public statement (e.g. to the press or at a conference) that divulges the expected content of a standard under development, or purports to reflect the collective viewpoint of a Technical Committee or of KEBS.

NOTE Violation of this important principle may lead the committee concerned to remove the committee member involved.

10.3 Committee membership

10.3.1 Membership to technical Committees shall be open to all interested stakeholders and will be publicly advertised.

10.3.2 If a TC member fails to participate in three (3) consecutive meetings, either physically, web conferencing or by correspondence, without justifiable reasons he/she shall be automatically disqualified from membership.

10.3.3 In addition, it is important to note that participation in technical committees is voluntary and does not attract monetary benefit.

10.4 Technical committees

Technical committees shall be constituted to be representative, as far as reasonably possible, of valid national interests in the standardization of products or processes. Membership shall be on the basis of organization, association or forum representation, or renowned professionals/experts as opposed to an individual basis.

TC Membership shall be drawn from the following stakeholder categories:

- a) Government Lead Agency/Regulatory Authority;
- b) Manufacturers, producers, or service providers;

- c) Major corporate consumers;
- d) University, Research and other Technical Institutions;
- e) Industry Association;
- f) Trade Association;
- g) Professional Body;
- h) Consumer Organization;
- i) Non Governmental Organizations;
- j) Renown Professionals/experts; and
- k) KEBS — Secretariat.

10.5 Responsibilities of committee members

10.5.1 In order to achieve maximum efficiency and the necessary discipline in the work, each organization shall participate actively in the work of the TC, with an obligation to respond to documents circulated for comment, voting or both, and participate in and (where applicable) vote at meetings.

10.5.2 Committee members are expected to carry out self-evaluation annually.

10.6 Subcommittees

Technical committees can propose the formation of subcommittees to which they may delegate the responsibility for the preparation of standards.

10.7 Working groups

A committee can set up working groups, usually temporary in nature, to undertake specific, short-term tasks, such as the preparation of a working draft (WD), or other investigations.

10.8 Committee chairperson

10.8.1 The chairperson shall be expected to have a working knowledge of standardization procedures at national and international levels.

10.8.2 The Chair of a technical committee shall be responsible for the overall management of that committee, including any sub-committees and working groups. The TC Secretary shall be responsible for the management of all projects in the work programme of the TC, including the monitoring of project progress against the agreed target dates. In the role of project manager, TC Secretary shall be assisted by TC chair.

10.8.3 The core responsibility of the TC Chair shall be building neutrality, efficiency and effectiveness in conduct of meetings. The Chair shall ensure that all points of view have received adequate attention, that consensus is reached, and that all resolutions are worded in a clear and precise manner and are made available – by the Secretary – for confirmation.

10.8.4 The Chairperson shall not have either a direct business or commercial interest in the products or services covered by the scope of TC/SC.

10.8.5 The Chairperson shall promptly make full disclosure if there exists any potential or perceived Conflict of Interest involving his or her personal interests, or the interests of the employer in regard to the project under consideration to the Committee.

10.8.6 Appointment procedures and detailed responsibilities of TC Chair and Secretary shall be as detailed in KEBS' procedures for standards development.

10.8.7 The chairman of a technical committee or subcommittee shall not be a chair of more than one KEBS TC.

10.9 General Principles of the TC members Code of Conduct

All parties engaged in the development of Kenya Standards shall adhere to the code of conduct as outlined in Annex B.

11 Participation in international committees

11.1 Benefits

Participation in International technical committees, subcommittees and working groups offers the following national benefits:

- a) Best opportunity to influence technical work at the international level in accordance with the national economic and social priorities;
- b) Committees are a good forum for the identification of trends and offer early insider knowledge which provides a competitive edge;
- c) The insights obtained can reduce the risks of investing in inappropriate technology;
- d) International standards decrease costs caused by undesirable technical diversity;
- e) International standards facilitate international trade by providing specifications between contracting parties; and
- f) International standards assist countries to develop their emerging economy.

11.2 National mirror committees

11.2.1 Wherever practicable, the national TC structure shall be in alignment with that of the corresponding international and/or regional TC. Wherever practicable, the national TC shall be the national mirror committee of the corresponding international or regional TC. The process for determining the priority areas for alignment shall be as specified in clause 11.5 and shall be based on:

- a) Economic importance of the sector covered by the international and/or regional TC; and
- b) Social importance of the sector covered by the international and/or regional TC.

11.2.2 The mirror committee shall provide input into the development of international or regional standards and subsequently decide to adopt these international or regional standards as Kenya standards. In order for national contributions by the mirror committee to be effective, participation in the international or regional TC shall be systematic and continuous. To ensure the regular study of technical documents, comparison with local needs shall be made and a national position developed through consensus.

11.3 Membership to regional/international TCs

11.3.1 Membership to Regional/International TCs is normally drawn from national Technical Committees. Official communication with international or regional technical committees and subcommittees shall be routed through KEBS. For IEC and AFSEC, communication shall be through the secretariat of the National Committee.

11.3.2 Membership to Codex committees is normally drawn from member countries to FAO/WHO. Official communication with the Codex Alimentarius Commission is usually routed through the National Codex Contact Point.

11.3.3 As the National Standards Body (NSB), KEBS shall:

- a) Facilitate the process of negotiation and consensus-building across stakeholders in national mirror committees; and
- b) Contribute to the international or regional negotiation and consensus-building process in international or regional committees.

11.4 Efficient and effective participation in international or regional TC

11.4.1 At international or regional TC meetings, Kenya shall be represented by delegations drawn from the national mirror TC. National representatives are expected to represent Kenya's views in the overall work of an international or regional committee and participate in reviews of the international or regional committee's work. Where necessary and possible, this participation will take the form of attendance at international or regional TC meetings.

11.4.2 A delegate to an international or regional TC meeting may be the same individual who has been nominated by KEBS or NECC to be an expert in a working group. Members of working groups are experts who are expected to input their individual know how and experience in the context of the particular standardization project to which they are contributing.

11.4.3 Experts in a working group are usually nominated by the member bodies that have agreed to actively participate in the project concerned, but they do not formally represent these member bodies. They act in a personal capacity.

11.4.4 Heads of delegations shall be designated by KEBS or the NECC. It shall be their task to indicate Kenya's position on all items during an international or regional TC or SC meeting, and to ensure that the Kenyan delegation presents a homogeneous view on these items. They shall be responsible for the sustained effectiveness of participation by their delegation, for instance by means of adequate feedback to the national mirror committee. In order to promote consistency of opinions, it may be beneficial to have a regular representative, for instance as head of delegation.

11.5 Prioritization in standardization

11.5.1 Prioritization shall be based on the National Standardization Plan which shall be reviewed annually.

11.5.2 Kenya shall participate in international and regional TCs that:

- a) Address products or services in which there is substantial national interest (economic or social), either for domestic use or for international trade purposes; and
- b) Has an equivalent national mirror committee to ensure constructive contributions at the working group level and effective presentation of national position at the international or regional TC.

11.5.3 Economic research, monitoring of trends in public opinion and regulatory measures by the competent authorities, combined with the application of relatively simple ranking systems, will provide a useful overall picture of priorities for standardization. However, the assessment exercise shall also include direct surveys of the actual need for standards as perceived by stakeholders in their respective sectors.

11.5.4 Economic importance of standards

In an economic context, the importance of any sector can be assessed by consulting industrial and trade statistics and considering, for instance, the sector's contribution to the Gross Domestic Product (GDP) and the role of the sector in export trade. The priority of sectors and subjects may be quantified by means of ranking systems. These ranks could range from "1 (very important)" to "5 (of much less importance)".

11.5.5 Social importance of standards

In a social context, the importance of any sector can be assessed based on the extent and urgency of the problems relating to health, safety, the environment and employment, which the proposed standard or area of standardization may help to solve. Safety issues usually require urgent solutions. Health and environmental problems can be short, medium or long term. The priority of sectors and subjects may be quantified by means of ranking systems. Based on the extent, urgency and public interest, ranks for social importance could range from "1 (very serious and urgent problem, public outcry)" to "5 (problem localized, no media reaction)".

12 Development stages of Kenya standards

12.1 Any person or organization may request for the development of a new standard or revision of an existing standard in writing preferably using the online tool on KEBS Website. The proposer shall supply information justifying the development of the standard. In general, the drafting stages in the development of a standard begin after a new work item proposal has been adopted by the responsible committee and approved by the Standards Project Committee.

12.2 The approved proposal may be a project for either a new standard or the revision of an existing standard. Adoption of a new work item by correspondence requires a simple majority of the TC members responding in favour.

12.3 A summary of development stages of Kenya standards is as outlined in Table 2. Details of development stages are described in KEBS' standards development operating procedure. The criteria for approval of Kenya standards and adoption of international or regional standards shall be as outlined in Tables 1 and 3 respectively.

Table 2 — Development stages for Kenya Standards

Stage	Process	Product	Acronym
1	Proposal stage <ul style="list-style-type: none">— Adoption of proposal for new work item by TC— Approval of proposal for new work item by SPC	New Work Item proposal	NWI
2	Committee stage <ul style="list-style-type: none">— Preparation, circulation of preliminary(Working) draft with a template inviting TC comments— TC meeting and comments included in CD— Acceptance of CD for submission as DKS	Committee Draft(s)	CD
3	Public review stage <ul style="list-style-type: none">— Submission of DKS for public comment for 60 days for adapted standards— Submission of DKS for editing— Review of public comments on DKS by TC <p>NOTE 1 This period may, however, be shortened in line with the code of good practice, in cases where urgent problems of safety, health or environment arise or threaten to arise.</p> <p>NOTE 2 The DKS process shall be repeated if, in the TC chairperson's opinion, significant technical changes are required to be</p>	Draft Kenya Standard	DKS

Stage	Process	Product	Acronym
	made to the standard at this stage. If no comments are received, or no significant technical changes are introduced, the standard shall be submitted as FDKS to the TC for acceptance		
4	Balloting stage <ul style="list-style-type: none"> — Acceptance for submission as FDKS by TC — Submission of FDKS for Editing by secretariat 	Final Draft Kenya Standard	FDKS
5	Approval stage <ul style="list-style-type: none"> — Agreement by SAC to Publish 	Kenya Standard	KS
6	Publication stage <ul style="list-style-type: none"> — Announcement of approved/amended/confirmed/withdrawn standards in the Kenya Gazette and on KEBS' website 	<ul style="list-style-type: none"> — Electronic PDF copy of Kenya Standard (sale on demand); — Hard copy of Kenya Standard (print on demand). — Downloadable online electronic copy of Kenya Standard (KEBS Webstore) 	KS

Table 3 — Adoption of International Standards

Stage	Process	Product	Acceptance criteria
1	Proposal stage <ul style="list-style-type: none"> — Circulation of Proposal to adopt international standards for national views — TC meeting and discussion of comments from stakeholders 	New Work Item proposal	acceptance by simple majority in support
4	SPC stage <ul style="list-style-type: none"> — Approval of proposal for new work item by SPC 	Final Draft Kenya Standard (FDKS)	Acceptance by simple majority
5	Approval stage <ul style="list-style-type: none"> — Agreement by SAC to Publish 	Kenya Standard	<ul style="list-style-type: none"> — TC representation was fair — Simple majority
6	Publication stage <ul style="list-style-type: none"> — Announcement of approved/amended/confirmed/withdrawn standards in the Kenya Gazette and on KEBS' website 	<ul style="list-style-type: none"> — Electronic PDF copy of Kenya Standard (sale on demand) — Hard copy of Kenya Standard (print on demand) — Downloadable online electronic copy of Kenya Standard (KEBS Webstore) 	-

12.4 If consensus cannot be reached within the original time frame specified, the Standards Project Committee may review progress and, if appropriate, suggest a re-submission of the new work item, or request the market relevance to be re-evaluated.

12.5 If SPC is advised that there is no agreement being reached in the Technical Committee, or if conclusion of the draft would lead to continuing contention, the project shall either be abandoned, or referred to KEBS Managing Director for further direction.

12.6 Alternatively, if SPC concludes that an acceptable standard can be prepared, but the Technical Committee itself remains unable to reach a decision, the disagreement shall be referred promptly to the National Standards Council, a panel of which shall hear the evidence and recommend a line of action. The decision of the Council shall be final and binding on all parties.

12.7 The style, layout and language of standards shall be the responsibility of KEBS as outlined in KEBS' editorial guides.

13 Disputes and appeals

13.1 The principle of consensus shall be upheld at all times, but provision is made for appeal by a member of a committee against a subcommittee decision, a technical committee decision, or against a decision of the management of KEBS. An appeal shall be lodged in writing, within ten working days of the decision, stating clearly the technical grounds on which the appeal is made.

13.2 An appeal against a subcommittee decision or a ruling by the chairperson of a subcommittee shall be lodged with the chairperson of the technical committee who shall forward the same to TC for further direction.

13.3 An appeal against a technical committee decision or a ruling by the chairperson of a technical committee shall be lodged with the chairperson of SPC who shall forward the same to SPC for further direction.

13.4 An appeal against a decision by SPC shall be lodged with the Managing Director of KEBS who shall forward the same to the National Standards Council for further direction. Any decision by the National Standards Council concerning an appeal in respect of a standard shall be final.

13.5 Pending resolution of an appeal, work in progress on a standard during the appeal, shall continue up to, but not including, approval of the standard by SAC.

13.6 In the event of a Technical Committee failing to reach consensus on the Kenyan position on a project of international or regional origin, a vote shall not be taken by the committee members to resolve the matter. KEBS' senior management concerned shall be informed promptly with a view to take urgent action, in consultation with the Chairman and Secretary of the Technical Committee and others concerned, to resolve the problem speedily.

13.7 If the Technical Committee remains unable to reach consensus on the Kenyan position, a vote of abstention shall be forwarded.

13.8 In the event of failure to reach consensus within the international or regional committee, the appeal procedures of the appropriate international or regional organization shall be followed.

14 Verification of conformity

14.1 A product (including services) or process specification shall contain clear statements of how conformity to all of its requirements can be verified (e.g. by specifying methods of test or of measurement).

14.2 The wording of such a specification shall enable conformity to its requirements to be verified equally by a first party (manufacturer or supplier), second party (user or purchaser) or an independent third party.

14.3 Criteria for conformity shall be stated in such a way to ensure that, however the claim of conformity is made, exactly the same requirements are satisfied.

15 Updating and maintenance of Kenya Standards

15.1 General

KEBS shall ensure that every standard is under the responsibility of a technical committee. Each TC shall maintain standards for which it is responsible, to ensure that those standards are up to date with the current practice and free from material error.

15.2 Systematic review

Kenya Standards shall be reviewed every five years to ensure that they remain valid. Adopted international standards shall be reviewed only when the source standard is reviewed.

When reviewing the standard, the following four options shall be considered by the TC:

- a) confirmation, which means that the standard, as is, remains valid;
- b) amendment which means that the standard subject to amendment will be considered valid;
- c) revision, which means that a revision of the entire standard is to be undertaken; and
- d) withdrawal, which means that the standard is no longer needed.

15.3 Corrigenda

Corrigenda shall be issued when essential for the correction of typographical or editorial error. Where a post publication error or errors in a standard that is considered to be misleading or have serious consequences, the error, together with all relevant information shall be referred to the relevant TC, which shall consider what, if any, corrective action is to be taken.

15.4 Amendments

Amendments to published Kenya standards shall be issued when essential for:

- a) The correction of an error that could be misleading or has potentially serious consequences; and
- b) Alteration or addition (or both) to previously agreed-upon technical provisions of the standard.

15.5 Revisions

The revision of a standard, resulting in a new edition, shall be considered when:

- a) A change is needed in the basic structure or layout of the standard;
- b) As a result of numerous amendments or for other reasons, the resultant page or clause numbering has become confusing to such an extent that reading of the standard becomes difficult;
- c) The criteria for determining compliance with the standard for a product or service have changed to such an extent, either as a result of amendment(s) or as a result of technological changes, it is deemed necessary to issue a new edition of the standard, in order to draw attention to these substantially changed criteria, or make the latest version of the standard more readily understandable; and
- d) In the case of adopted standards, a revision of the original standard is issued.

16 Responsibility of standards users

It is the responsibility of all users of standards to ensure that they select standards which are in all respects appropriate to their needs and that they use the standards and the product (including service) to which they relate in a safe and appropriate way.

17 Copyright policy

17.1 When sources used in the drafting of a particular Kenya standard are protected by copyright, it is essential that the copy right owners give their consent for the use or reproduction of such material.

17.2 At the drafting stage, the TC Secretary shall be responsible for ensuring that no material is included that would infringe the copyright of a third party. If it is imperative that such material be included, permission shall be obtained from the copyright holder.

17.3 All drafts (WD, CD, DKS and FDKS) and Kenya standards (KS) are commercial documents protected by copyright and shall not be reproduced without prior permission from KEBS. However, free distribution of such documents shall be allowed within a working group or committee, but only for the purposes of further standardization, such as the revision of an existing standard.

18 Patents policy

18.1 Technical reasons may justify the preparation of a standard in terms which include the use of items covered by patent rights, provided the holder of such identified patent rights is willing to negotiate licences under his rights on reasonable and non-discriminatory terms and conditions.

A statement to this effect, the contact person and name and address of the company holding the patent shall be included in the foreword of the standard. KEBS shall not be held responsible for identifying any or all such patent rights.

18.2 Should it be revealed after publication of a Kenya standard that licences under patent rights, which appear to cover items included in the standard, cannot be obtained under reasonable and non-discriminatory terms, the standard shall be referred back to the relevant TC for further consideration.

PUBLIC REVIEW DRAFT

Annex A

(normative)

Principles for development of Kenya Standards

Principle	What the National Standards Body (NSB) must do
Transparency obligation	The work programme on standards being developed must be published every six months
All essential information on current work programme must be made easily accessible	Invitation to join the technical committee must be made public
	Draft standards must be published for public comment for at least 60 days - the notice shall include the scope and rationale for the standards
	The text of the draft standards must be made available promptly upon request
	The approved standards must be published promptly
Transparency obligation	The work programme on standards being developed must be published every six months
All essential information on current work programme must be made easily accessible	Invitation to join the technical committee must be made public
	Draft standards must be published for public comment for at least 60 days - the notice shall include the scope and rationale for the standards
	The text of the draft standards must be made available promptly upon request
	The approved standards must be published promptly
Impartiality and consensus obligation	Impartiality should be maintained throughout in:-
The standards development process must not give privilege to, or favour the interest of a particular supplier or product. Consensus should seek to take into account the views of all parties concerned and to reconcile conflicting arguments	Participation in the technical committees
	Submission of comments on drafts
	Consideration of views expressed
	Decisions through consensus
	Obtaining information and documents
	Dissemination of standards
	Fees charged for documents
	Revision of the standards
Effectiveness and relevance obligation	Standards should be based on performance characteristics rather than descriptive characteristics
National Standards must facilitate trade, Prevent unnecessary trade barriers, not distort the market, respond to regulatory and market needs and take technological development into account	Standards should take scientific and Technological developments into account
	Standards should take account of regulatory and market needs

Principle	What the National Standards Body (NSB) must do
	Procedures must be in place to review standards and amend, revise or withdraw standards that have become ineffective
	Processes to liaise with regional and International Standardization organizations must be in place
Development obligation	Tangible ways of facilitating participation of SMEs in the standards development work must be sought
Constraints on less developed interested parties, especially SMEs should be taken into consideration	Less developed interest parties must not be de facto excluded from the standards development process
Stakeholder Engagement obligation	A dedicated forum, e.g. a Standards Advisory Forum, is the place for inviting all stakeholders to articulate their needs
Stakeholders are important to the NSB and should be actively engaged in the policy and technical level	Stakeholders such as business associations, consumer organizations and relevant regulatory authorities should be invited individually as members of technical committees
	Draft standards published for public comment should be sent specifically to business associations, consumer organizations and relevant regulatory authorities
	Published standards should be made known widely, including sector specific workshops and other focused activities
Due process obligation	A "standard for a standard" should be developed and made freely available as the established rules for the development, approval and appeals regarding national standards
Standards development work should be carried out in accordance with established rules	Internal procedures including editing procedures should guide processes internal to the NSB, i.e a formal quality management system should be implemented and maintained
	The NSB Must comply demonstrably with the WTO TBT Agreement Annex 3, and notify its compliance formally to WTO
Adoption of International Standards obligation	National Standards should be based on or be adoptions of International Standards with as few deviations as possible
National Standards should form a coherent system with International and regional Standards	National Standards conflicting with International Standards should be reviewed and withdrawn
	The NSB should participate actively in International and Regional standards development whenever strategically relevant for the country

Annex B

(normative)

General principles of the TC members code of conduct

Principle	Conduct
Respect others	<p>We are committed to:</p> <ul style="list-style-type: none"> • Respecting others and the professional culture in the field of standardization. • Conducting ourselves in a professional manner. • Respecting others and the diversity of professional opinions - scientific, technical, or otherwise. • Embracing the concepts of compromise and consensus building in the development of standards. • Accepting and respecting consensus decisions of the committee or working group and of National Standards Council. <p>Making the effort to hear and understand the views of all, regardless of the diversity of members.</p>
Behave ethically	<p>We will:</p> <ul style="list-style-type: none"> • Act in good faith and with due care and diligence. • Avoid collusive or anticompetitive behavior. • Promote a culture of fair and ethical behavior, without prejudice against any member based on any human differences. • Refrain from debate and discussion that is disrespectful, threatening (mental or physical), or otherwise unprofessional in tone or which is offensive to other members and damaging to KEBS and the overall process of achieving consensus. • Treat all persons with respect and fairness and not offer or appear to offer preferential treatment to any person or group. • Refrain from disseminating false or misleading information or from withholding information necessary to a full, fair, and complete consideration of the issues. • Not harass, threaten or coerce any member in an effort to persuade or sway votes. This does not preclude professional, respectful debate and exchange of views that contain information and/or present perspectives intended to persuade other members to lend their support or opposition to issues, proposals, etc. in order to ultimately achieve consensus.
Resolve disputes	We will uphold the agreed dispute resolution processes.
Work for the net benefit of the country	We recognize that the development of standards is for the net benefit of the country, over and above the interests of any individual or organization. We are committed to advancing standards within their agreed scope and we will not hinder their development.
Uphold consensus and governance	We will uphold the key principles of standardization: consensus, transparency, openness, impartiality, effectiveness, relevance, coherence and the development dimension.
Agree to a clear purpose and scope	We are committed to having a clear purpose, scope, objectives and plan to ensure the timely development of standards.
Participate actively and manage effective representation	<p>We agree to actively participate in standards development projects.</p> <p>We will make our contributions to the work through the official procedures.</p>