



**Kenya Bureau of
Standards**

PVOC PROGRAM OPERATIONS MANUAL

Version 12, Date: 22nd June 2022

1. INTRODUCTION

1.1. General Overview of the PVoC Program

PVOC Program is a conformity assessment program applied to products at the respective exporting countries, to ensure their compliance with the applicable Kenya standards, approved specifications, and other applicable regulations.

1.2. Legal Basis of the PVoC Program

PVOC program was started on 29th September 2005 by KEBS, through the publication of Legal Notice No. 78 of 15th July 2005 by then Minister for Trade and Industry. This Legal Notice was superseded by Legal Notice No. 127 of 19th June 2018. On 12th November 2019, the Cabinet Secretary, Ministry of Trade, Industry and Co-operatives revoked this Legal Notice and issued Legal Notice 183.

On 28th April 2020, Legal Notice 183 was revoked and replaced with Legal Notice 78 (2020). There have been further amendments to Legal Notice 78 (2020) to improve the program as listed below:

- i. Legal Notice 212 (18th December 2020)
- ii. Legal Notice 53 (22nd April 2021)

The program is also compliant with the provisions of Article 5 of WTO TBT Agreement.

1.3. Objectives of the program

- To ensure quality of products, health and safety, and environmental protection for consumers.
- To facilitate trade by ensuring that compliant goods are given expedited clearance at the port of entry.
- To safeguard the country from unfair trade practices and dumping of substandard goods by ensuring that imported products comply with the same requirements to which locally manufactured goods are subjected.
- To safeguard the country's national security.
- To prevent deceptive trade practices.
- To enhance efficiency of clearance of imported goods at the ports of entry

1.4. Operations of the Program

- The program is operated by contracted inspection companies on behalf of KEBS. The program covers key exporting countries to Kenya
- The key exporting countries are grouped into eighteen (18) Zones as detailed under clause 5.2 below.
- Goods from countries NOT covered under the program will be subjected to destination inspection. These countries are listed under clause 5.3 below
- The basis of certification is Kenya standards, approved specifications, and other applicable regulations.

2. TERMS AND DEFINITION

- | | |
|---------------------------|---|
| ▪ COC | – Certificate of Conformity |
| ▪ COR- | – Certificate of Roadworthiness for Motor Vehicles |
| ▪ DVS | – Department of Veterinary Services |
| ▪ IDF | – Import Declaration Form |
| ▪ KEPHIS | – Kenya Plant Health Inspectorate Service |
| ▪ Mobile Equipment | – refers to bulldozers, agricultural / Industrial machinery, excavators, graders, stone crushing machines, road rollers, forklifts, wheel loaders, Railroad |

car/wagon, Asphalt Milling Machine, moveable cranes, and other off-road vehicles.

- **NCR** – Nonconformity Report
- **PCPB** – Pest Control Products Board
- **PPB** – Pharmacy and Poisons Board
- **PVOC** – Pre-Export Verification of Conformity to Standards
- **PVOC** – KEBS - Appointed Inspection Companies.
- **Contractors**
- **QMS** – Quality Management System
- **RFC** – Request for Certification
- **VAT** – Value Added Tax

3. RESPONSIBILITIES UNDER THE PVOC PROGRAM

3.1. Importers

- a) To request for PVoC services by submitting request for certification (RFC) to PVoC Contractors.
- b) Obtain the applicable Kenya Standards from KEBS and share the requirements with their suppliers
- c) Obtain other regulatory import requirements applicable to their imports and share with their suppliers
- d) Ensure that only goods meeting the requirements of applicable Standard or approved specifications and issued with CoC or CoR are shipped to Kenya. Goods not meeting the applicable requirements and issued with NCRs shall not shipped to Kenya.
- e) Ensure goods that are imported meet Kenya standards, approved specifications, and other applicable regulations.
- f) Ensure that consignments that are not accompanied by CoC, or CoR as required are presented to KEBS for destination inspection and/or testing prior to release from the Port of Entry.

3.2. Exporters

- a) Ensure their products or goods meet the requirements specified in relevant Kenya standards, approved specifications and other applicable regulations before shipment by carrying out tests and facilitating physical inspection, where required, by PVoC Contractors.
- b) Ensure that the consignments have been issued with a CoC, or CoR by PVoC Contractors for all products subject to the PVoC program before shipping.

Note: Importer or exporter is required to confirm the details in the CoC/CoR draft given by the PVoC Contractor before issuance of the final CoC/CoR. KEBS will not allow amendments after issuance.

3.3. PVoC Contractors

Six (6) inspection companies (PVoC Partners) have been contracted by KEBS to undertake PVoC activities. These are:

a) General Goods

- i. Bureau Veritas Kenya Ltd
- ii. China Certification & Inspection Group Company Ltd
- iii. China Hansom Inspection & Certificate Co. Ltd
- iv. Societe Generale de Surveillance S.A
- v. TUV Austria (Turk) Kenya Limited
- vi. World Standardization Certification & Testing Group (Shenzhen) Co. Ltd

b) Motor Vehicles, Motor Vehicle Spare Parts, and Mobile Equipment

- i. Quality Inspection Services Inc. Japan (QISJ)

The role of PVoC Contractors is to undertake conformity assessment activities in the country of origin for general goods, motor vehicles, spare parts and mobile equipment being imported into Kenya. These activities include inspection, sampling, testing, sealing of full-load containers (where applicable) and issuance of COCs/ CORs / NCR

The inspection shall be scheduled in liaison with the exporter. The physical inspections shall be undertaken within four (4) working days and one (1) working day of receipt of the duly completed Request for Certification Form from the exporter for sea bound shipments and one air freight shipments respectively unless a different date is requested in writing the exporter.

Issuance of Certificates of Conformity for compliant consignments shall be within two (2) working days and one (1) working day of receipt of final documentation and meeting payment terms by the exporter/importer for sea bound cargo and air freight cargo respectively.

3.4. KEBS

Ensure that only goods meeting the requirements of the relevant Kenya Standards or approved specification enter the country as provided for in the Standards Act Cap 496, Laws of Kenya, and the Standards (Verification of Conformity to Standards and other Applicable Regulations) Order, 2020.

3.5. Partner Government Agencies

All other government agencies with mandate over international trade operations shall continue to remain accountable for the discharge of their respective mandates in accordance with existing legal frameworks, but subject to adherence with the guidelines provided by the Government circular reference OP/CAB 9/83A dated 4th June 2019.

4. PVOC SCOPE

All imported goods destined to Kenya from countries listed under clause 5.2, including those regulated by other Partner Government Agencies except those listed in the schedule of the Legal Notice No. 78 of April 2020 (Annex 4), shall be required to undergo mandatory certification in the country of origin or supply prior to shipment into the country.

5. CERTIFICATION OF GENERAL GOODS

5.1. Contacts details of the liaison offices for the contracted inspection companies for general goods

5.1.1. Bureau Veritas Kenya Ltd

First Floor, ABC Place,
Waiyaki Way, Westlands, Nairobi
Phone: + 254 20 445 05 60/1/2/3/4
Fax: + 254 20 445 05 65
Email: conformity.kenya@ke.bureauveritas.com

5.1.2. China Certification & Inspection (Group) Inspection Co. Ltd (CCIC)

Fortis Suites, 3rd Floor, Hospital Rd, Upperhill, Nairobi
P.O Box 21641 – 00100 NAIROBI
Phone: +254-724-458752 / +254-722-926876 / +254-721-991492
Email: ccickenya@ccic.com / ccickenya@gmail.com

5.1.3. China Hansom Inspection & Certificate Co. Ltd

No.5 Kirichwa Lane Court, Ngong Road, Kenya
P.O.Box 24894-00502, Nairobi

Email address: chinahansomkenya@gmail.com / africa@chic-global.com / wangdonghai@chic-global.com / it@chic-global.com

5.1.4. TUV Austria (Turk) Kenya Limited

Church Road, Westlands
Rahans Buildings, 1st Floor A2
P.o. Box 1, 00618 Nairobi Kenya.
Tel +254721275287
E-mail: yanki.unal@tuv.at / nelson.mburu@gmail.com

5.1.5. World Standardization Certification & Testing Group (Shenzhen) Co. Ltd

Ole Dume Road, Monomotapa Court
P.O. Box 1822-00100 Nairobi, Kenya
Phone: + 254 705 111 120
Email: harold@wsct-kenya.com / info@wsct-kenya.com / fengbing.wang@wsct-cert.com

5.1.6. SGS S.A

2nd Floor - North Wing, Victoria Towers,
Kilimanjaro Road, Upperhill,
P.O. Box 72118-00200
Nairobi, Kenya
E-mail: info.pvoc.kenya@sgs.com
Tel: +254 20 272 7815 / 32 / 34
Mobile: +254 722 717771, + 254 733 777300
Fax: +254 20 273 3664

5.2. PVoC Contractors' Zones / Countries of Responsibilities:

The PVoC Contractors have been allocated zones of responsibilities as detailed in the table below:

Zone No.	Countries / Province in the Zones	Contractor
1	United Kingdom and Ireland	Bureau Veritas
2	China (Hong Kong, Guanxi, Guangdong, Fujian, Hainan and Taiwan)	World Standardization Certification & Testing Group (Shenzhen) Co. Ltd
3	China (Yunnan, Guizhou, Hunan, Jiangxi and Zhejiang)	CCIC
4	China (Tibet, Sichuan, Hubei, Anhui, Jiangsu and Shanghai)	TUV Austria Turk
5	China (Qinghai, Gansu, Shanxi, Shaanxi, Hebei, Shandong and Henan)	CCIC
6	China (Xinjiang, Inner Mongolia, Ningxia, Liaoning, Tianjin, Jilin, Heilongjiang and Mongolia)	China Hansom Inspection & Certificate Co. Ltd
7	India, Pakistan, and Sri Lanka	SGS
8	Japan, Korea South, Indonesia, Malaysia, Philippines, Thailand, Singapore, Vietnam, and Cambodia	SGS
9	Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Venezuela, Colombia, Brazil, Ecuador, Peru, Bolivia, Paraguay, Uruguay, Argentina, Chile, Cuba, Jamaica, Guyana, and Dominican Republic	SGS
10	United States of America and Canada	SGS
11	Lithuania, Belarus, Ukraine, Georgia, Armenia, Azerbaijan, Turkmenistan, Uzbekistan, Kazakhstan, Kyrgyzstan, Tajikistan, Russia, Turkistan, Czech Republic, Slovakia, Hungary, Bulgaria,	SGS

Zone No.	Countries / Province in the Zones	Contractor
	and Poland	
12	Turkey, Greece, Cyprus, Spain, Portugal, and Malta	SGS
13	Italy, France, Switzerland, Belgium, Luxembourg, Liechtenstein, Germany, Austria, and Netherlands	SGS
14	Norway, Sweden, Finland, and Denmark	SGS
15	Iran, Iraq, Saudi Arabia, Oman, Jordan, Syria, Lebanon, Yemen, Bahrain, Qatar, and Kuwait	SGS
16	United Arab Emirates	SGS
18	Mozambique, Namibia, Lesotho, South Africa, Swaziland, and Mauritius	SGS

5.3. Countries NOT subject to PVoC Program (Goods from these countries to be subjected to destination inspection)

Zone No.	Zone	Countries
1	Indian Subcontinent	Afghanistan, Bangladesh, Myanmar, Nepal
2	Far East	North Korea
3	Australia, New Zealand and Polynesia Islands	Australia, New Zealand, Papua New Guinea, Polynesia Islands, Samoa
4	Ex-Soviet Union Republics	Estonia, Latvia
5	Eastern Europe	Albania, Bosnia- Herzegovina, Croatia, Macedonia, Moldova, Montenegro, Serbia, Slovenia, Romania
6	Nordic Countries	Iceland
7	Middle East	Israel
8	Maghreb Countries	Algeria, Morocco, Western Sahara
9	North Africa	Chad, Djibouti, Egypt, Eritrea, Ethiopia, Libya, Sudan, Tunisia
10	West Africa	Benin, Burkina Faso, Cameroon, Cape Verde, Cote D'Ivoire, Equatorial Guinea, Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone, Togo
11	Central Africa	Angola, Central Africa Republic, Congo Brazzaville, DRC, Gabon
12	Southern Africa	Botswana, Madagascar, Malawi, Seychelles, Zambia, Zimbabwe

5.4. Certification Routes for General Goods

The PVoC program has been designed to provide maximum flexibility to exporters and importers by providing three (3) possible routes for obtaining the CoC. The route applied depends on the frequency of exporters' shipments to Kenya, the product risk level and the level of compliance they can demonstrate initially when applying for certification.

5.4.1. Route A (Consignment inspection and Testing)

Under this Route, products to be shipped must be both tested and physically inspected to demonstrate conformity to relevant standards and regulatory requirements. Samples shall be drawn during physical

inspection for testing in any of the laboratories listed under clause 5.3.4 below. This route is open to all products being exported by either traders or manufacturers. Additionally, all containerized cargo under this route must be sealed by the contracted inspection agencies and seal and container numbers indicated in the CoC.

The following products, based on their risks, are only eligible for certification under Route A:

- Animal and Fishery products (fresh and frozen - not further processed)
- Bulk Petroleum products and base oils
- Bulk shipments of cereals and pulses such as rice, wheat, beans, maize etc.
- Edible cooking oils
- Fertilizer
- Fresh dairy products
- Fresh horticultural produce
- Liquid Petroleum Gas (LPG)
- Motorcycle helmets
- Sugar
- Roofing sheets
- Electrical cables
- Used or secondhand goods.

5.4.2. Route B (Product Registration)

This route offers a fast-track certification process for goods of low risk but with reasonable and consistent levels of quality through registration of such products by the PVoC Agent. Product registration is recommended to Exporters having frequent shipments of homogenous products. Among the mandatory documents required for registration are test report(s) from any of the laboratories listed in Clause 5.3.4 for previous shipments certified under Route A demonstrating conformity to relevant Kenya Standards or approved specification. The registration is valid for a period of one year. Shipments of registered products are exempted from mandatory testing in laboratories listed in Clause 5.3.4, however, test reports by the manufacturer traceable to the batches being shipped must be provided to the PVoC Agent for evaluation before any certification decision can be made for shipments targeted for inspection.

5.4.3. Route C Product Licensing:

This route is open only to manufacturers who can demonstrate existence of a quality management system in their production/ manufacturing process. It involves auditing of such production processes and licensing of products manufactured thereof by authorized PVoC Agent(s) in line with ISO Guide 28: 2004. Products presented for licensing shall be subjected to testing in any of the laboratories listed in Clause 5.3.4 to determine their conformity with requirements of relevant Kenya Standards or approved specifications. On successful conclusion of this process, the manufacturer will be presented with a License for the relevant products valid for a period of three (3) years or as determined by the PVoC Partner contract validity period. Licensed products shall be subject to random physical inspection by authorized PVoC Agent(s) prior to issuance of Certificate of Conformity and subsequent shipping of the same. However, test reports by the manufacturer traceable to the batches being shipped must be presented to PVoC Agents for evaluation prior to making any certification decision for shipments targeted for inspection.

Note: The PVoC Agent(s) will review the Request for Certification (RFC) received from the exporter before determining the most appropriate certification route and the applicable standard to be used in the certification process.

5.4.4. Testing of products

Testing shall be undertaken in any of the following laboratories:

- ISO/IEC 17025 accredited Laboratories
- PVoC Contractors' owned laboratories
- Government designated or owned laboratories

5.5. Fees Charged Under the PVoC Program

- **Route A:** 0.60% of the FOB Value min USD 265 max USD 2700
- **Route B:** 0.55% of the FOB Value min USD 265 max USD 2700
- **Route C:** 0.35% of the FOB Value min USD 265 max USD 2700

The above fees cover documentary verification, physical inspection and sampling including sealing of the containers where applicable. The fees do not include: -

- Laboratory testing
- Manufacturer Licensing
- Registration fees
- Sampling of Bulk shipment
- Re-inspection.

These services shall be charged directly by the contractor on a case-by-case basis.

5.6. Enriched Certificate of Conformity

The Government through a Government circular reference OP/CAB 9/83A dated 4th June 2019 directed that the number of port operators be reduced from 28 to 4. For the purposes of ensuring conformity to quality standards and the adherence to other regulatory requirements for cargo entering the country, KEBS was mandated to be the lead agency for the purpose of coordinating the inspection of goods at the country of origin and the issuance of enriched CoCs where goods comply with the requirements and issue an NCR (Nonconformity Report) to goods that do not comply to requirements.

6. MOTOR VEHICLES, MOBILE EQUIPMENT AND USED SPARE PARTS THEREOF

6.1. Motor Vehicle, Mobile Equipment and Spare Parts Inspection

KEBS has appointed QISJ to offer Pre-Export Verification of Conformity services in the following five (5) Countries:

No.	Country
1.	Japan
2.	South Africa
3.	Thailand
4.	United Arab Emirates
5.	United Kingdom

QISJ handles the inspection of:

- i. Used Vehicles, in accordance with **KS 1515:2019 - Code of Practice for Inspection of Road Vehicles** and for the inspection of used vehicles for radioactive contamination and verification of odometer integrity.
- ii. Mobile equipment in accordance with relevant Kenya Standards or approved specification.
- iii. Used spare parts for vehicles, Mobile equipment, and Industrial / Agricultural Machinery in accordance with relevant Kenya Standards or approved specification.

Note: Radiation contamination inspection will be undertaken for all used vehicles, Mobile Equipment and Spare parts from **Japan** and **United Arab Emirates**. It is a mandatory requirement that vehicles, Mobile Equipment and Used spare parts coming from the aforementioned countries are subjected to inspection to demonstrate conformity to the relevant standard before shipment and must be accompanied with CoRs or COCs.

6.2. Motor Vehicle, Mobile Equipment and Spare Parts Inspection Partners Contacts

QUALITY INSPECTION SERVICES INC JAPAN (QISJ)

Liaison Office Contact Details:

Physical Location: Flamingo Towers, 3rd Floor, Wing B, Mara Road, Upper Hill, Nairobi

Tel: +254 740349737, +254 101349737

E-Mail: kerwi@qisjp.com

Full Contact List:

https://www.kebs.org/index.php?option=com_content&view=article&id=86&Itemid=342#quality-inspection-services-japan-qisj

It is a mandatory requirement that vehicles coming from the mentioned countries are subjected to inspection to demonstrate conformity to the standard before shipment and must be accompanied with CoRs.

6.3. Main Features of KS 1515:2019

The following are the key requirements of this Kenya Standard that must be complied with before further inspection can proceed:

- i. The vehicle must be Right Hand Drive.
- ii. The vehicle must comply with Euro IV emissions requirements
- iii. The age limit for the vehicle from the year of first registration: eight (8) years
- iv. The difference between manufacture and registration must be less than one year.

Physical Inspection is only undertaken for vehicles that have met the preliminary requirements above.

Road vehicles are also inspected for evidence of conversion of steering side and converted road vehicles are not allowed for importation into Kenya.

NOTE: KS 1515:2019 applies to road vehicles, which include motorbikes, cars, vans, buses, trucks, and trailers of all sizes.

6.4. Inspection Fees Charged Under the PVoC Program

6.4.1. Motor vehicles

▪ Japan	USD 155
▪ South Africa	USD 225
▪ Thailand	USD 250
▪ United Arab Emirates	USD 192
▪ United Kingdom	USD 225

6.4.2. Mobile equipment and used spare parts

- **0.5%** of the FOB Value min USD **265** max USD **2700** per unit or consignment submitted for inspection.

7. CONSIGNMENTS ISSUED WITH NON-CONFORMITY REPORT (NCR)

- Consignments issued with NCR shall not be allowed entry into Kenya.
- Goods issued with NCR by a PVoC Contractor shall not be presented to another PVoC contractor for certification.

8. IMPORTS FROM COUNTRIES WHERE PVOC CONTRACTORS ARE NOT PRESENT

General Goods and Motor Vehicles being imported from countries where PVOC Contractors are not present (see clause 5.3) shall be subject to destination inspection at upon payment of destination inspection fee equivalent to 0.6% of the approved Customs Value subject to minimum of USD 265 and maximum of USD 2700 per motor vehicle unit or consignment submitted for inspection. Testing fees payable where testing is required to determine conformity.

9. EXEMPTIONS AND WAIVERS FROM PVOC

Criteria for exemption of specific importers from PVoC requirements is as given in Annex 1.

Other request for waivers shall be handled in accordance with the provisions of Legal Notice No. 78 of 28th April 2020, Clause 10 as per the Waivers Evaluation Technical Committee (WETC) criteria as attached in **Annex 5**. The importers seeking for waiver shall write to KEBS seeking for waiver and providing all the required documentation for review.

10. HANDLING OF IMPORTS AT PORT OF DESTINATION (KENYA)

- Goods arriving at the port of entry with a certificate of conformity will be given an expedited clearance.
- Copies of CoR and CoC must be submitted to both KEBS and KRA through the Kenya National Electronic Single Window System ("Single Window") to facilitate cargo clearance at the Ports of Entry.
- Other Import documents to be submitted through the Single Window, for KEBS clearance are:
 - i. Customs Approved Entry
 - ii. Bill of Lading
 - iii. Import declaration Form (IDF)
 - iv. Invoice
 - v. Packing list
 - vi. Genuine authentic Warranty type approval for New Motor vehicle spare parts, New Motor vehicle and mobile equipment (where applicable)

vii. Permits and approval by other Partner government agencies (where applicable)

11. CONTACT INFORMATION

Queries about the inspection requirements should be addressed to KEBS through the following contact details:

Email: pvoc@kebs.org; inspections@kebs.org

Tel: +254 20 6948 423 / 439 / 645/ 646 / 647 / 652 / 000

ANNEX 1

CRITERIA FOR EXEMPTION OF SPECIFIC IMPORTERS FROM PVOC REQUIREMENTS

No.	Category	Criteria	Remarks
1.	Industrial raw materials excluding materials specified by the National Standards Council, completely knocked down kits for road vehicles, machinery and industrial spares imported by registered manufacturers for own use.	<ul style="list-style-type: none">▪ Applicant must demonstrate quality track record for the raw materials and the final products as confirmed by KEBS▪ Proof of transformation of raw material(s) into a completely different product (finished product)▪ Proof of certification to a quality management system/ or professional practice.▪ Manufacturers to provide data on their customers e.g., complaints▪ Manufacturers to provide certificate of analysis or material safety datasheet for raw materials issued by an approved lab (accredited lab, government lab, ISO certified manufacturer's lab)▪ Proof that the final products are directly linked to the raw materials being imported.▪ Proof of registration as an assembler or Manufacturing Under Bond (MUB) or Export Processing Zone▪ Proof of manufacturing (License or Permit) from other government agencies.	<p>Concerned importers to fill the form in Microsoft excel format available on KEBS website (www.kebs.org) and submit the filled form in the same format (Microsoft excel format) via email to inspections@kebs.org together with the other required documents (the required documents are listed in the excel form under instructions).</p> <p>The application fees for exemption are:</p> <p>a) KES. 10,000 exclusive of VAT initial application processing fees for manufacturers whose final products are subject to S-MARK product certification scheme. Renewal applications to be done free of charge.</p> <p>b) KES. 50,000 exclusive of VAT initial application processing fees and KES 30,000 exclusive of VAT renewal application processing fees for manufacturers whose final products are not subject to S-MARK product certification scheme.</p> <p>c) KES. 5,000 exclusive of VAT processing fee for any additional items and/or amendment of items in the exemption certificate for both S-MARK and non- S-MARK holders.</p>
2.	Equipment and original equipment manufacturers (OEM) parts for licensed power generation companies	<ul style="list-style-type: none">▪ Evidence of Original Equipment Manufacturer warranty	Clearance to be based on confirmation of the invoice and warranty from the manufacturer.
3.	Original equipment medical manufacturer's parts for medical equipment	<ul style="list-style-type: none">▪ Evidence of Original Equipment Manufacturer for spare parts.▪ Evidence of Manufacturer's warranty	Clearance to be based on confirmation of the invoice and warranty from the manufacturer.
4.	Goods imported by diplomats and diplomatic missions except motor vehicles.	PRO 1A or PRO 1B issued by the Ministry of Foreign Affairs	Approved PRO 1A or PRO 1B to be submitted to KEBS for application of a Local COC at the time of clearance.

No.	Category	Criteria	Remarks
5.	Courier parcels with a value specified by the Council and direct assessment items approved by the Kenya Revenue Authority	<ul style="list-style-type: none"> Parcel handler's license issued by the Communications Authority of Kenya Direct assessment documents approved by Kenya Revenue Authority 	<p>Goods to be subjected to destination inspection.</p> <p>If parcels constitute food stuff, they shall be well labelled specifying ingredients and storage conditions.</p>
6.	Goods certified by Kenya Bureau of Standards (KEBS) under the Diamond Mark Scheme	Valid Diamond Mark permit	Concerned importers to submit the importation documentation to KEBS for processing of Local CoC.
7.	Goods manufactured within the East African Community (EAC)	<ul style="list-style-type: none"> Country of Origin must be an EAC member state. Certificate of Origin Valid Product Certification Permit or Certificate of Analysis (raw materials) or Test Report issued by the respective National Standard Body of the country of origin. 	Import Entries for goods from EAC Partner states to be processed by KRA based on Country of supply.
8.	Used personal effects belonging to returning residents and arriving expatriates excluding road vehicles.	<ul style="list-style-type: none"> Goods must be pre-owned before shipment. 	Approval by the Kenya Revenue Authority (KRA)
9.	General consumables (stores) imported by international carriers for in-flight or ships services and duty free products	<ul style="list-style-type: none"> Proof of licensing as international carrier Authority by KRA as proof to operate as duty free. 	Concerned importers to submit licenses to KRA for processing of their import entries.
10.	Re- imports	<ul style="list-style-type: none"> Submission of re-importation certificate (KRA) 	Concerned importers to submit re-importation certificates to KRA at the time of importation.
11.	Temporary imports	<ul style="list-style-type: none"> Proof of bond execution with Kenya Revenue Authority. Carnet Certificate (for vehicles) 	Concerned importers to submit an executed bond in favor of KRA at the time of importation.
12.	New road vehicles and new mobile equipment	<ul style="list-style-type: none"> Manufacturer Warranty /type approval 	<p>Clearance to be based on year of manufacture.</p> <p>Refer to Annex 2 for further guidance.</p>
13.	Importers of vehicles from countries where KEBS does not have a motor vehicle inspection arrangement.	Country of exportation must be a country where KEBS does not have a motor vehicle inspection arrangement.	Vehicles not from United Arab Emirates, Japan, United Kingdom, Thailand, and South Africa to be subjected to destination inspection at a fee of 0.6% of the Customs Value or USD 265 whichever is higher.
14.	Printed matter and recorded digital media.	Declaration that the material has not violated any intellectual property rights.	
15.	<p>The following products regulated under specific laws:</p> <ul style="list-style-type: none"> i. explosives, arms and ammunition ii. plants, seeds and planting materials iii. live animals, carcasses and iv. hatching eggs v. tissues and organs vi. human and veterinary 	Proof of compliance with the relevant Regulations	Refer to Annex 3 for further guidance.

No.	Category	Criteria	Remarks
	vii. pharmaceutical products viii. pesticides ix. aircraft and aircraft parts x. marinecraft and marinecraft parts xi. radioactive materials and isotopes		
16.	New motor vehicle parts imported from the manufacturer of the vehicle to which the parts are to be fitted or their authorized representative	(a) Evidence that the exporter is the original vehicle manufacturer or evidence of authorization by the vehicle manufacturer in the case of authorized representative. (b) Manufacturer's warranty of the parts. (c) Evidence of registration by KEBS as importers of those parts. (d) Evidence of conformity of the parts with applicable standards.	Concerned importers to fill the form in Microsoft Excel format available on KEBS website (www.kebs.org) and submit the filled form in the same format (Microsoft excel format) via email to inspections@kebs.org together with the other required documents (the required documents are listed in the excel form under instructions).

ANNEX 2

INSPECTION OF VEHICLES, BULLDOZERS, AGRICULTURAL TRACTORS, EXCAVATORS, GRADERS AND OTHER OFF-ROAD VEHICLES

No.	Type of Vehicle	Requirement
1	New road vehicles that are imported directly from the manufacturer of the brands or the manufacturer's appointed agent	Exempted from the requirement to provide a certificate of conformity.
2	New trailers, bulldozers, agricultural tractors, excavators, graders and other off-road vehicles	Exempted from the requirement to provide a certificate of conformity.
3	Used trailers, bulldozers, agricultural tractors, excavators, graders and other off-road vehicles coming from UK, Japan, UAE, Thailand, and South Africa	QISJ to undertake inspections.
4	Used trailers, bulldozers, agricultural tractors, excavators, graders and other off-road vehicles coming from countries where KEBS has not contracted an agent to provide inspection services.	KEBS to conduct destination inspection on arrival of the unit(s).
5	New road vehicles that have not been sourced from manufacturers or franchise holders coming from countries where KEBS has contracted an agent to operate.	QISJ to undertake inspections.
6	Used motor vehicle spare parts coming from UK, Japan, UAE, Thailand, and South Africa	QISJ to undertake inspections.
7	Used Motor vehicle spare parts coming from countries where KEBS has not contracted an agent to provide inspection services.	KEBS to conduct destination inspection on arrival of goods.

ANNEX 3
PRODUCTS REGULATED BY OTHER GOVERNMENT AGENCIES THAT ARE EXEMPTED FROM PVOC
PROGRAM

No.	Government Agency	Products Affected and the HS Code/Tariff Chapter
1.	Central Firearms Bureau	<ul style="list-style-type: none"> ▪ 9301-9307: Arms and ammunition, parts and accessories thereof
2.	Communications Authority of Kenya	<ul style="list-style-type: none"> ▪ 8526: Radar apparatus, radio navigational aid apparatus, Radio remote control apparatus
3.	Directorate of Veterinary Services	<ul style="list-style-type: none"> ▪ 0101-0106: Live animals ▪ 0201-0210: Fresh/chilled carcasses only ▪ 0407 – Hatching eggs ▪ 0506: bones and horn-cores, ▪ 0511: Animal semen ▪ 4101 – 4103: Raw hides and skins
4.	Fisheries Department	<ul style="list-style-type: none"> ▪ 0301 – 0302: Fish Live, fresh, or chilled ▪ 0306: Crustaceans, whether in shell or not, live, fresh, or chilled ▪ 0307: Molluscs, whether in shell or not, live, fresh or chilled ▪ 0308: Other aquatic invertebrates ▪ 0511.91 10: Fish eggs
5.	Kenya Civil Aviation Authority	<ul style="list-style-type: none"> ▪ 8801 - 8807: Aircraft, spacecraft and parts thereof ▪ 4011.30.00: Aircraft tyres ▪ 4012.13.00: Retreaded aircraft tyres ▪ 8407.10.00: Aircraft engines ▪ 8409.10.00: Parts for aircraft engines
6.	Kenya Maritime Authority	<ul style="list-style-type: none"> ▪ Chapter 89 ▪ Ships, boats, and floating structures
7.	Kenya Plant Health Inspectorate Services	<ul style="list-style-type: none"> ▪ 0601 - 0604: Live plants and planting materials ▪ 0701 - 0709: Edible vegetables and certain roots and tubers – (Fresh/chilled) ▪ 1211, 1213: Oil seeds and oleaginous fruits; miscellaneous grains, seeds, and fruit; industrial or medicinal plants; straw and fodder ▪ 1401- 1404: Vegetable planting materials; vegetable products not elsewhere specified or included ▪ Seeds for sowing under any chapter.
8.	Mining Geological Department	<ul style="list-style-type: none"> ▪ 3601 – 3604: Explosives and pyrotechnic substances
9.	Pest Control Products Board	<ul style="list-style-type: none"> ▪ 3808: Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products
10.	Pharmacy and Poisons Board	<ul style="list-style-type: none"> ▪ 3001: Organs and glands ▪ 3002: Blood and related products ▪ 3003 - 3004: Medicaments ▪ 3006.60.00: Chemical contraceptive preparations based on hormones.
11.	Radiation Protection Board	<ul style="list-style-type: none"> ▪ 2844 – 2845: Radioactive chemical elements and radioactive isotopes
12.	Veterinary Medicines Directorate	<ul style="list-style-type: none"> ▪ 3002.42.00: Vaccines for veterinary medicine ▪ 3002.49.00: Other veterinary vaccines

Annex 4: Legal Notice 78

SPECIAL ISSUE

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Kenya Gazette Supplement No. 62

28th April, 2020

(Legislative Supplement No. 43)

LEGAL NOTICE NO. 78

THE STANDARDS ACT

(Cap. 496)

IN EXERCISE of the powers conferred by section 20 of the Standards Act, the Cabinet Secretary for Industrialisation, Trade and Enterprise Development, in consultation with the Council, makes the following Order—

THE STANDARDS (VERIFICATION OF CONFORMITY TO
STANDARDS AND OTHER APPLICABLE REGULATIONS)
ORDER, 2020

PART I—PRELIMINARY

1. This Order may be cited as the Standards (Verification of Conformity to Standards and Other Applicable Regulations) Order, 2020.

Citation.

2. In this Order, unless the context otherwise requires—

Interpretation.

“Bureau” means the Kenya Bureau of Standards established by section 3 of the Act; and

“Council” means the National Standards Council established by section 6 of the Act.

3. This Order shall apply to all products imported into Kenya.

Application.

4. (1) Notwithstanding any other provision of this Order, the products specified in the first column of the Schedule shall be exempted from the provisions of this Order:

Exempted products.

Provided that a person importing any exempted product specified in the Schedule shall provide the documents specified in the second column of the Schedule with respect to the exempted product.

(2) The products specified in the Schedule may be inspected on arrival at a port of entry.

5. (1) An importer of products shall ensure that the imported products meet Kenya standards, approved specifications and other applicable regulations.

Compliance with standards.

(2) An importer of products shall notify the Bureau in the prescribed form before importing any product into Kenya and provide proof that the imported product meets Kenya standards, approved specifications and other applicable regulations.

6. (1) The Bureau may appoint an inspection body in the country of exportation of products, or in a transshipment port, or in a

Appointment of inspection bodies.

port of entry, to undertake verification of conformity to Kenya standards, approved specifications and other applicable regulations.

(2) The Bureau may recognise a national standards body of an exporting country that performs inspection functions as an inspection body for the purposes of pre-shipment verification of conformity.

7. (1) Any product which is the subject of this Order may be subjected to verification of conformity to Kenya standards, approved specifications and other applicable regulations in the exporting country or transhipment port by the inspection body appointed under paragraph 6.

Verification of
conformity.

(2) Notwithstanding the provisions of subparagraph (1), the Bureau may reinspect the imported product at a port of entry if, in the Bureau's opinion, it is necessary to do so.

8. (1) The Bureau or an inspection body appointed under paragraph 6 shall issue a certificate of conformity, certificate of inspection or certificate of roadworthiness in respect of a product that conforms to Kenya standards, approved specifications and other applicable regulations.

Certificate of
conformity and non-
conformity report.

(2) The Bureau or an inspection body appointed under paragraph 6 shall issue a non-conformity report in respect of a product that does not conform to Kenya standards, approved specifications and other applicable regulations.

(3) A product that does not conform to Kenya standards, approved specifications and other applicable regulations shall not be permitted to be imported into Kenya and shall be re-exported to the exporting country or destroyed at the importer's expense.

9. (1) A product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness shall be subjected to destination inspection at a fee equal to five per cent of the approved customs value of the product.

Destination
inspection.

(2) The importer of a product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness shall, in addition to the fee specified in subparagraph (1), execute a security bond in favour of the Bureau equal to five per cent of the approved customs value of the product.

(3) A product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness shall be held at the port of entry or kept in an approved warehouse for the purposes of inspection and testing.

(4) A product which is the subject of this Order which arrives at a port of entry without a certificate of conformity, certificate of inspection or certificate of roadworthiness from an exporting country where the Bureau has not appointed an inspection body shall be subjected to destination inspection at the importer's expense at the rate

that would be applicable if inspection had been undertaken in the exporting country by an inspection body appointed by the Bureau.

10. The Cabinet Secretary may, on the advice of the Council, exempt any product from the provisions of this Order if the Cabinet Secretary is satisfied that it is in the national interest to do so. Exemption from Order.

11. The Standards (Verification of Conformity to Kenya Standards and Other Applicable Regulations) Regulations, 2019, are revoked. Revocation of L.N. 183/2019.

SCHEDULE

(para. 4)

CRITERIA FOR EXEMPTION OF SPECIFIC PRODUCTS FROM PRE-SHIPMENT VERIFICATION OF CONFORMITY REQUIREMENTS

No.	CATEGORY	REQUIRED DOCUMENTS
1.	Industrial raw materials excluding materials specified by the Council, completely knocked down kits for road vehicles, machinery and industrial spares imported by registered manufacturers for own use	(a) Certificate of registration of the manufacturer or assembler issued by the Bureau or any other regulatory agency responsible for regulating manufactured products
		(b) Certificate of analysis or material safety datasheet for raw materials
2.	Equipment and original equipment manufacturers (OEM) parts for licensed power generation companies	Evidence of original equipment manufacturer warranty
3.	Original equipment medical manufacturer's parts for medical equipment	(a) Evidence of original equipment manufacturer for spare parts
		(b) Evidence of manufacturer's warranty
4.	Products imported by diplomats and diplomatic missions except motor vehicles	Form PRO 1A or PRO 1B issued by the Ministry of Foreign Affairs
5.	Courier parcels with a value specified by the Council and direct assessment items approved by the Kenya Revenue Authority	(a) Parcel handler's license issued by the Communications Authority of Kenya
		(b) Direct assessment documents approved by the Kenya Revenue Authority
6.	Products certified by the Bureau under the Diamond Mark Scheme	Valid Diamond Mark Permit issued by the Bureau
7.	Products manufactured within the East African Community	(a) Certificate of origin
		(b) Product Certification Permit or Certificate of Analysis (Raw Materials) or Test Report issued by

		the respective National Standards Body of the Country of Origin
8.	Used personal effects belonging to returning residents and arriving expatriates excluding road vehicles	Approval by the Kenya Revenue Authority
9.	General consumables (stores) imported by international carriers for in-flight or ships services and duty-free products	(a) Proof of licensing as an international carrier (b) Authority by Kenya Revenue Authority to operate as duty-free
10.	Re-imports	Re-importation certificate issued by the Kenya Revenue Authority
11.	Temporary imports	(a) Proof of bond execution with Kenya Revenue Authority (b) Carnet certificate (for road vehicles)
12.	New road vehicles and new mobile equipment	Manufacturer's warranty or type approval
13.	Printed matter and recorded digital media	Declaration that the material has not violated any intellectual property rights
14.	The following products regulated under specific laws: (1) explosives, arms and ammunition (2) plants, seeds and planting materials (3) live animals, carcasses and hatching eggs (4) tissues and organs (5) human and veterinary pharmaceutical products (6) pesticides (7) aircraft and aircraft parts (8) marinecraft and marinecraft parts (9) radioactive materials and isotopes	Proof of compliance with the relevant Regulations

Dated the 14th April, 2020.

BETTY C. MAINA,
Cabinet Secretary for Industrialisation, Trade and Enterprise Development.



**EVALUATION CRITERIA FOR THE WAIVERS EVALUATION
TECHNICAL COMMITTEE (WETC)**

**POSSIBLE CIRCUMSTANCES AND REQUIREMENTS FOR
CONSIDERATION OF WAIVER OF PRODUCTS FROM THE
REQUIREMENTS OF THE PVOC PROGRAM, LEGAL
NOTICE 78 (2020)**

FIFTH REVISION

DATE: 15TH JULY 2021

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Chunimund
15/7/21

BT. 15/7



WETC Criteria, Fifth Revision, Date: 15th July 2021

Category	Guidelines for Circumstances	Justifications	Documents Required
1	Items, equipment and customized vehicles for disabled people.	<ul style="list-style-type: none">For vehicles, the vehicle is already customized for disabled persons' use.Affirmative action for disabled persons in the spirit of Persons with Disabilities Act.	<ol style="list-style-type: none">Letter of application/application form.Proof of disability of the applicant (Evidence of registration by National Council for Persons with Disabilities).Independent report/ clear full color photographs detailing vehicle identification and customization of the vehicle to accommodate the disability.Import documents.Test report showing compliance with emission standards as outlined in KS 1515:2019
2	Vehicles, equipment, materials and spare parts imported for Government projects and other goods imported for national interest.	<ul style="list-style-type: none">Good imported for use in specific projects.Majority are temporary importation to facilitate project mobilization by moving equipment from similar projects elsewhere.Goods are for National interest.	<ol style="list-style-type: none">Letter of application /application form.Contract documents by GOK/Support by relevant ministry.Letter of exemption from duty/taxes from National Treasury.Schedule of vehicles to be imported.Proof of security bond for re-shipment after projects where applicable.Proof of ownership where applicable.Master list compliant with 40% local content government policy.Test report showing compliance with emission standards as outlined in KS 1515:2019
3	Special purpose vehicles (mobile laboratories, fire engines, ambulances, jet fuel bowsers, etc.).	Vehicles customized to a specific application.	<ol style="list-style-type: none">Letter of application /application form.Independent report detailing customization from the country of supply / clear full color photographs detailing vehicle identification and customization.Record of serviceability.The Vehicles should not be more than 20 years of age from the year of manufacture.Test report showing compliance with emission standards as outlined in KS 1515:2019

Chumunda
15.7.21

BA 15/7



WETC Criteria, Fifth Revision, Date: 15th July 2021

Category	Guidelines for Circumstances	Justifications	Documents Required
4	Vehicles for motor sports e.g. Safari rally, motor cross.	<ul style="list-style-type: none"> The motor sports industry is self-regulated. Vehicles participate in global motor sports and are usually imported on temporary basis. Vehicles not used on the road on regular basis. 	<ul style="list-style-type: none"> i. Letter of application /application form. ii. Endorsement by the Kenya Motor Sports Association. iii. Valid license as rally driver. iv. Full color photographs detailing vehicle customization as a motor sports vehicle. v. Test report showing compliance with emission standards as outlined in KS 1515:2019
5	Vehicles imported for UN missions in the region	Need to facilitate UN activities in the region	<ul style="list-style-type: none"> i. Letter from UN detailing the nature of the mission and time frame. ii. Proof of ownership by UN. iii. Test report showing compliance with emission standards as outlined in KS 1515:2019
6	Vehicles being re-imported into Kenya.	<ul style="list-style-type: none"> Vehicles pre-owned by importer. Vehicle previously registered in Kenya before exportation from Kenya. 	<ul style="list-style-type: none"> i. Letter of application /application form. ii. Proof of validity of the original Kenyan registration. iii. Copy of Passport. iv. Test report showing compliance with emission standards as outlined in KS 1515:2019
7	Changing of status from diplomatic, Government to private use.	These vehicles already in use in Kenya.	<ul style="list-style-type: none"> i. Letter of application /application form. ii. Copies of sale documents from the Government of Kenya /Mission. iii. Consent letter from Kenya Revenue Authority. iv. Vehicle must be right hand drive.
8	Vehicles for expatriates.	<ul style="list-style-type: none"> Changing residence. The vehicles were already owned by the applicant before importation. To be re-exported at the end of tenure. 	<ul style="list-style-type: none"> i. Letter of application /application form. ii. Proof of ownership for at least one year. iii. Work Permit. iv. Test report showing compliance with emission standards as outlined in KS 1515:2019

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15.7.21

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WETC Criteria, Fifth Revision, Date: 15th July 2021

Category	Guidelines for Circumstances	Justifications	Documents Required
9	Vehicles being imported by returning residents	The vehicles are owned by Kenyan Citizens	i. Letter of application /application form. ii. Proof of legal residency (minimum of 2 years). iii. Proof of ownership of the vehicle (minimum of 365 days). iv. Tabulation of movements using applicant's passport. v. Sworn affidavit on the truth of the information provided. vi. Vehicle must be right hand drive. vii. Test report showing compliance with emission standards as outlined in KS 1515:2019
10	Donations under national interest	Goods are for National interest	i. Letter of application /application form. ii. Registration status of the importer. iii. Donation certificate from the donor iv. Support by relevant Government ministry.

LIST OF TECHNICAL COMMITTEE MEMBERS

No.	Name	Organization	Signature	Date Signed
1.	Bernard Nguyo	Kenya Bureau of Standards (KEBS)		15/07/2021
2.	Ahmed A. Amin	Kenya Bureau of Standards (KEBS)		15/07/2021
3.	Sally Serem	Kenya Revenue Authority (KRA)		15/07/2021
4.	Charles Munyori	Kenya Private Sector Alliance (KEPSA)		15.7.21
5.	Kangangi Wanjohi	Kenya Private Sector Alliance (KEPSA)		15/7/2021
6.	Leinad Mwendwa	Kenya Bureau of Standards (KEBS)		15.7.2021