

Legal Notice No. \_\_\_\_\_

## **THE STANDARDS (IMPORT CARGO CONSOLIDATION) REGULATIONS, 2019**

(No. \_\_ of 2019)

IN EXERCISE of the powers conferred by Section 20 of the Standard Act, the Cabinet Secretary for Industry, Trade and Cooperatives in consultation with the National Standards Council, makes the following Regulations.

<b>Citation</b>	<b>1.</b> These Regulations may be cited as the Standards (Import Cargo Consolidation) Regulations, 2019
<b>Interpretation</b>	<b>2.</b> In these Regulations, unless the context otherwise requires –  <b>“Act”</b> means the Standard Act, 2012;  <b>Consolidated Cargo;</b> means cargo belonging to various persons assembled to form one consignment at the country of supply which may be declared as belonging to one importer(consolidator) at the port of destination and de-consolidated back into the original individual consignments for delivery to the respective cargo owners upon arrival at the destination port or consolidators warehouse.  <b>Cargo Consolidator;</b> means a firm licensed/registered to consolidate goods belonging to different consignees at the country of export for importation under one master Bill of

	<p>loading or Master airway bill and breaks into individual parts for the specific consignees at destination.</p> <p><b>Cargo de-consolidation;</b> means disaggregation of a consolidated consignment into parts belonging to different cargo owners.</p> <p><b>Joint Vetting Committee (JVC);</b> means a committee comprising of KEBS and KRA.</p> <p><b>Category A Consolidators;</b> These are consolidators who consolidates goods at the country of supply and deconsolidates at the point of entry to enable individual Consignees to clear their consignments. Under this category individual consignments are inspected and issued with a Certificate of Conformity (CoC).</p> <p><b>Category B Consolidators;</b> These are consolidators who consolidate goods at the country of export, organize for inspection, ship as one consignment, deconsolidate and may deliver to the individual Consignees after clearance. The consolidator must have a licensed warehouse at the country of export to accommodate inspection under <b>Route D.</b></p> <p><b>Category C Consolidators;</b> These are Courier Companies which undertake consolidation and deconsolidation of parcels which are guided by a unified licensing framework</p>
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	provided for in the Kenya Communication Regulations, 2001 in accordance with the Universal Postal Agreement
<b>Scope</b>	These regulations shall apply to All import cargo consolidation in Kenya.
<b>Vetting for cargo consolidators</b>	To operate as a Consolidator, applicants must be vetted by the Joint Vetting Committee for the purpose of registration.
<b>Applying for registration as a Cargo Consolidator</b>	Applicants shall meet requirements as set out in the schedule 1.
<b>Roles and Responsibilities</b>	Roles and Responsibilities are as set out in schedule 2.
<b>Conditions for the Registration</b>	Every cargo Consolidator shall comply with the following conditions:

	<ul style="list-style-type: none"> <li>a) Must be comply with all applicable laws governing international trade.</li> <li>b) The Consolidator will be required to pay registration fee of USD 250 and execute a bond of USD 50,000</li> <li>c) Maintain a record of cargo handled including a separate register of damaged and lost cargo. The records shall be kept for a period of five years.</li> <li>d) Furnish the relevant Government Agencies with the documents and periodic performance reports, details or contents of which shall be specified by the relevant Government Agencies.</li> <li>e) Implement and maintain the performance standards as may be specified by other relevant Government Agencies.</li> <li>f) Establish a system of dealing with complaints of cargo owners or Agents.</li> <li>g) Abide by the principles of fair competition.</li> <li>h) Maintain books of accounts.</li> <li>i) Display at a conspicuous place, applicable tariff and terms for all items charges.</li> <li>j) Maintain a system of cargo tracking.</li> <li>k) Comply with relevant legal and statutory requirements in relation to cargo consolidation.</li> <li>l) To adhere to Government Policy on employment.</li> <li>m) Registered Consolidators shall also be required to submit their certificates of registration to Kenya Revenue Authority, Kenya Ports Authority and Kenya Airports Authority.</li> <li>n) The Consolidator must have access to a warehouse in the country of Export and Kenya which fulfills the requirement given in Form 4.</li> </ul>
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	<p>o) Application for renewal of certificate of registration will be submitted three months prior to expiry.</p> <p>p) The Consolidator will be required to pay an annual renewal fee of USD1000</p> <p>q) Employ operations staff with at least a certificate in maritime transport logistics, shipping management, clearing and forwarding, tax and Customs administration or its equivalent.</p> <p>r) The certificate of registration shall not be transferable or assigned to a third party.</p>
<b>Import Cargo Consolidation Process</b>	Consolidated cargo subject to these Regulations shall be subjected to the Import Cargo Consolidation Process as set out in schedule 3.
<b>7.2 Revocation and Suspension of Registration</b>	<p>The Managing Director, may suspend, revoke or cancel certificate of registration granted to a cargo consolidator if:</p> <ul style="list-style-type: none"> <li>- (a) satisfied that the registration was obtained by any false, incorrect or misleading statement.</li> <li>(b) the company fails to comply with any condition of registration.</li> <li>(c) the company or any of its directors or Agents is found guilty of an offence under Customs laws, Standards Act or Anti-Counterfeit Act</li> <li>(d) the company, its directors or agents, has been convicted of a criminal offence involving fraud, misrepresentation or dishonesty.</li> </ul>
<b>Appeals</b>	Any person aggrieved by the decision of Managing Director may appeal to the Tribunal in accordance with the Standards Act.
<b>offences</b>	<p>10. Any person who—</p> <ul style="list-style-type: none"> <li>(a) Fails to comply with any condition of registration</li> </ul>

	<p>(b) fraudulently procures or attempts to procure registration as a cargo consolidator, Or</p> <p>(c) knowingly and willfully makes any statement which is false or which is misleading, with a view to gaining any advantage, concession or privilege under these Regulations; commits an offence and shall:</p> <ol style="list-style-type: none"> <li>i. in the case of a first offence, be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding One Million shillings or to both such imprisonment and fine and;</li> <li>ii. in the case of a second or subsequent offence, to imprisonment for a term not exceeding three years or to a fine or to both imprisonment and fine of Three Million Shillings, and,</li> <li>iii. where an offence is of a continuing nature, he shall in addition be liable to a fine not exceeding one hundred thousand shillings for each day or part thereof during which the offence continues.</li> </ol>

**Dated**

**the**

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**2019**

**Hon. Peter Munya,**  
***Cabinet Secretary for Industry, Trade and Co-operatives.***

## **Schedule 1. Applications for cargo consolidators**

Applications shall be made using the form set out as Form 1 and shall be submitted with the following requirements:

### **Category A Consolidators requirements**

1. Copy of Company's Registration Certificate & Current CR12.
2. Memorandum & Articles of Association.
3. Copy of PIN Certificate and current Tax Compliance Certificate for the company.
4. Certified Copies of IDs/Passports of all directors duly certified by a notary public or Commissioner of oaths.
5. Three recent passport size photographs of all directors duly certified by a notary public or Commissioner of oaths.
6. Copy of PIN Certificate, valid Tax Compliance Certificate & Income Tax returns for each of the directors.
7. Valid Police Clearance Certificates for all the company directors.
8. Proof of financial soundness from the respective banking institution confirming the company account with them.
9. Evidence of professional qualification to offer cargo consolidation services by focusing on employee training and experience in cargo handling.
10. Tariff structure of services offered on the company letterhead, and signed by any of the directors.
11. Certified copy of duly executed tenancy agreement or lease/ sub lease agreement or copy of title deed for the occupied office premises or a certified copy of offer letter attached with current rent remittance fee.
12. Proof of membership to a recognized association of cargo consolidators.
13. Proof of payment of application processing fee.

14. The Consolidator shall label and number the individual packages for ease of verification and identification.

**Category B Consolidators requirements**

15. Business license from the country of export.
16. Copy of Company's/firm Registration Certificate & Current CR12.
17. Memorandum & Articles of Association of the company/firm
18. Copy of KRA PIN Certificate and valid Tax Compliance Certificate for the company/firm.
19. Certified Copies of IDs/Passports of all directors certified by Commissioner of Oaths.
20. Three recent Passport Photographs of all directors duly certified by a notary public or Commissioner of oaths.
21. Copy of KRA PIN Certificate, valid Tax Compliance Certificate & Income Tax returns for each of the directors.
22. Valid Police Clearance Certificate for all the company directors.
23. Proof of financial soundness from the respective banking institution confirming the company account with them.
24. Evidence of professional qualification to offer cargo consolidation services by focusing on employee training and experience in cargo handling.
25. Number of employees both locally and at the country of consolidation/abroad.
26. Tariff structure of services offered.
27. Certified copy of duly executed tenancy agreement or lease/ sub lease agreement or copy of title deed for the occupied warehouse or letter of offer attached with current rent fee remittance in the country of Export and in Kenya.
28. Proof of membership to a recognized association of cargo consolidators.
29. Proof of payment of application processing fee.
30. The Consolidator shall label and number the individual packages for ease of verification and identification.





## **Form 1: APPLICATION FORM**

### **APPLICATION/RENEWAL FOR CARGO CONSOLIDATION REGISTRATION FOR THE YEAR.....**

#### **PART A: INSTRUCTIONS**

1. Any registration for cargo consolidation will be valid for a period indicated in the certificate.
2. The completed application should be emailed to email address (es) or delivered to postal address/physical location address.
3. By submitting this form, you declare that the information provided in support of this application is true and correct.
4. **NB:** If the space provided is not sufficient, please attach a separate sheet.

#### **PART B: APPLICANT'S DETAILS**

<b>S/ N</b>	<b>DETAILS REQUIRED</b>	<b>TO BE FILLED BY APPLICANT</b>	<b>FOR OFFICIAL USE ONLY</b>
1.	Company Name		
2.	Date of Establishment		
3.	Company registration No.		
4.	Postal Address		
5.	Physical/Location Address		
6.	Office Telephone Number		
7.	Email address		
8.	KRA PIN No.		
9.	Tax Compliance certificate No		
10.	Contact person name		

11.	Telephone of Contact person				
12.	Email of contact person				
13.	Category of Consolidation	A[ ]	B [ ]	C(Courier)[ ]	
14.	Type of Application	New [ ]		Renewal[ ]	
15.	Previous registration certificate No. (if renewal)				
16.	Any other business carried out				
17.	Do you have experience in cargo consolidation business	Yes[ ]	No [ ]		
18.	Do you have staff with technical experience in cargo consolidation? If YES, give names and their qualifications.	Yes [ ] No [ ] 1. 2. 3.			

#### PART C: DIRECTORS DETAILS

S/ N	NAME OF DIRECTOR (S)	NATIONAL/ALIEN ID	KRA PIN	TAX COMPLIANCE CERTIFICATE	TELEPHONE	EMAIL
1.						

2.						
3.						
4.						
5.						

#### PART D: DETAILS OF WAREHOUSES IN KENYA

<b>S/ N</b>	<b>NAME OF BUILDING</b>	<b>STREET NAME</b>	<b>TOWN/CIT Y</b>	<b>TELEPHON E</b>	<b>EMAIL</b>
1.					
2.					
3.					
4.					

#### PART E: DETAILS OF WAREHOUSES IN COUNTRY OF EXPORT (CATEGORY A)

<b>S/ N</b>	<b>NAME OF BUILDING</b>	<b>STREET NAME</b>	<b>TOWN/CIT Y</b>	<b>TELEPHON E</b>	<b>EMAIL</b>
5.					
6.					
7.					
8.					
9.					

#### PART F: DECLARATION

I/We hereby declare that information given herein is correct to the best of my/our knowledge. I/We therefore apply to be Registered as a cargo consolidator.

	Name of Applicant	Signature and Date
1.		<p>.....</p> <p>DD/MM/YYYY</p>
2.		<p>.....</p> <p>DD/MM/YYYY</p>

#### PART G: FOR OFFICIAL USE ONLY

Registration No .....	Receipt No .....
Valid until.....	Approved by .....
Category No.....	Date .....

#### PART H: DOCUMENTS TO ATTACH

##### **Category A Consolidators requirements**

31. Copy of Company's Registration Certificate & Current CR12.
32. Memorandum & Articles of Association.
33. Copy of PIN Certificate and current Tax Compliance Certificate for the company.
34. Certified Copies of IDs/Passports of all directors duly certified by a notary public or Commissioner of oaths.
35. Three recent passport size photographs of all directors duly certified by a notary public or Commissioner of oaths.

36. Copy of PIN Certificate, valid Tax Compliance Certificate & Income Tax returns for each of the directors.
37. Valid Police Clearance Certificates for all the company directors.
38. Proof of financial soundness from the respective banking institution confirming the company account with them.
39. Evidence of professional qualification to offer cargo consolidation services by focusing on employee training and experience in cargo handling.
40. Tariff structure of services offered on the company letterhead, and signed by any of the directors.
41. Certified copy of duly executed tenancy agreement or lease/ sub lease agreement or copy of title deed for the occupied office premises or a certified copy of offer letter attached with current rent remittance fee.
42. Proof of membership to a recognized association of cargo consolidators.
43. Proof of payment of application processing fee.
44. The Consolidator shall label and number the individual packages for ease of verification and identification.

### **Category B Consolidators requirements**

1. Business license from the country of export.
2. Copy of Company's/firm Registration Certificate & Current CR12.
3. Memorandum & Articles of Association of the company/firm.
4. Copy of KRA PIN Certificate and valid Tax Compliance Certificate for the company/firm.
5. Certified Copies of IDs/Passports of all directors certified by Commissioner of Oaths.
6. Three recent Passport Photographs of all directors duly certified by a notary public or Commissioner of oaths.
7. Copy of KRA PIN Certificate, valid Tax Compliance Certificate & Income Tax returns for each of the directors.
8. Valid Police Clearance Certificate for all the company directors.

9. Proof of financial soundness from the respective banking institution confirming the company account with them.
10. Evidence of professional qualification to offer cargo consolidation services by focusing on employee training and experience in cargo handling.
11. Number of employees both locally and at the country of consolidation/abroad.
12. Tariff structure of services offered.
13. Certified copy of duly executed tenancy agreement or lease/ sub lease agreement or copy of title deed for the occupied warehouse or letter of offer attached with current rent fee remittance in the country of Export and in Kenya.
14. Proof of membership to a recognized association of cargo consolidators.
15. Proof of payment of application processing fee.
16. The Consolidator shall label and number the individual packages for ease of verification and identification.

## **SCHEDULE 2: ROLES AND RESPONSIBILITIES**

### **1. Roles and responsibilities of the Consolidators**

#### **1. CATEGORY A**

1. The Consolidator to furnish relevant Government Agencies/departments with information regarding the consignment.
2. The Consolidator shall at all times adhere to terms and conditions spelt out in the license/certificate of registration (ANNEX IV).
3. For ease of verification and identification of packages, the Consolidator shall label and number the individual packages.
4. The Consolidator shall document the full description of goods for individual Consignees.
5. The Consolidator shall notify the Consignee on shipment arrival and thereafter submit House Manifest to Customs.
6. The Consolidator shall release house Delivery Order to Consignee and notify them of stripping of the container at a Customs licensed premises.
7. Licensed/registered Consolidators shall also be required to register with Kenya Maritime Authority for sea cargo, Kenya Airports Authority for Air Cargo and Kenya Revenue Authority for land cargo.
8. The Consolidator shall ensure that all cargo that requires CoC is presented for Inspection and Certification by KEBS or accredited Inspection Companies before shipment.
9. Certificate of Conformity number shall be indicated on the respective House Bills of Lading (HBL).
10. The Consolidator shall be required to keep and provide records of Master Bills of Lading, House Bills of Lading, PINs of importers, description



of goods for a period as provided in the relevant laws of the agencies involved in cargo clearance.

11. The Consolidator or their Agent shall not remove or substitute goods which have been inspected and marked without authorization from the inspector.

12. Consolidator or Agent shall ensure that goods with Non Conformity Reports (NCRs) shall not be shipped into Kenya.

## **2. CATEGORY B**

1. The Consolidator who acts on behalf of the Consignee shall be deemed to be the owner of such goods and shall be liable for the payment of correct duties. Such a Consolidator shall also be liable for any omission or commission of offence that occurred during the transactions as prescribed in EACCMA 2004 unless proved otherwise.

2. The Consolidator shall provide all relevant information including but not limited to Consignee PIN, description of goods, quantities and value.

3. The Consolidator shall be required to keep and provide records of Master Bills of Lading, House Bills of Lading, PINs of importers, description of goods for a period as provided in the relevant laws of the agencies involved in cargo clearance.

4. The Consolidator shall at all times adhere to terms and conditions spelt out in the license/certificate of registration (ANNEX IV).

5. The Consolidator shall compile and submit a detailed and accurate Master Packing List as per ANNEX II.

6. The Consolidator shall ensure that all cargo that requires CoC or CoI is presented for Inspection and Certification by KEBS or accredited Inspection Companies before shipment.
7. For ease of verification and identification of packages, the Consolidator shall label and number the individual packages as per the accompanying Master Packing List.
8. The Consolidators shall ensure that all cargo under Route D is sealed with inspectors' seals in the case of containerized cargo or affixed with Inspector's tapes for air cargo after Pre-Shipment Inspection.
9. The Consolidator shall provide individual invoices to support the Master Packing List.
10. Licensed/registered Consolidators shall also be required to register with Kenya Maritime Authority for sea cargo, Kenya Airports Authority for Air Cargo and Kenya Revenue Authority for land cargo.
11. Certificate of Inspection number shall be indicated on the respective Master Bill of Lading and Master Airway Bill.
12. Upon receipt of the goods at the country of export, the Consolidator shall provide to the Consignee a serialized receipt of acknowledgement, indicating the name and PIN of the Consignee, description of the goods, quantity, invoice number and value.
13. On delivery of goods to the Consignee in the country of importation, The Consolidator shall provide to the Consignee a delivery note indicating the respective Customs Entry number and duty paid under the respective tax heads in reference to the acknowledgement receipt as in 12 above.
14. The Consolidator shall put in place a mechanism of consignment tracking by the Consignee until final delivery.
15. The Consolidator shall be required to keep and provide records of cargo at all times.

16. Licensed/registered Consolidators shall also be required to register with Kenya Maritime Authority for sea cargo, Kenya Airports Authority for air cargo and Kenya Revenue Authority for land border points.

17. Provide a warehouse in the country of export and in Kenya as stipulated under ANNEX I.

18. Provide labour and materials for storing, packing, marking, weighing and taking stock of the warehoused goods.

19. The Consolidator shall be responsible for safe custody of goods stored in their warehouses.

20. The Consolidator shall not remove or substitute goods which have been inspected and marked without authorization from the inspector.

21. The Consolidator shall not import goods with Non Conformity Reports (NCR).

22. The Consolidator should provide to the consignee the following documents;

- 1) Acknowledgement receipt
- 2) Delivery note
- 3) Customs entry reference number.

## **2. Roles and responsibilities of the Consignee**

1. The Consignee shall provide correct information including PIN, invoices and packing lists to the Consolidator for the purpose of generating the Master Packing List.

2. The Consignee shall provide true, complete and accurate information including PIN, goods description, quantities and value for the purpose of clearance.

3. The Consignee shall ensure they contract with only licensed/registered cargo Consolidators.
4. The Consignee or their Agent shall make a correct Customs declaration and payment of requisite duties.
5. The Consignee shall ensure that goods imported into Kenya conform to the relevant Standards.
6. The Consignee shall at all times comply with provisions of EACCMA, 2004 and other relevant legislations on production of documents.
7. The Consignee shall at all times ensure they are issued with acknowledgement receipt upon delivery of goods to the Consolidator in the country of export, delivery note and Customs Entry reference number upon receipt of goods from the Consolidator in the country of import.

### **3. Roles and Responsibilities of the Ministry of Interior and Coordination of National Government**

1. Coordination of multi-agencies.
2. Provision of security for all stakeholders involved in cargo consolidation.
3. Participate in vetting of Consolidators.
4. Ensure compliance with immigration laws, including issuance of work permits to foreign nationals operating in Kenya as Consolidators.
5. Enhance border control and management.
6. Enforcement of laws and regulations.
7. Handling of complaints on Cargo Consolidation.
8. Participate in public weakness and education on cargo consolidation.

#### **4. Roles and responsibilities of Kenya Revenue Authority**

1. Be the lead agency at the land borders.
2. Formulate policies on cargo clearance at the ports of entry/exit.
3. Train and grant licensed or registered Consolidators access to the existing Customs clearance system for clearance purposes.
4. Ensure that only licensed/registered Consolidators are allowed to clear consolidated Cargo.
5. Participate in vetting of Consolidators.
6. Use the Col/CoC as one of the reference documents for cargo clearance purposes.
7. KRA shall verify and approve the manifest to allow the Consolidator/Consignee to prepare the individual Customs Entries using the house bill of lading for Category A consolidation.
8. Facilitate Customs clearance of consolidated cargo for individual Consignees under their respective HBLs for Category A consolidation.
9. KRA shall set up a Post Clearance Audit (PCA) desk to specifically audit cargo consolidation for category B consolidation.
10. KRA shall use the details on the Master Packing List and the declaration during the physical verification of the goods.
11. Institute punitive measures for non-compliance with the Consolidation guidelines.

12. KRA shall implement provisions of EACCMA, 2004 and other relevant Acts and Instruments.
13. Handling of complaints on Cargo Consolidation.
14. Facilitate public awareness and education on cargo consolidation.

## **5. Roles and Responsibilities of Kenya Bureau of Standards**

1. Ensure consolidated goods are inspected by KEBS accredited Inspection Companies and COC/COI issued.
2. Ensure COI is accompanied by a Master Packing List provided for under ANNEX II.
3. KEBS shall ensure that inspection companies seal containerized cargo and tape loose cargo.
4. KEBS shall confirm the integrity of the inspection seals and tapes upon arrival of inspected consignment.
5. Participate in vetting of Consolidators.
6. Register successful applicants and maintain an updated list of registered import cargo Consolidators.
7. Share the updated list of import cargo Consolidators with relevant Government Agencies
8. KEBS to continuously monitor the contractual obligations of the PVoC Agents.
9. KEBS shall inspect and approve the Consolidator's warehouses for the purpose of Route D.

10. Ensure that the PVOC Agent conducts physical inspection and issues a CoC/COI within 24 hours after receipt of IDF from the Consolidator and final review of inspection reports.
11. Ensure goods issued with Non Conformity Report (NCR) are not allowed into the Kenyan market.
12. Share CoC/CoI data with the relevant Government Agencies for clearance purposes.
13. Test high risk products targeted for testing by PVoC Agents at the Consolidator's warehouse in Kenya after KEBS conditional clearance.
14. KEBS shall compile and circulate to PVoC Agents a list of products considered to be high risk.
15. Handling of complaints on Cargo Consolidation.
16. Facilitate public awareness and education on cargo consolidation.

## **6. Roles and responsibilities of Kenya Airports Authority**

1. Be the lead agency at the Airports.
2. Development of infrastructure including but not limited to cargo terminals, warehouses, Aircraft and vehicular movement areas to facilitate cargo handling.
3. Formulate and enforce policies on cargo handling at the airports.
4. Participate in vetting of Consolidators.
5. Implementation of IATA rules, KCAA, ICAO standards and recommended practices in cargo handling.
6. Ensure that the dwell time in the air cargo supply chain is reduced to the minimal acceptable level.
7. Ensure increased physical security for air cargo.

8. Ensure measures are established to subject cargo, courier and express parcels and mail to appropriate security controls.
9. Establish measures to ensure that operators do not accept consignments of cargo, courier and express parcels or mail for carriage on passenger flights unless the security of such consignments is accounted for by a regulated Agent or such consignments are subjected to other security controls.
10. Register Licensed/registered air cargo Consolidators.
11. Handling of complaints on Cargo Consolidation.
12. Facilitate and participate in public awareness and education on air cargo consolidation.

## **7. Roles and Responsibilities of Kenya Ports Authority**

1. Be the lead agency at the sea ports and ICDs.
2. Ensure that consolidated cargo is well handled at the port before transfer to container freight stations/peripherals for storage, stripping and clearance.
3. Provide a platform to interface with partner Government Agencies' systems to facilitate clearance of consolidated cargo.
4. Participate in the vetting of Consolidators.
5. Vet, license and regulate marine cargo surveyors.
6. Handling of complaints on Cargo Consolidation.
7. Facilitate and participate in public awareness and education on sea cargo consolidation.

## **8. Roles and Responsibilities of Kenya Railways Corporation**



1. Provide efficient, safe and secure conveyance of cargo from Ports to Inland Container Depots and Inland Water Ways.
2. Develop and maintain an integrated railway network to facilitate clearance of consolidated cargo.
3. Handling of complaints on Cargo Consolidation.
4. Facilitate and participate in public awareness and education on cargo consolidation.

#### **9. Roles and responsibilities of Kenya Maritime Authority**

1. Ensure adherence to the licensing requirements and conditions for Consolidators in accordance to the Merchant Shipping Act 2009, KMA Act 2006, Merchant Shipping Fees Regulations 2011 and other relevant Regulations.
2. Monitor performance as per the set standards for maritime service providers.
3. Participate in the vetting and approving of cargo Consolidators.
4. License sea cargo Consolidators.
5. Handling of complaints on Cargo Consolidation.
6. Facilitate and participate in public awareness and education on sea cargo consolidation.

#### **10. Roles and Responsibilities of Kenya Trade Network Agency**

1. Provide information flows between traders and the Government Agencies through Single Window platform.
2. Provide importers access to the Kenya TradeNet System.
3. Provide access of Kenya TradeNet System to the Partner Government Agencies

4. Training of TradeNet System users.
5. Ensure the Single Window system is compatible to the user requirements.
6. Handling of complaints on Cargo Consolidation.
7. Facilitate and participate in public awareness and education on cargo consolidation.

#### **11. Roles and Responsibilities of Directorate of Criminal Investigation**

1. Issuance of Police clearance to applicants.
2. Enforcement of laws and regulations.
3. Participate in vetting of Consolidators.
4. Handling of complaints on Cargo Consolidation.
5. Facilitate and participate in public awareness and education on cargo consolidation.

#### **12. Roles and Responsibilities of Office of the Attorney General and Department of Justice**

1. Advising Government Ministries, Departments and Agencies (MDAs) on legislative and other legal matters
2. Advising MDAs on international law, human rights and consumer protection laws in relations to Cargo Consolidation.
3. Drafting legislative proposals for the Government and advising Government and its Agencies on legislation and other legal matters

4. Participate in vetting of Consolidators.
5. Handling of complaints on Cargo Consolidation.
6. Facilitate and participate in public awareness and education on cargo consolidation.

### **13. Roles and Responsibilities of Container Freight Stations, Shed Operators and Peripheral Storage Facilities.**

1. Provide areas for storage and stripping of consolidated cargo.
2. Ensure that all the cargo within their facilities are secure and accounted for.
3. Provide a platform to interface with Government Agencies systems to facilitate clearance of consolidated cargo.
4. Transfer consolidated cargo containers from the port to their facilities.
5. Facilitate deconsolidation of consolidated cargo.

### **14. Roles and Responsibilities of Joint Vetting Committee**

The Joint Vetting Committee (JVC) shall be composed of KEBS and KRA

Vetting of Consolidators will be conducted bi-annually.

The Roles of the JVC shall include:

1. Vetting and recommending Consolidators for licensing and/or registration.

2. Review the process of vetting, licensing, registration and gazetting of Consolidators.
3. Conduct inspection of the Consolidators warehouses both locally and abroad, at the point of licensing/registration and during the license/registration period.
4. Ensure that public awareness and education on import cargo consolidation is conducted.
5. Document, maintain and disseminate reports on import cargo consolidation.

License No.....

## **FORM 2: REGISTRATION FOR CONSOLIDATORS**

### CARGO CONSOLIDATORS REGISTRATION

This                      is                      to                      certify                      that

.....

of.....

.....

located

at.....

.....

is authorized to carry business of cargo consolidation under Category/s  
.....

for                      the                      period                      .....  
.....

This Registration is valid up to 31<sup>st</sup> December 20.....

Issued                      on                      this.....Day  
of.....20.....

.....

.....

**MANAGING DIRECTOR**

*(Note: This Registration should be displayed conspicuously within the  
registered office of the registration)*

### **CONDITIONS FOR REGISTRATION *(on the reverse of the license)***

Every cargo Consolidator shall comply with the following conditions:

- a) The registration shall not be transferable or assigned to a third party.
- b) Maintain a record of cargo handled including a separate register of damaged and lost cargo.
- c) Furnish the relevant Authorities with the documents and periodic performance reports, details or contents of which shall be specified by the relevant Government Agencies.
- d) Implement and maintain the performance standards as may be specified by other relevant government agencies.
- e) Establish a system of dealing with complaints of cargo owners or Agents.
- f) Abide by the principles of fair competition.
- g) Maintain books of accounts.
- h) Display at a conspicuous place, applicable tariff and terms for all items charges.
- i) Maintain a system of cargo tracking.
- j) Comply with relevant legal and statutory requirements in relation to cargo importation and consolidation.
- k) To adhere to Government Policy on employment.
- l) Registered Consolidators shall also be required to register with Kenya Maritime Authority and Kenya Ports Authority for sea cargo and Kenya Airports Authority for Air Cargo.
- m) The Consolidator must have access to a warehouse in the country of Export and Kenya which fulfills the requirement given by KEBS
- n) Application for Registration renewal will be submitted three months prior to expiry.
- o) Employ operations staff with at least a certificate in maritime transport logistics, shipping management, clearing and forwarding, tax and Customs administration or its equivalent.
- p) Consolidator declare to Customs & Border Control Dept, individual consignees and separate Customs Declarations for each consignee's

goods. That is to say, Customs Import Declaration Form (IDF) and Customs Entry Document.

### FORM 3: MASTER PACKING LIST

The Consolidator shall compile a **Master Packing List** as detailed in the form below. The information contained in the packing list will be the true representation of the individual consignments therein.

YOUR LOGO  
HERE

Packing List

**[Your Company Name]**  
[Your Company Slogan Here]

From: [Name]  
[Company Name]  
[Street Address]  
[City, ST ZIP Code]  
[Phone]

Date: Packing List #: [100]

Ship to: [Name]  
[Company Name]  
[Street Address]  
[City, ST ZIP Code]  
[Phone]  
[Importer PIN]  
[Importer ID/Passport Details]

Package No.	Item #	HS Code	Product Description	Brand Name	Model	Country of Origin	Item Owner's PIN	Item Owner's Name	Unit Price	Quantity	Value	Weight	Acknowledgement Receipt Serial No.	Risk Level
Total:														

[Street Address], [City, ST ZIP Code] [Phone] [Fax] [E-mail]

Activate M



#### FORM 4: **CONDITIONS FOR WAREHOUSE UNDER CATEGORY B**

The Consolidator must be registered in the to undertake business in the country of export and in Kenya

They must also have access to warehouse in the country of export and in Kenya that meets the below conditions:

##### **Conditions for approval of the warehouse**

- i. Certified copy of duly executed tenancy agreement or lease/ sub lease agreement or copy of title deed for the occupied warehouse or letter of offer attached with current rent fee remittance.
- ii. Size of the warehouse MUST NOT be less than 5000 square feet.
- iii. Must be secure with good lighting.
- iv. Must have adequate sanitation facilities
- v. Must have necessary equipment such as weighing scales, racking equipment among others to facilitate inspection.

##### **Conditions for Operation of Warehouses**

- vi. Must adhere to terms and conditions spelt out in the certificate of registration.
- vii. Provide all necessary labour and materials for storing, packing, marking, weighing and taking stock of the warehoused goods whenever so required by Inspectors.
- viii. Maintain a record of all goods in the warehouse and avail such records to the Inspector for examination.
- ix. Stack and arrange the goods in the warehouse so as to permit reasonable access by the inspector to every package.
- x. The warehouse keeper shall not remove or substitute goods which have been inspected and marked so without obtaining permission of the inspector
- xi. Give PVOC inspectors unfettered access to the warehouse to inspect goods and verify documents relating to the goods stored in the warehouse.

### **Schedule 3: IMPORT CARGO CONSOLIDATION PROCESS DESCRIPTION**

#### Category A Consolidation

1. The Importer shall ensure that goods to be shipped into Kenya have been inspected by PVoC Agent and issued with a CoC before forwarding to a licensed/registered Consolidator's Agent.
2. The Consolidator's overseas Agent shall receive goods accompanied by CoC for consolidation and issue HBL/HAWB.
3. The Consolidator's overseas Agent shall submit the Master Packing List of the goods to the shipping line/airline for preparation of the master bill lading/master airway bill.
4. The shipping line/airline shall submit a manifest containing the master bill of lading/master airway bill of consolidated cargo to KRA for approval.
5. The Consolidator shall prepare a house manifest to allow for clearance by individual Consignees or their Agents.
6. KRA shall verify and approve the manifest to allow the Consolidator/Consignee to prepare the individual Customs Entries using the house bill of lading.
7. The Consignee/Agent shall present the HBL to allow issuance of delivery order.
8. The Consignee shall use the House Manifest to lodge Entries for purposes of clearance and subsequent release of individual consignments after stripping and verification by relevant Government bodies at the appointed Customs Areas.

#### Category B Consolidators

##### Preparation of Goods for inspection

1. The importer shall avail the goods to be imported to a licensed/registered Consolidator and submit a copy of the correct invoice.

2. The Consolidator shall receive the goods and issue a HBL/HAWB to the Consignee.
3. The Consolidator shall mark the individual boxes with respective package numbers.
4. The Consolidator shall prepare a Master Packing List capturing all details as prescribed in **ANNEX II** which should be supported by individual invoices.
5. The Consolidator shall make an application for Import Declaration Form (IDF) for individual consignee using the individual invoices.
6. The Consolidator shall obtain individual consignee Unique Consignment Reference (UCR) number generated by the Single Window System.
7. The Consolidator shall apply for inspection and submit the individual consignee IDFs to PVoC Agent within forty-eight (48) hours before inspection.
8. The Consolidator submits the Master Packing List of the goods inspected and issued with the CoI's to the shipping line/airline for preparation of the Master Bill Lading/Master Airway Bill.
9. The shipping line/airline shall submit a manifest containing the Master Bill of Lading/Master Airway bill of consolidated cargo to KRA for approval.

**Inspection by the PVoC Agents in the Country of Supply (Category B Consolidators)**

1. The PVoC Agent shall make reference to the list of products considered to be high risk as provided by KEBS.
2. The PVoC Agent shall assign the required number of inspectors to the consolidation points to undertake inspection.
3. The Inspector shall conduct physical inspection of the packaging, labeling and other physically verifiable parameters as per the relevant Standards and shall identify any high-risk products in the consignment based on the list circulated by KEBS.
4. The Inspectors shall confirm the actual quantities as per individual IDFs.
5. The PVoC Agent may, upon agreement with the Consolidator, subject high risk products identified to tests before issuance of CoI. Where testing is not

done, the PVoC Agent issues CoI for the consignment with a clear indication of the high risk products to be targeted for testing in Kenya by KEBS.

6. The PVOC Agent shall conduct physical inspection and issue CoI/NCR in the format provided by KEBS within 24 hours after receipt of individual consignee IDF from the Consolidator and final review of inspection reports.
7. Goods issued with Non Conformity Report (NCR) shall not be shipped to Kenya.
8. The PVoC Agent shall ensure that every container load is sealed and seal numbers indicated in the CoI. For air shipment appropriate marks and numbers shall be applied on packages as an indication that the goods were inspected.
9. The Consolidator shall pay the PVoC Agent inspection fees as per the prevailing rates before being issued with a CoI/NCR.
10. PVoC Agent shall ensure that item(s) and corresponding quantities and values are clearly indicated in the CoI.
11. The PVoC Agent shall transmit the CoI data to KEBS designated addresses real-time but not more than twenty-four hours for clearance.
12. KEBS shall submit the CoI data to the KEBS Consignment Document (CD) Link in the Kenya National Single Window System real time but not more than twenty four hours.
13. The PVoC Agent shall provide NCR data to KEBS separately for risk profiling and alerting the entry points.

**Destination Inspection and Clearance of consolidated Goods at the Port of Destination in Kenya by KEBS and KRA (Category B)**

1. The shipping line/airline shall submit a Manifest containing the Master Bill of Lading/Master Airway Bill of consolidated cargo to KRA for approval.
2. The consolidator shall prepare a house manifest to allow for individual cargo clearance.

3. KRA shall verify and approve the House Manifest to allow the Consolidator/Consignee or their clearing Agent to prepare the individual Customs Entries using the HBL/HAWB.
4. The goods shall be subjected to the clearance process by the various Government Agencies.
5. Goods identified as high risk by the PVoC Agent in the CoI and not tested, shall be sampled by KEBS for tests at a prescribed fee.
6. Low risk goods meeting general requirements and accompanied with CoI, shall be cleared by KEBS.
7. Imported goods shall undergo the prescribed Customs procedures and verification on arrival.
8. The consignment will be scanned and where there are discrepancies, the goods shall be subjected to physical verification.
9. High risk goods targeted for testing at destination shall be conditionally released and deposited at the registered warehouse belonging to the Consolidator until satisfactory test report is issued by KEBS.
10. Where high risk goods subjected to destination test fails to conform to the relevant Standards, they shall be rejected. Such goods shall be re-shipped or destroyed at a cost to the Consolidator/Consignee.
11. Where goods subjected to destination inspection fail to comply with the relevant Standards in non-critical parameters, they shall be subjected to rectification/rework as may be applicable.
12. Any non-compliant items/goods within a consolidated consignment shall be deposited in the Customs Warehouse pending resolution to facilitate release of compliant items/goods.

**After release and removal of the consignment from the Customs area, the Consolidator will deliver the goods and issue to the individual importer a corresponding Delivery note and the respective Customs Entry**