

KENYA

EXPORTER GUIDE

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1 VERIFICATION OF CONFORMITY (VOC) PROGRAM FOR GOODS SHIPPED TO KENYA

For the attention of importers: This document is intended for exporters in order to explain how to comply with Côte d'Ivoire and approved regional and international standards. It is the responsibility of importers to inform exporters of the existence of the present procedure. Verifications are executed at origin on exporter's initiative; therefore importers are not required to initiate any process in Kenya.

PROGRAM MANDATED BY	Kenya Bureau of Standards (KEBS)
APPLICABLE REGULATION(S)	Standards Act Cap 496, Law of Kenya and the Quality Imports Order No. 78 of July, 2005
STANDARDS	Please contact your closest Cotecna office to determine if your product is subject or not to this program
STARTING DATE	19th of February 2018
APPOINTED COMPANIES	includes COTECNA Inspection S.A. and affiliated companies (hereinafter referred as Cotecna)
SELECTION OF INSPECTION COMPANY	Exporter's choice
SCOPE OF VOC PROGRAM	To verify that regulated products intended for importation into Kenya conform to Kenyan and/or approved Regional/International Standards. Scope includes one or a combination of the following verifications: <ul style="list-style-type: none"> - Documentation verification - Laboratory testing (please see below for accepted laboratories) - Physical inspection in exporting country - Factory audit - Issuance of COC, COI or NCR
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2 PVOC PROCESS TO COMPLY WITH KENYAN REQUIREMENTS

In order to clear their goods in the Republic of Kenya, importers need to present at Kenyan Customs a Certificate of Conformity (COC) or a Certificate of Inspection (COI) issued by Cotecna. COCs/COIs are needed for every consignment and must cover 100% of goods to be shipped to Kenya and subject to the program.

The COC/COI can be obtained by exporters in the Country of Supply using one of the below methods of compliance. They might be eligible for Route A, B, C or D depending on the specific requirement of each route.

2.1 ROUTE A – For sensitive products

This route is recommended mainly for infrequent exporter. Exporter needs to follow this process for every shipment as a COC is valid for one shipment only.

The following products can be certified **only** under Route A:

- > Sugar
- > Cereals and pulses such as rice, wheat, beans, maize etc.
- > Fertilizer except bagged folia fertilizer not exceeding 25kg
- > Animal and Fishery products (fresh and frozen – not further processed)
- > Fresh dairy products
- > Fresh horticultural product
- > Used or second hand goods

Low-value goods whose value is less than USD 5,000 may be issued with COCs on the basis of physical inspection only. Certification undertaken through this route shall be identified in the COCs as Route A1.

2.1.1 Documentation verification

Exporter will provide Cotecna with following documents:

- > Request for Certification as per Cotecna template (please contact your closest Cotecna office to get it)
- > Unique Consignment Reference – UCR Number¹
- > Import Declaration Form (IDF)², where applicable
- > Proforma/Commercial invoice
- > Packing list
- > Technical datasheet of the products
- > Manual/operating instructions, where applicable. The manual /instruction shall include English or Swahili translation
- > Valid conformity documents
(Please refer to section 3 of this document to learn more about valid conformity document.)
- > Any other document, as requested by Cotecna

Based on the documents received, Cotecna will verify the conformity of goods to the applicable standards and decide if testing is required. Testing is not required when valid conformity documents are presented to Cotecna.

¹ UCR number: Unique Consignment Reference or UCR is a unique number that is a prerequisite on the Kenya TradeNet System for the creation of all consignment documents such as permits, exemptions, and Import Declaration Form (IDF). This will also be used to link together a request for permit and a customs declaration. UCR captures information on the exporter and importer details, goods descriptions, consignment country of origin and destination, the mode of transport used for the transaction, and optionally, supporting documents to a transaction.

² IDF: An IDF must be applied for and obtained from the Kenya Revenue Authority for any Commercial Importation. The Importer is responsible for applying for the IDF.

2.1.2 Testing in exporting country

If no valid conformity documents are presented by exporter, Cotecna will:

- > Collect samples
- > Have samples analysed in a laboratory that will issue a valid test reports for at least one product from the shipment.
(Please refer to section 3 of this document to learn more about what is considered as a valid conformity document.)

2.1.3 Physical inspection in exporting country

- > Physically inspect the goods and/or supervise the container loading, as required
- > Seal the containers (for FCL), as required

2.1.4 Collect final documents

Exporter will provide Cotecna with following documents:

- > Transport document (BL, AWB or Road Consignment)
- > Commercial Invoice

Cotecna will issue of Certificate of Conformity (COC) if the exporter meets the requirements. If not Cotecna will issue Non Conformity Report (NCR).

2.2 ROUTE B – For registered products

This route is recommended in case of regular shipments with homogeneous products. Exporter can apply for the registration of the products in order to decrease the level of intervention of Cotecna on each shipment.

The registration is valid for one year and allows the exporter to get a COC for every shipment without having a systematic physical inspection of their shipments. The registration remains valid only if the registered products are not modified (composition and packaging).

2.2.1 Conditions for registering products

The exporter can register his products with Cotecna when he complies with the following conditions:

- > He must demonstrate that the products comply with applicable standards
- > He must demonstrate that he is capable of supplying constantly compliant shipments.

2.2.2 Documentation verification

Exporter will provide Cotecna with following documents/information:

- > Request for Certification/Registration as per Cotecna template
(Please contact your closest Cotecna office to get it.)
- > Technical datasheet of the products
- > Declaration of Conformity issued by the producer or the supplier
- > Valid conformity document.
(Please refer to section 3 of this document to learn more about valid conformity document.)
- > Any other document, as requested by Cotecna

2.2.3 Testing in exporting country

During the registration validity, Cotecna might execute additional sampling and testing during the life time of the registration to countercheck the results of the test reports provided with each shipment. Registration will be cancelled in case the counterchecks show non-compliant goods.

2.2.4 Physical inspection in exporting country

Cotecna might proceed to random physical inspection during the registration validity.

2.2.5 Issuance of COC

Exporter need to apply for a COC for every shipment. They will need to provide only the following documents:

- > Transport document (BL, AWB or Road Consignment)
- > Commercial Invoice
- > Packing List

2.3 ROUTE C – For licensed products

This route is intended for manufacturers, their official distributors or brand owners with a constant volume of shipments of homogeneous products. Exporter can apply for the license of the products in order to decrease the level of intervention of Cotecna on each shipment.

The license is valid for three years and allows the exporter to get a COC for every shipment without having a systematic physical inspection of their shipments. The license remains valid only if the licensed products are not modified (composition and packaging).

2.3.1 Conditions for licensing products

The exporter can license his products with Cotecna when he complies with the following conditions:

- > The applicant must be the manufacturer, its official distributor or brand owner.
- > Existence of a Quality Management System (QMS) for the production process needs to be demonstrated via one of the following evidence:
 - A certified quality system by an accreditation body as per ISO 9001 standard or any specialized standard such as ISO 22000, ISO 22716, ISO/TS 16949, etc.
 - Manufacture products certified to safety standards, be authorized to affix a safety certification mark on these products and have its factories periodically inspection for these certification marks (last factory inspection report to be provided with the certificates related to the products).
- > An audit of the manufacturing process needs to be conducted by Cotecna.

2.3.2 Documentation verification

Exporter will provide Cotecna with following documents/information:

- > Request for Certification/Licensing as per Cotecna template (Please contact your closest Cotecna office to get it)
- > Technical datasheet of the products
- > Declaration of Conformity issued by the producer or the supplier
- > Valid conformity document. (Please refer to section 3 of this document to learn more about valid conformity document.)
- > Management Quality System certificate. It shall remain valid during the time of the license.
- > Any other document, as requested by Cotecna

2.3.3 Testing in exporting country

During the license validity, Cotecna might execute additional sampling and testing during the life time of the license to countercheck the results of the test reports provided with each shipment. License will be cancelled in case the counterchecks show non-compliant goods.

2.3.4 Physical inspection in exporting country

Cotecna might proceed to random physical inspection of the shipments to be sent, with a minimum of one shipment inspection per year.

2.3.5 Issuance of COC

Exporter need to apply for a COC for every shipment. They will need to provide only the following documents:

- > Transport document (BL, AWB or Road Consignment)
- > Commercial Invoice
- > Packing List

2.4 ROUTE D – For consolidated shipments

The purpose of this Route is to ensure that consolidated cargo are inspected and issued with Certificate of Inspection (COI) before shipped to Kenya. This Route is only opened to Registered Importers of consolidated cargo, known as Registered Consolidators. In order to be an approved Registered Consolidator, exporters are advised to contact the Joint Committee of KEBS and KRA to get more information on the application procedure.

Usually shipments of this category contain different products obtained from different suppliers. A Registered Consolidator brings together these different items into one consignment for importation (i.e. consolidated cargo). A consolidated cargo shall contain not less than 3 different products / brands.

2.4.1 Documentation verification

Exporter will provide Cotecna with following documents/information:

- > Request for Certification as per Cotecna template
- > Unique Consignment Reference – UCR Number³
- > Import Declaration Form (IDF)⁴, where applicable
- > Proforma/Commercial invoice
- > Packing list
- > Declaration of Conformity issued by the producer or the supplier
- > Valid conformity document. (Please refer to section 3 of this document to learn more about valid conformity document.)
- > Any other document, as requested by Cotecna

³ UCR number: Unique Consignment Reference or UCR is a unique number that is a prerequisite on the Kenya TradeNet System for the creation of all consignment documents such as permits, exemptions, and Import Declaration Form (IDF). This will also be used to link together a request for permit and a customs declaration. UCR captures information on the exporter and importer details, goods descriptions, consignment country of origin and destination, the mode of transport used for the transaction, and optionally, supporting documents to a transaction.

⁴ IDF: An IDF must be applied for and obtained from the Kenya Revenue Authority for any Commercial Importation. The Importer is responsible for applying for the IDF.

2.4.2 Testing in exporting country

If there are high risk products in the shipment, Cotecna might proceed to testing if no valid conformity documents are presented by exporter. In that case, Cotecna will:

- > Collect samples
- > Have samples analysed in a laboratory that will issue a valid test reports for at least one product from the shipment.

(Please refer to section 3 of this document to learn more about what is considered as a valid conformity document.)

2.4.3 Physical inspection in exporting country

- > Physically inspect the goods and/or supervise the container loading
- > Seal the containers (for FCL)

2.4.4 Collect final documents and issuance of COI

Exporter will provide Cotecna with following documents:

- > Transport document (BL, AWB or Road Consignment), if available
- > Commercial Invoice
- > Import Declaration Form (IDF)⁵, where applicable

Cotecna will issue of Certificate of Inspection (COI) if the exporter meets the requirements. If not Cotecna will issue Non Conformity Report (NCR).

3 DEFINITION OF “VALID CONFORMITY DOCUMENT”

Exporter might submit to Cotecna “Valid Conformity Documents”, such as test reports, quality certificates and analysis reports. If they are not available, Cotecna will arrange for the necessary tests to be performed.

A conformity document is valid when:

- > It has been issued by an approved laboratory:
 - ISO 17025 accredited laboratory
 - Manufacturer’s laboratory that fulfil following criteria :
 - Manufacturer must be certified ISO 9001 or another Quality Management System certification.
 - Laboratory must issue test report in accordance with applicable standards.
 - Laboratory must provide Cotecna with its laboratory equipment list, recent calibration record.
 - Otherwise qualified laboratory (as per Cotecna/Kenyan’s procedures)
- > We can establish traceability between the conformity document and the goods of the consignment.
- > It covers the exact same production, meaning same batch, as the goods of the consignment.
- > It is in compliance with applicable standards requirements in the following hierarchical order: Kenyan standards and technical regulations, then Regional standards, then International standards, then requirements.

⁵ IDF: An IDF must be applied for and obtained from the Kenya Revenue Authority for any Commercial Importation. The Importer is responsible for applying for the IDF.

4 PRODUCTS SUBJECT TO PVOC PROGRAM

All products are subject to the PVOC program except below prohibited, restricted and exempted products. To be noted that vehicles are exempted as they are covered by another PVOC program. In case of doubt, we strongly recommend you to contact your closest Cotecna office which might help you to determine if your products are subject to PVOC program or not.

4.1 Prohibited products:

The following list of product is obtained from Kenya Revenue Authority website.

- > Illegal drugs and Narcotic drugs under international control
- > Guns, explosives and ammunition
- > Knives and dangerous hunting weapons
- > Hazardous materials
- > Meat and meat products
- > Plant and plant products
- > Soil
- > Counterfeit money and goods
- > Pornographic material
- > Matches manufacturer using White Phosphorus
- > Used Tyres for light Commercial vehicles and passenger cars
- > Agricultural and Industrial chemicals published on Kenya Revenue Authority website

4.2 Restricted products:

The following list of product is obtained from Kenya Revenue Authority website.

- > Postal franking machines except and in accordance with the terms of a written permit granted by a competent authority of the Partner State.
- > Traps capable of killing or capturing any game animal except and in accordance with the terms of a written permit granted by the Partner State.
- > Unwrought precious metals and precious stones.
- > Arms and ammunition specified under Chapter 93 of the Customs Nomenclature.
- > Ossein and bones treated with acid.
- > Other bones and horn - cores, unworked defatted, simply prepared (but not cut to shape) degelatinized, powder and waste of these products.
- > Ivory, elephant unworked or simply prepared but not cut to shape.
- > Teeth, hippopotamus, unworked or simply prepared but not cut to shape.
- > Horn, rhinoceros, unworked or simply prepared but not cut to shape
- > Other ivory unworked or simply prepared but cut to shape.
- > Ivory powder and waste.
- > Tortoise shell, whalebone and whalebone hair, horns, antlers, hoovers, nail, claws and beaks, unworked or simply prepared but not cut to shape, powder and waste of these products.
- > Coral and similar materials, unworked or simply prepared but not otherwise worked shells of molasses, crustaceans or echinoderms and cattle-bone, unworked or simply prepared but not cut to shape powder and waste thereof.
- > Natural sponges of animal origin.
- > Spent (irradiated) fuel elements (cartridges) of nuclear reactors.
- > Worked ivory and articles of ivory.
- > Bone, tortoise shell, horn, antlers, coral, mother-of pearl and other animal carving material, and articles of these materials (including articles obtained by moulding).

- > Ozone Depleting Substances under the Montreal Protocol (1987) and the Vienna Convention (1985).
- > Genetically modified products.
- > Non-indigenous species of fish or egg of progeny.
- > Endangered Species of World Flora and Fauna and their products in accordance with CITES March 1973 and amendments thereof.
- > Commercial casings (Second hand tyres).
- > All psychotropic drugs under international control.
- > Historical artefacts.
- > Goods specified under Chapter 36 of the Customs Nomenclature (for example, percussion caps, detonators, signalling flares).
- > Parts of guns and ammunition, of base metal (Section XV of the Harmonized Commodity Description and Coding System), or similar goods of plastics under Chapter 39 of the Customs Nomenclature.
- > Armoured fighting vehicles under heading No 8710 of the Customs Nomenclature.
- > Telescope sights or other optical devices suitable for use with arms, unless mounted on a firearm or presented with the firearm on which they are designed to be mounted under Chapter 90 of the Customs Nomenclature.
- > Bows, arrows, fencing foils or toys under Chapter 95 of the Customs Nomenclature.
- > Collectors pieces or antiques of guns and ammunition under heading No 9705 or 9706 of the Customs Nomenclature.

Please refer to Kenya Revenue Authority website regularly for updated information on [Kenya prohibited and restricted products](#).

4.3 Exempted products:

- > Raw materials
- > Machines and Spares imported by registered local manufacturers
- > Products certified by KEBS under the Diamond Mark of quality product certification
- > Products waived by Government through the cabinet secretary Industry, Trade and cooperative Development
- > Products by importers qualified for exemption

Note: These lists of products can be changed by KEBS when/if necessary.

5 FEES PAID BY EXPORTER

<i>Route</i>	<i>Applicable fee</i> (% of declared FOB value)	<i>Min fee in USD</i>	<i>Max fee in USD</i>
A	0.60%	265	2700
B	0.55%	265	2700
C	0.35%	265	2700
D	0.75%	265	2700

1. Above fees includes:

- Documentary verification
- Physical inspection
- Sampling (except for bulk shipment)
- Issuance of COC, COI or NCR

2. Above mentioned fees are net of any duties and taxes.

The above-mentioned fees do not include the following:

- > Statement of Registration and Licensing fees
- > Laboratory testing fees
- > Sampling of bulk shipment
- > Fees for additional services may apply

6 CONDITIONS

- > Costs of the inspections, sealing, analysis and/or certification are borne by the exporter and are quoted at the time of nomination.
- > All costs incurred for presenting the goods for inspection, such as unpacking, handling, repacking, are borne by the exporter.
- > If the goods do not conform to the requirements, fees for physical inspection, testing and Non Conformity Report issuance remain due to Cotecna.
- > This program is subject to the General Terms and Conditions of Cotecna (<https://www.cotecna.com/en/terms-and-conditions>).

Disclaimer: This data-sheet has been prepared for information purpose only and is not intended to be nor does it constitute the regulation of the country of importation. Every effort has been made by Cotecna to ensure the accuracy of the information contained herein at the time of its issuance but Cotecna does not guarantee its correctness and takes no responsibility for the contents of this data-sheet, makes no representation as to its accuracy or completeness and expressly disclaims any liability whatsoever for any loss howsoever arising from or in reliance upon the whole or any part of the contents of this data-sheet.