

(Legislative Supplement No. 67)

LEGAL NOTICE NO. 183

THE STANDARDS ACT

(Cap. 496)

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

THE STANDARDS (VERIFICATION OF CONFORMITY TO STANDARDS AND OTHER APPLICABLE REGULATIONS OF IMPORTS) REGULATIONS, 2019

1. These Regulations may be cited as the Standards (Verification of Conformity to Standards and other Applicable Regulations of Imports) Regulations, 2019.

Citation.

2. (1) These Regulations shall apply to all goods imported into Kenya.

Application.

(2) Notwithstanding paragraph (1), the goods specified in the first column of the Schedule shall be exempted from the provisions of this order subject to the submission of the documents specified in the second column.

(3) The goods specified in the Schedule may be inspected upon arrival at the Port of Entry.

3. A person who imports goods shall ensure that the goods meet Kenya standards, approved specifications and/or other applicable regulations.

Compliance with standards.

4. (1) The Kenya Bureau of Standards shall appoint an inspection body or bodies in the country of exportation of goods or in a transshipment port to undertake verification of conformity to Kenya standards, approved specifications and other applicable regulations.

Appointment of inspection bodies.

(2) National Standards Bodies (NSB) of respective exporting countries with inspection functions, shall be recognized as inspection bodies for purposes of Pre-Export Verification of conformity (PVOC).

5. All goods which are subject to this order shall be subjected to verification of conformity to Kenya standards or approved specifications and other applicable regulations in the country of exportation or in a transshipment port by the inspection body or bodies appointed under paragraph 4 and may be re-inspected by Kenya Bureau of Standards at the Port of Entry if it is considered necessary,

Verification of conformity.

6. (1) The Kenya Bureau of Standards or inspection body or bodies shall issue a Certificate of Conformity, Certificate of Inspection or Certificate of Roadworthiness in respect of goods that conform to the Kenya standards, approved specifications or other applicable regulations and a non-conformity report in respect of goods which do not conform.
- Certificate of conformity and non-conformity report.
- (2) Any goods, which do not conform to the Kenya standards or approved specifications or other applicable regulations, shall not be permitted into Kenya and shall be rejected and re-exported back to the country of exportation or destroyed at the expense of the importer.
7. (1) The goods which are subject to these Regulations arriving at the port of entry without a certificate of conformity, certificate of inspection or certificate of road worthiness shall be subjected to destination inspection at a fee equivalent to twenty per centum of the approved customs value of the goods.
- Destination inspection.
- (2) The importer of such goods shall, in addition to the fee imposed in paragraph (1) execute a security bond in favor of Kenya Bureau of Standards equivalent to the said fee.
- (3) The goods arriving at the port of entry without a certificate of conformity, certificate of inspection or certificate of road worthiness referred to in paragraph (1) shall be held at the port of entry or kept in an approved warehouse for the purpose of inspection and testing.
8. The Cabinet Secretary may, on the advice of National Standards Council, exempt any imports from the provisions of this Order where the Cabinet Secretary is satisfied that it is in the national interest to do so.
- Exemption.
9. The Verification of Conformity to Kenya Standards of Imports Order, 2018 is revoked.
- Revocation of L.N. 127/2018

SCHEDULE		(r. 2(2),(3))
CRITERIA FOR EXEMPTION OF SPECIFIC IMPORTERS FROM PVOC REQUIREMENTS		
S/No	CATEGORY	DOCUMENTS REQUIRED
1	Industrial raw materials excluding those materials specified by NSC from time to time), completely knocked down kits for road vehicles, machinery and industrial spares imported by registered manufacturers for own use.	Certificate of registration of the manufacturer or assembler by the Kenya Bureau of Standards (KEBS) or any other regulatory agency responsible for regulating the manufactured goods. Certificate of analysis/material safety data sheet for raw materials
2	Equipment and Original Equipment Manufacturers (OEM) parts for power generation connected directly to the national grid.	Evidence of Original Equipment Manufacturer warranty
3	Original Equipment medical Manufacturer's parts for medical equipment	Evidence of Original Equipment Manufacturer for spare parts. Evidence of Manufacturer's warranty
4	Goods imported by diplomats and diplomatic missions except motor vehicles	Form "PRO IA" or "PRO 1B" issued by the Ministry of Foreign Affairs.
5	Courier parcels with a value to be specified by National Standards Council and Direct assessment items as may be approved by Kenya Revenue Authority.	Parcel handler's license issued by the Communications Authority of Kenya Direct assessment documents approved by Kenya Revenue Authority
6	Goods certified by Kenya Bureau of Standards (KEBS) under the Diamond Mark Scheme	Valid Diamond Mark Permit issued by Kenya Bureau of Standards
7	Goods manufactured within the East African Community (EAC)	Certificate of Origin Product Certification Permit or Certificate of Analysis (raw materials) or Test Report issued by the respective National Standard Body of origin.
8	Used personal effects belonging to returning residents and arriving expatriates excluding road vehicles.	Approval by the Kenya Revenue Authority (KRA)

9	General consumables (stores) imported by international carriers for inflight/ships services and duty free goods	Proof of licensing as international carrier. Authority by KRA as proof to operate as duty free
10	Re- imports	Re-importation certificate issued by the Kenya Revenue Authority (KRA)
11	Temporary imports	Proof of bond execution with Kenya Revenue Authority. Carnet Certificate (for vehicles)
12	New road vehicles and new mobile equipment	Manufacturer Warranty /type approval

Dated the 12th November, 2019.

PETER G. MUNYA,
Cabinet Secretary for Industry, Trade, and Co-operatives.