

INTRODUCTION

The **Kenyan Bureau of Standards (KEBS)**, a statutory organization of the government of Kenya, is responsible for the adoption and application of Standards for both imported and domestically manufactured products in the Kenyan market.

With effect from 29th September 2005, KEBS implemented the **Pre-Export Verification of Conformity (PVoC)** to Standards Programme. This is a conformity assessment and verification procedure applied to specific Goods/ Products at the respective exporting countries, to ensure their compliance with the applicable Kenyan Technical Regulations and Mandatory Standards or approved equivalents. .

KEBS has appointed **Intertek** as one of the Agents to operate the PVoC program on its behalf, depending on the country of supply. The applicable countries of operation for Intertek, Zones of Responsibility, are listed in Appendix A of this document.

All consignments subject to PVoC must obtain a **Certificate of Conformity (CoC)** issued by **PVoC Country Offices**, offices operated and managed by authorised KEBS Agents, prior to shipment. The Certificate is a mandatory Customs Clearance document in Kenya; consignments arriving at Kenyan Ports without this document will be denied entry into the country.

In exceptional cases, at the sole discretion of KEBS, specific consignments may be allowed to undergo destination inspections after receiving the appropriate application from importers. Such consignments will be subject to a penalty of 15% of the CIF value of the goods plus 15% bond and the testing and inspection costs. All other expenses incurred at destination will be borne solely by the importer.

GENERAL OUTLINE OF THE OPERATIONS OF THE PVoC PROGRAMME

Over the years, KEBS has been undertaking conformity assessment of both locally manufactured and imported goods as part of its mandate in implementation and enforcement of Kenya standards through the Quality Assurance, and Import and Export Department.

However, verification of imported goods was hitherto restricted to post-shipment verification. This not only led to delays at the port of entry, but also laid on KEBS a heavy responsibility of ensuring that substandard goods are re- exported or destroyed in an environmental friendlier manner.

To curb some of these problems, KEBS has put in place Pre- Export Verification of Conformity (PVoC) program to ensure that selected goods are verified for conformity to relevant Kenya standards or approved equivalents before shipment to Kenya.

The primary objective of applying Pre- Export Verification of Conformity (PVoC) program is to ensure quality of products, health and safety, and environmental protection for Kenyans and this is reflected in the product coverage scope.

The key elements undertaken in PVoC are:

- Physical inspection prior to shipment,
- Sampling, testing and analysis in accredited laboratories,
- Audit of product processes,
- Documentary check of conformity with regulations; and
- Assessment of conformity to standards



PRINCIPLES OF PVoC

The PVoC Programme is based on Article 5 of Technical Barriers to Trade (TBT/WTO), which requires that technical requirements (i.e. Standards) applied to foreign products must also be applied to domestically manufactured products. Over 2500 domestic companies are already subjected to Kenya standards, through our Quality assurance department and therefore PVoC will offer equal and national treatment to imported products.

Since PVoC is a conformity assessment process to verify that products imported to Kenya are in compliance with the applicable Kenya standards or approved equivalents, regulations and technical requirements before shipment, it is the sole responsibility of the supplier (i.e. exporter) to demonstrate the same and hence meet any associated costs of verification.

RESPONSIBILITIES

IMPORTERS

Ensure their suppliers are conversant with import quality requirements and that their consignments are accompanied with a Certificate of Conformity (CoC) from the appointed PVoC Agents.

EXPORTERS

Ensure their products or goods meet the regulations and quality requirements of Kenya before shipment by carrying out tests and/or obtaining the necessary certification of Conformity (CoC) from the appointed PVoC Agents for all products subject to the PVoC program.

KEBS

Ensure that only quality goods gain entry into the country as provided for in the Standards Act Cap 496, Laws of Kenya and the Quality Imports Order No. 78 of July, 2005, thereby offering the necessary protection to Kenya's consumers in safety, health and environmental matters.



ROUTES FOR CERTIFICATION

I. ROUTE A – CONSIGNMENT CERTIFICATION

Under Route A, products to be shipped have to be both tested and physically inspected to demonstrate conformity to relevant standards, essential requirements or manufacturer's specification.

This Route is open to all products being exported by either traders or manufacturers. This Route is opened to any trade party, shipments or products and certification process is as outlined below:

STEP 1 – SUBMISSION OF REQUEST FOR CERTIFICATION (RFC) BY THE EXPORTER

The exporter shall complete and submit RFC form (available on the website) to the respective PVoC Agent's office together with the following documentations:

- a. Product Data Sheet and/ or Product Description to specify the product intended use – Mandatory
- b. Proforma Invoice and Import Declaration Form – Mandatory
- c. Manual/ Operating Instructions
- d. Production Data (Batch No/ Size, Manufacturer's Name, Production Date, Expiration Date, Manufacturer's Certificates)
- e. QMS Certificates/ Conformity Marks/ Safety Marks/ National Approval – If Available
- f. Product Technical Specification from the manufacturer – If Available
- g. Third Party Test Reports – If Available
- h. Distributorship/ Dealership Agreement – If Available (*This is only applicable to manufacturer, authorized dealers and distributors.*)

NOTE: Quality and completeness of the above mentioned documentation directly influences time and cost of processing of the order/ request.

STEP 2 – REVIEW OF RFC/ DOCUMENTATION SUBMITTED BY EXPORTER BY THE PVoC AGENT

The concerned PVoC Agent shall review the documentation for completeness and to:

- a. Establish the appropriate Kenya Standard and/ or international equivalent (Standard application priority to be applied)
- b. Establish the essential requirements (Based on Health and safety hazards as per the Standard)
- c. Establish product risk profile (for purposes of determining level of intervention)
- d. Prepare inspection and testing instructions (See: Step 3 and 4)

And respond to the exporter's request giving details specified below within 48 hours;

- a. Missing documents (*if any*);
- b. Essential requirements (*as per the identified standard*) and the level of intervention (*i.e. where testing must be done, the exporter shall be informed*);
- c. Proposed inspection date and schedule for the exporter's confirmation;
- d. Any other PVoC related requirements.

NOTE: Inspection shall be scheduled for a date not later than 3 days from receipt of the missing documents specified in the PVoC Agent's communication to the exporter after reviewing RFC. However, if the RFC was accompanied with all the valid documents specified in Step 1, the inspection shall be scheduled for a date not later than 5 days from receipt of RFC unless the exporter prefers a later date.



STEP 3 – CONSIGNMENT INSPECTION BY THE APPOINTED INSPECTOR

The inspection shall be carried out as per the instruction prepared in Step 2. The inspection shall focus on marking, packing, product's shelf life (where applicable) and visual product conformity for reconciliation with the test report. Assessment of product functionalities is critical more so where testing is not feasible (See: Step 4).

Samples shall be drawn and respective packages from which samples drawn marked appropriately by the inspector for testing.

Upon completion of the inspection, the inspector shall prepare report detailing findings and remarks (recommendation). A copy of the report shall be submitted to the exporter immediately thereafter. Any discrepancy noted during inspection shall be brought immediately to the attention of the exporter through a discrepancy report.

NOTE: Conformity assessment process is not yet complete upon completion of physical inspection of goods. Final decision on conformity of the inspected goods will be undertaken by the concerned PVoC Agent after evaluation of the inspection report, test reports (where applicable) and other relevant quality documentations.

STEP 4 – CONSIGNMENT TESTING

Testing shall be confined to essential requirements or parameters of the applicable standard only. Testing shall only be performed on samples drawn by the concerned PVoC Agent in any of the following laboratories:

- a. Any PVoC Agent Laboratory
- b. An independent laboratory accredited to ISO/IEC 17025 worldwide
- c. Any laboratory not accredited to ISO/IEC 17025 or the manufacturer's laboratory under witnessing by PVoC Agent. *(This option is only open in instances where the first two labs cannot be found within the locality)*

Witness testing shall be performed by qualified personnel familiar with the product and test methods. The PVoC Agent shall witness testing only in laboratories meeting requirements specified in ISO 9001:2000.

Where testing is not economically viable/ feasible due to multi-line items, low value consignments, disassembled machinery etc, evaluation of the following documents may be carried out in lieu of testing:

- a. Manufacturer's own test report
- b. Safety Marks/ Conformity Marks/ National Approvals (e.g. CE mark, type approval reports, etc)
- c. Relevant Quality Management System Certificates

STEP 5 - ISSUANCE OF THE FINAL CERTIFICATION DOCUMENTATION BY THE PVoC AGENT

Upon receipt of the inspection report (Step 3) and test report/ documentary evaluation report (Step 4), the PVoC Agent shall take a certification decision and issue certificate (i.e. Certificate of Conformity or Non Conformity Report) within 3 working days of receipt of the reports and the final invoice.

NOTE: (1) Where testing has to be carried out, the final decision on conformity of goods will be taken no earlier than completion of testing. (2) Exporter may contact the concerned PVoC Agent in order to obtain Certificate of Conformity (CoC) or to know certification decision prior to shipment.



II. ROUTE B – PRODUCT REGISTRATION AND CERTIFICATION OF SHIPMENTS

Route B offers a fast track certification process for goods 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.

The registration is valid for a period of one year. Shipments of registered products are exempted from mandatory testing and certification may be based on physical inspection only. However, random testing of registered product is still required to ensure product conformity throughout the registration period. The following products are however not eligible for registration under Route B. **These are subject to certification under Route A only:**

- a. Sugar
- b. Cereals and pulses such as Rice, wheat, beans, Maize etc.
- c. Fertilizer
- d. Animal and Fishery products (fresh and frozen, not further processed)
- e. Dairy products
- f. Fresh horticultural produce
- g. Used or second hand goods.

A. PRODUCT REGISTRATION PROCESS

STEP 1 – SUBMISSION OF REGISTRATION APPLICATION FORM TO PVoC AGENT BY THE EXPORTER

Exporters seeking registration of their products under the PVoC programme may fill and submit to the PVoC Agent Registration Application Form together with the following documentations:

- a. Product Data Sheet and/ or Product Description to specify the product intended use – Mandatory
- b. Proforma Invoice and Import Declaration Form – Mandatory
- c. Manual/ Operating Instructions
- d. Manufacturer's Certificates
- e. QMS Certificates/ Conformity Marks/ Safety Marks/ National Approval – If Available
- f. Product Technical Specification from the manufacturer – If Available
- g. Third Party Test Reports – If Available
- h. Distributorship/ Dealership Agreement - If Available (*This is only applicable to manufacturer, authorized dealers and distributors.*)

NOTE: Traders dealing in branded goods shall provide evidence of their relationship with the Original Equipment Manufacturer (OEM)

STEP 2 – REVIEW OF REGISTRATION APPLICATION BY THE PVoC AGENT

PVoC Agent shall review the submitted documentations to:

- a. Establish product compliance to Kenya Standard and/ or international equivalent.
- b. Establish the exporter's ability to consistently supply quality goods.

The concerned PVoC Agent shall communicate the review outcome to the exporter within 4 working days of receipt of the application.

On successful review by the concerned PVoC Agent, the exporter shall be issued with the **Statement of Registration** detailing the products registered, validity period and other registration conditions upon payment of the applicable fees.



B. REGISTERED PRODUCTS SHIPMENT CERTIFICATION PROCESS

Shipments of registered products still require Certificate of Conformity in order to be permitted into Kenya. However, the certification process is faster due to the above registration. Below is the procedure for certification:

STEP 1 – SUBMISSION OF REQUEST FOR CERTIFICATION (RFC)

The exporter shall fill and submit the RFC Form to the concerned PVoC Agent along with the following documentations:

- a. Valid **Statement of Registration** containing goods to be shipped.
- b. Proforma Invoice and Import Declaration form (IDF)

The concerned PVoC Agent shall review the documentations with a view to establishing the validity of the Statement of Registration and schedule inspection for a date not later than 3 days from the date of receipt of the RFC unless the exporter/ supplier prefers a later date.

STEP 2 – CONSIGNMENT/SHIPMENT INSPECTION BY PVoC AGENT APPOINTED INSPECTOR

The inspector shall conduct inspection as per the guidelines and instructions issued by the PVoC Agent. The inspection shall focus on marking, packaging, product shelf life (where applicable), conformity to packing list/ invoice and visual product conformity.

Samples may be drawn and respective packages from which samples drawn marked appropriately by the inspector as and when advised by PVoC Agent for testing. Upon completion of the inspection, the inspector shall prepare report detailing findings and remarks (recommendation).

A copy of the report shall be submitted to the exporter immediately thereafter. Any discrepancy noted during inspection shall be brought immediately to the attention of the exporter through a discrepancy report.

NOTE: PVoC Agent shall inform the exporter when the products are to be sampled for testing. However, the conformity decision for the shipment sampled may not be pegged on the test report obtained thereafter. Such test reports may be useful in making conformity decision for subsequent shipments.

STEP 3 – CONSIGNMENT/SHIPMENT TESTING

Testing shall be confined to essential requirements or parameters of the applicable standard only. Testing shall only be performed on samples drawn by the concerned PVoC Agent in any of the following laboratories:

- i. Any PVoC Agent laboratory
- ii. An independent laboratory accredited to ISO/IEC 17025 worldwide.
- iii. Any laboratory not accredited to ISO/IEC 17025 or the manufacturer's laboratory under witnessing by PVoC Agent. *(This option is only open in instances where the first two labs cannot be found within the locality)*

Witness testing shall be performed by qualified personnel familiar with the product and test methods. The PVoC Agent shall witness testing only in laboratories meeting requirements specified in ISO 9001:2000.

STEP 4 – ISSUANCE OF THE FINAL CERTIFICATION DOCUMENTATION BY THE PVoC AGENT

Upon receipt of the inspection report, the PVoC Agent shall take a certification decision and issue certificate (i.e. Certificate of Conformity or Non Conformity Report) within 3 working days of receipt of the reports and the final invoice.

NOTE: Exporter may contact the concerned PVoC Agent in order to obtain Certificate of Conformity (CoC) or to know certification decision prior to shipment.

III. ROUTE C – PRODUCT REGISTRATION AND CERTIFICATION OF SHIPMENTS

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.

On successful conclusion of this process, the manufacturer will be presented with a License for the relevant products valid for a period of one (1) year. Licensed products shall be subject to random physical inspection by authorized PVoC Agent(s) prior issuance of Certificate of Conformity and subsequent shipping of the same. However the PVoC Agent(s) shall carry out limited testing during the license valid period.



OTHER REQUIREMENTS

1. CONTAINER SEALING REQUIREMENTS

Wherever feasible, sealing of FCL Containers (Full Container Loads) is required during physical inspection. Exporters are required to give advance notice to PVoC Country Office of container stuffing arrangements, so that the date of inspection is scheduled to coincide with the container stuffing.

2. LABELING AND SHELF LIFE REQUIREMENTS

All labeling of packaging of imports shall include English and / or Swahili. Packaged goods (e.g. foodstuffs, chemicals, cosmetics, and similar) shall indicate the batch numbers and dates of expiration and/or date of production. All imports with a limited shelf life shall have more than seventy five per cent (75%) shelf life from the date of expected landing in Kenya.

3. COUNTERFEIT PRODUCTS/ GOODS

Importation of any counterfeit goods is not allowed. Where products/goods are established to be counterfeits, No Certificate of Conformity (CoC) shall be issued even if the products/goods meet the relevant specifications (standards). Exporters of suspect counterfeit goods will be expected to provide adequate evidence of the genuineness of their goods before a CoC is issued.

CONFORMITY ASSESSMENT FEES (VERIFICATION FEES)

VERIFICATION FEES	REGISTRATION AND LICENSING FEES
<p>The applicable verification fees depend on the route, subject to the minimum and maximum detailed below. The fees are payable by the Exporter or Manufacturer and payable in advance:</p> <p>Route A 0.475% of FOB value subject to a minimum of USD 180</p> <p>Route B 0.425% of FOB value subject to a minimum of USD 180</p> <p>Route C 0.25% of FOB value subject to a minimum of USD 135</p> <p>Used Vehicles To be advised</p> <p>Testing Fees Determined on a case by case basis</p> <p>NOTE: The above fees are subject to a minimum of USD 180 and a maximum of USD 2375. However, the maximum fee chargeable is subject to the applicable commercial rates at the port of inspection.</p>	<p>Registration Fees The Registration fees shall be 375 USD, which will cover the Registration of 15 products / line items in the Statement of Registration (SoR).</p> <p>Every additional product / line item above 15 products / line items will be charged an additional fee of 20 USD.</p> <p>Amendments to SoRs will be charged at the rate of 40 USD minimum for up two products / line items amendments and then 20 USD per line item amendment after that.</p> <p>Licensing Fees Licensing fees are calculated on a case-by-case basis. Please contact your nearest Registration and Licensing Certification Centre or PVoC Country Office for further information.</p> <p>NOTE: Products with common characteristics will be grouped together in determining the Registration / Licence Fees</p>



HOW TO OBTAIN A CERTIFICATE OF CONFORMITY

The PVoC compliance procedures are designed to provide maximum flexibility to exporters and importers by providing three (3) possible routes for obtaining a Certificate of Conformity (CoC) for their shipments. The method utilized will depend on the frequency of the exporters' shipments to Kenya and the level of compliance they are able to demonstrate initially when applying for certification.

REQUEST FOR CERTIFICATION

The electronic Import Declaration Form (IDF) data is to be received from KEBS. The PVoC Country Office in the Country of supply may contact the exporter and provide him with a Request for Certification Form, (RFC). The exporter must send the form completed together with a pro-forma invoice and provide information about the date and place for inspection. The exporter joins to the RFC form the test reports (if available) and when applicable copies of the statements of registration and / or Licence.

DETERMINATION OF ROUTE

The PVoC Country Office will review the RFC and attached documentation and will confirm the applicable route for certification and the standards applicable.

PRODUCT TESTING

Wherever possible, the PVoC Country Office shall arrange for product sampling and testing with an approved or an ISO/IEC 17025 accredited laboratory in advance of the scheduled date of shipment. The exporters should wait for test results before shipment. Where the exporter wishes to provide test certificates, these should be from a laboratory accredited to an ISO/IEC system or other approved laboratories. The exporter may also make arrangements to have the tests witnessed by a PVoC Agent staff. Test reports should be submitted to the PVoC Country Office along with a copy of the Laboratory Accreditation. The test reports must be sufficiently detailed so as to demonstrate tractability to the consignment to be shipped to Kenya.

INSPECTION

The PVoC Country Office will contact the place of inspection and confirm the appointment for physical inspection of the consignment. Physical inspection is normally carried out to verify requirements that may be visually verified (e.g. product labeling) and to ensure reconciliation of the consignment with previously submitted test reports. If applicable, product sampling for testing purposes may also be performed during physical inspection. In such case however, exporters should wait for test results before shipment.

CERTIFICATION

Except for air-shipments, the exporter shall submit a final invoice to the PVoC Country Office, as soon as possible after physical inspection. The PVoC Country Office will perform a final review of all test and inspection reports and decide upon the issuance of the Certificate of Conformity (CoC) or Non Conformity Report (NCR). PVoC Country Office will indicate any corrective actions needed prior the issuance of a Certificate of Conformity. Only if the discrepancy is corrected, a CoC will be issued.



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APPENDICES

Appendix A	Country Offices & Zones of Responsibility
Appendix B	Request for Certification (RFC)
Appendix C	Products Subject to PVoC Programme (Covered)
Appendix D	Products Not Subject to PVoC Programme (Excluded, Restricted and Prohibited)
Appendix E	Registration Application Form

The above Appendices are available at <http://www.intertek.com/government/product-conformity/exports/kenya/>