

Kenya Bureau of Standards

PVOC PROGRAM OPERATIONS MANUAL

1. INTRODUCTION

1.1. General Overview of the PVoC Program

PVOC Program is a conformity assessment program applied to products at the respective exporting countries, to ensure their compliance with the applicable Kenyan Technical Regulations and Mandatory Standards or approved specifications.

1.2. Legal Basis of the PVoC Program

PVOC program was started on 29th September 2005 by KEBS, through the publication of Legal Notice No. 78 of 15th July, 2005 by then Minister for Trade and Industry. The Legal Notice has been superseded by the Legal Notice No. 127 of 19th June 2018. The program is also fully compliant with the provisions of Article 5 of WTO TBT Agreement.

1.3. Objectives of the program

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

1.4. Operations of the Program

- The program is operated by accredited third party inspections companies on behalf of KEBS.
- The world is divided into nineteen (19) regions based on proximity and trade volumes. In addition, the
 program provides for multiple Partners in majority of the regions to enhance efficiency.
- The basis of certification is Kenya standards or approved specifications.

2. TERMS AND DEFINITION

- **COC** Certificate of Conformity
- COI Certificate of Inspection
- COR- Certificate of Roadworthiness for Motor Vehicles
- DVS- Department of Veterinary Services
- IDF- Import Declaration Form
- **KEPHIS** Kenya Plant Health Inspectorate Service
- NCR- Non conformity Report
- PCPB- Pest Control Products Board
- PPB- Pharmacy and Poisons Board
- PVOC Pre-Export Verification of Conformity to Standards
- PVOC Partners KEBS Appointed Inspection and Certification Companies.
- QMS- Quality Management System
- RFC- Request for Certification
- Mobile Equipment refers to trailers, bulldozers, agricultural / Industrial machinery, excavators, graders, moveable cranes and off-road vehicles

3. RESPONSIBLITIES UNDER THE PVOC PROGRAM

3.1. Importers

Ensure their suppliers are conversant with import quality requirements specified in relevant Kenya Standards or approved specifications and that their consignments are accompanied with a Certificate of Conformity (CoC) from the appointed PVoC Partners. Ensure goods that are imported meet Kenya Standards or approved specifications and regulatory requirements.

3.2. Exporters

Ensure their products or goods meet the regulations and quality requirements of Kenya before shipment by carrying out tests based on relevant Kenya Standards or approved specifications and/or obtaining the necessary Certificate of Conformity (CoC) from the appointed PVoC Partners for all products subject to the PVoC program.

3.3. PVOC PARTNERS

Six (6) inspection companies (PVoC Partners) namely: Bureau Veritas, Cotecna, China Certification & Inspection (Group) Inspection Co. Ltd, Intertek International, SGS and QISJ have been contracted by KEBS to undertake PVoC activities. The role of these Partners is to undertake conformity assessment activities in the country of origin for products and vehicles being imported into Kenya. These activities include inspection, sampling, testing, sealing of full-load containers and issuance of COCs / COIs / CORs/NCR

The inspection shall be scheduled in liaison with the exporter and perform the physical inspection of commodities within four (4) working days for sea bound shipments and One Working Day for air freight upon receipt of the duly completed Request for Certification form and other relevant documentation from the exporter unless otherwise requested by the exporter in writing.

Issue certificate of conformity within two (2) working days of receipt of final documentation and meeting payment terms from the exporter/importer for sea bound cargo and one (1) working day for airfreight where the verified consignment complies with the applicable standards, specification and/or regulations.

3.4. 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 Standards (Inspection of Imports) Order, 2018 (Legal Notice No.127 of 19th June, 2018), thereby protecting consumer health and safety as well as environment in addition to promoting fair trade practices.

3.5. Partner Government Agencies

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

4. PVOC SCOPE

All imported goods destined to Kenya including those regulated by Partner Government Agencies except those listed in Annex 2 shall be required to undergo mandatory certification in the country of origin or supply prior to shipment into the country. The certification shall be carried out by the appointed PVoC Partners.

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

5.1.1. Bureau Veritas S.A

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

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

Fortis Suites, 3rd Floor, Hospital Rd, Upperhill, Nairobi P.O Box 21641 – 00100 NAIROBI Phone: + 254 710 458752 Email: ccickenya@ccic.com / ccickenya@gmail.com

5.1.3. Cotecna Inspection S.A

Pili Trade Centre, Mombasa Road (opposite Hilton Garden Hotel) P.O Box 49864-00100, Nairobi Telephone numbers: + 254 20 786 103, +254 702 863 103, + 254 782 863 103 Email: <u>info@cotecnakenya.com</u>

5.1.4. Intertek International Limited

House of Vanguard, 4th Floor, P.O. Box 696–00621 Chiromo Road, Westlands, Nairobi, Kenya Tel: +254 20 4449132 / 3 / 6 Mobile: +254 736 715456 or +254 714 900397 E-mail: <u>info.kenyapvoc@intertek.com</u>

5.1.5. SGS S.A

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

5.2. Partner's Zones / Countries of Responsibilities:

The PVoC Partners have been allocated zones of responsibilities as per below table:

No.	Region	Countries	Partners Responsible
1	United Kingdom	1. Ireland 2. United Kingdom	Intertek, SGS, Bureau Veritas
2	China	1. China Mainland3. Taiwan2. Hong Kong4. Mongolia	Intertek, Cotecna, SGS, Bureau Veritas. CCIC – Suspended in this Region
3	Indian Subcontinent	1. India5. Afghanistan2. Pakistan6. Myanmar3. Sri Lanka7. Nepal4. Bangladesh	Intertek, SGS, Bureau Veritas
4	Far East	1. Japan6. Thailand2. Korea (South and North)7. Singapore3. Indonesia8. Vietnam4. Malaysia9. Cambodia5. Philippines	Intertek, Cotecna,
5	Australia, New Zealand and Polynesia Islands	1. Australia4. Samoa2. New Zealand5. Polynesia Islands3. Papua New Guinea	Intertek, SGS
6	Central America and Caribbean	1. Mexico8. Venezuela15. Uruguay2. Guatemala9. Colombia16. Argentina3. El Salvador10. Brazil17. Chile4. Honduras11. Ecuador18. Cuba5. Nicaragua12. Peru19. Jamaica6. Costa Rica13. Bolivia20. Guyana7. Panama14. Paraguay21.Dominican Republic	Intertek, SGS
7	Americas	1. USA 2. Canada	Intertek, SGS, Bureau Veritas
8	Ex-Soviet Union Republics	1. Latvia6. Georgia11. Kazakhstan2. Estonia7. Armenia12. Kyrgyzstan3. Lithuania8. Azerbaijan13. Tajikistan4. Belarus9. Turkmenistan14. Russia5. Ukraine10. Uzbekistan	Intertek, SGS
9	Eastern Europe	1. Czech Republic5. Bosnia- Herzegovina9. Macedonia2. Slovakia6. Serbia10. Albania3. Romania7. Montenegro11. Poland4. Hungary8. Bulgaria12. Moldova	Intertek, SGS
10	Mediterranean Europe	1. Turkey3. Spain5. Malta2. Greece4. Portugal6. Cyprus	Intertek, SGS, Bureau Veritas
11	Central Europe	1. Italy4. Belgium7. Netherlands2. France5. Germany8. Luxembourg3. Switzerland6. Austria9. Liechtenstein	SGS, Bureau Veritas
12	Nordic Countries	1. Norway3. Finland5. Denmark2. Sweden4. Iceland	Intertek, SGS
13	Middle East	1. Iran5. Jordan9. Yemen2. Iraq6. Syria10. Bahrain3. Saudi Arabia7. Lebanon11. Qatar4. Oman8. Israel12. Kuwait	Intertek, SGS

No.	Region	Countries	Partners Responsible
14	UAE	1. United Arab Emirates	Intertek, Cotecna,SGS, Bureau Veritas
15	Maghreb Countries	1. Algeria 2. Morocco 3. Western Sahara	Intertek, SGS
16	North Africa	1. Egypt4. Sudan7. Ethiopia2. Tunisia5. Chad8. Djibouti3. Libya6. Eritrea	Cotecna,SGS
17	West Africa	1. Mauritania7. Ghana13. Gambia2. Senegal8. Togo14. Liberia3. Guinea9. Nigeria15. Guinea Bissau4. Mali10. Equatorial Guinea16. Sierra Leone5. Burkina Faso11. Niger17. Cape Verde6. Cote D'Ivoire12. Cameroon18. Benin	Intertek, SGS
18	Central Africa	1. DRC3. Congo Brazzaville5. Central Africa2. Gabon4. AngolaRepublic	Intertek, SGS
19	Southern Africa	1. Zambia5. Seychelles9. Botswana2. Malawi6. Namibia10. Zimbabwe3. Mozambique7. Lesotho11. Swaziland4. Madagascar8. South Africa12. Mauritius	Intertek,SGS, Bureau Veritas

5.3. Certification Routes for General Goods

The PVOC program has been designed to provide maximum flexibility to exporters and importers by providing four (4) possible routes for obtaining the COC/COI. The route applied depends on the frequency of exporters' shipments to Kenya and the level of compliance they are able to demonstrate initially when applying for certification.

5.3.1. Route A (Consignment inspection and Testing)

Under this Route, products to be shipped have to be both tested and physically inspected to demonstrate conformity to relevant standards and regulatory requirements. This route is open to all products being exported by either traders or manufacturers. Additionally, all containerized cargo under this route must be sealed by the contracted inspection agencies and seal and container numbers indicated in the CoC.

5.3.2. Route B (Product Registration)

This route 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, regular 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 (i.e. are subject to certification under Route A only);

- Sugar
- Cereals and pulses such as Rice, wheat, beans, Maize etc.
- Fertilizer.
- Animal and Fishery products (fresh and frozen- not further processed)
- Fresh dairy Products
- Fresh horticultural produce
- Used or second hand goods
- Cooking Oils
- Tyres

5.3.3. Route C Product Licensing:

This route is open only to manufacturers who can demonstrate existence of a quality management system in their production/ manufacturing process. It involves auditing of such production processes and licensing of products manufactured thereof by authorized PVoC Agent(s) in line with ISO Guide 28: 2004. On successful conclusion of this process, the manufacturer will be presented with a License for the relevant products valid for a period of three (3) years. 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.

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

5.3.4. Route D Consolidated Cargo Imports

This route is open only to registered importers of consolidated cargo. This is cargo containing a wide range of products or merchandise generally in small quantities or parcels belonging to several consignees who have pooled or assembled together their parcels to form one consignment which may be declared as belonging to one importer at the port of destination or de-consolidated back into the original individual consignments for delivery to the respective cargo owners upon arrival at destination port. For purposes of this procedure a consolidated cargo shall contain not less than 3 different products/ brands.

Registered consolidators, who bring together separate items from different individuals or sources into a one consignment for importation, shall apply for certification and submit the packing list and commercial invoice to PVOC agent at least forty-eight (48) hours before inspection. The PVOC partners shall assign the required number of inspectors to the consolidation points to undertake inspection and thereafter issue Certificate of Inspection (Col). High risk goods imported through this Route shall be subjected to testing at destination by KEBS before release. Importers of such goods are required to meet the cost of testing at destination. Additionally, all containerized cargo under this route must be sealed by the contracted inspection agencies and seal numbers indicated in the CoC.

5.4. Fees Charged Under the PVoC Program

- Route A: 0.60% of the FOB Value min USD 265 max USD 2700
- Route B: 0.55% of the FOB Value min USD 265 max USD 2700
- Route C: 0.35% of the FOB Value min USD 265 max USD 2700
- Route D: 0.75% of the FOB Value min USD 265 max USD 2700

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

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

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

5.5. Enriched Certificate of Conformity

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

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

6.1. Motor vehicle inspection

KEBS has appointed Quality Inspection Services Inc. Japan (QISJ) to offer Pre-Export Verification of Conformity services in Japan, United Arab Emirates, United Kingdom, Thailand and South Africa for

- Used Vehicles, in accordance with KS 1515:2000 Code of Practice for Inspection of Road Vehicles and for the inspection of used vehicles for radioactive contamination and verification of odometer integrity.
- Mobile equipment in accordance with relevant Kenya Standards or approved specification.
- Used spare parts for vehicles, Mobile equipment and Industrial / Agricultural Machinery in accordance with relevant Kenya Standards or approved specification.

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

6.2. QISJ Contacts

6.2.1. HEAD OFFICE

Quality Inspection Services Inc Japan YCC 1608, 22 Daikoku Futou Tsurumi, Yokohama 230-0054 Japan Tel: +81-45-500-6033 Email: info@qisjp.com

6.2.2. KENYA OFFICE

P.O. Box 4060-80107 Mwakilingo street, Mombasa, Kenya. **Tel:** 254796222222, **E-Mail:** kerwi@gisjp.com

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

6.3. Main Features of KS 1515:2000

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

- i. The vehicle must be Right Hand Drive.
- ii. The vehicle must be less than 8 years from the year of first registration.
- iii. The difference between manufacture and registration must be less than one year.

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

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

NOTE: KS 1515: 2000 applies to road vehicles, which include motorbikes, cars, vans, buses and trucks of all sizes.

6.4. Inspection Fees Charged Under the PVoC Program

6.4.1. Motor vehicles

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

6.4.2. Mobile equipment and used spare parts

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

7. EXEMPTIONS AND WAIVERS FROM PVOC

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

Other request for waivers shall be handled in accordance with the provisions of Legal Notice No. 127 19th June, 2018

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

- Goods arriving at the port of entry with a certificate of conformity will be given an expedited clearance.
- Copies of CoR and CoC may be submitted to both KEBS and KRA to facilitate cargo clearance at the Ports of Entry.

9. CONTACT INFORMATION

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

Email: pvoc@kebs.org Tel: +254 20 6948 423 / 439 / 645/ 646 / 647 / 652 / 000 Mobile: 0724 255 242

ANNEX 1

CRITERIA FOR EXEMPTION OF SPECIFIC IMPORTERS FROM PVOC REQUIREMENTS

No.	Category	Criteria	Remarks
1.	Importers of products regulated by other government agencies.	Proof of quality certification by the regulator(s)/ Import permits etc.	Concerned importers to submit Import permit or any other quality certification documentation to KRA for processing of customs entries/IDF <i>Kindly refer to annex 2 for a detailed list</i> <i>of products regulated by other</i> <i>government agencies</i>
2.	Registered manufacturers importing raw materials, machinery and spares for own use	 Applicant must demonstrate quality track record for the raw materials and the final products as confirmed by KEBS Proof of transformation of raw material (s) into a completely different product (finished product) Proof of certification to a quality management system/ or professional practice. Manufacturers to provide data on their customers e.g. complaints Proof that the final products are directly linked to the raw materials being imported 	Concerned importers to fill the form in Microsoft excel format available on KEBS website (<u>www.kebs.org</u>) and submit the filled form in the same format (Microsoft excel format) via email to <u>inspections@kebs.org</u> together with the other required documents (the required documents are listed in the excel form under instructions).
3.	Diplomats and diplomatic missions	PRO 1A & PRO 1B	Completed PRO 1A & PRO 1B to be submitted to KEBS for application of a local COC at the time of clearance.
4.	Registered assemblers importing CKDs for motor vehicle and motor cycle assembly/ Manufacturing Under Bond (MUB)	Proof of registration as assembler/ MUB	Concerned importers to fill the form in Microsoft excel format available on KEBS website (www.kebs.org) and submit the filled form in the same format (Microsoft excel format) via email to inspections@kebs.org together with the other required documents (the required documents are listed in the excel form under instructions).
5.	Importers of courier parcels valued up to a maximum of Kshs. 500,000.	Goods imported under KEBS/CIAK MoU. Parcel handler's licence issued by the Communications Authority of Kenya.	Goods to be subjected to destination inspection.
6.	Importers of printed matter and copyrighted digital materials	Textbooks, periodicals, diaries, labels, Recorded digital media, magnetic media	KRA to administer. KEBS does not have quality standards for copyrighted materials.
7.	Importers of goods certified by KEBS under Diamond Mark Scheme	Valid Diamond Mark permit	Concerned importers to submit the importation documentation to KEBS for processing of Local CoC.
8.	Importers of goods manufactured within East African Community (EAC)	Country of Origin must be an EAC member state	Import Entries for goods from EAC Partner states to be processed by KRA based on Country of supply.

No.	Category	Criteria	Remarks
9.	Importers of new vehicles / Mobile Equipment	New vehicles / Mobile Equipment must be imported directly from the manufacturer of the brands or the manufacturer's appointed agent	Clearance to be based on year of manufacture. Refer to annex 3 for further guidance.
10.	Importers of used personal effects	Goods must be pre-owned before shipment	KRA to administer.
11.	Importers of vehicles from countries where KEBS does not have a motor vehicle inspection arrangement	Country of exportation must be a country where KEBS does not have a motor vehicle inspection arrangement	Vehicles not from UAE, JAPAN, UK, THAILAND AND SOUTH AFRICA to be subjected to destination inspection.
12.	General consumables (stores) imported by International carriers for inflight / ships services and duty free goods	Proof of existence as international carrier and Authority by KRA to operate as a duty free shop	Concerned importers to submit licenses to KRA for processing of their import entries.
13.	Re- imports	Submission of re-importation certificate (KRA)	Concerned importers to submit re- importation certificates to KRA at the time of importation.
14.	Emergency spare parts for non- manufacturers following a break-down	Type approval/ Certificate of Conformity/ warranty from manufacturer	Local inspection at 20 per cent of customs value.
15.	Importers of temporary goods	Submission of a bond executed in favor of KRA	Concerned importers to submit an executed bond in favor of KRA at the time of importation.

ANNEX 2 PRODUCTS EXEMPTED FROM PVOC PROGRAM

No.	Government Agency	Product HS Code and Description
1.	Central Firearms Bureau	93: Arms and ammunition
2.	Kenya Plant Health Inspectorate Services	 0601 - 0604: Live plants and planting materials 1401- 1404: Vegetable planting materials; vegetable products not elsewhere specified or included. Note: the exemption only covers above live planting materials
3.	Directorate of Veterinary Services	 0101 – 0106: Live animals 0511: Animal semen 3002: Blood and related products
4.	Fisheries Department	 0301 – 0302: Fish Live 0306: Live Crustaceans 0307: Live Molluscs 0308: Other live aquatic invertebrates 0511.91 10: Fish eggs Note: the exemption only covers above live aquatic animals
5.	Pharmacy and Poisons Board	 3001: Organs and glands 3002: Blood and related products
6.	Kenya Maritime Authority	 Ships above 24 meters and floating structures shipped for registration and operation in the country Ship below 24 metres imported under their own power
7.	Radiation Protection Board	 Short Shelf life Radio-active materials imported by hospitals for medical purposes

ANNEX 3

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

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