



SIMPLIFIED

BOOKLET

STANDARD OPERATING PROCEDURES

SOPs

For the Inspection, Verification and Clearance of Imports at the Ports/Points of entry in Kenya



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Imports at the Ports/Points of entry in Kenya

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Executive Summary

Following the 8th Presidential Round Table with the private sector that was held at the State House, Nairobi on 10th May 2018, it emerged that one of the greatest threat to the realization of H.E Hon. Uhuru Kenyatta Government's Big 4 Agenda was the menace of illicit trade and its negative impact to the Kenyan economy. This resulted to H.E the President appointing the Deputy Head of Public Service, Mr. Wanyama Musiambo to lead and coordinate the Multi-Agency Team in fighting various forms of illicit trade. This was aimed at enhancing interagency collaboration, coordination and cooperation. However, lack of harmonised Standard Operating Procedures emerged as a major bottleneck in the execution of various anti-illicit trade enforcement operations in Kenya.

On 4th June 2019, the Head of Public Service issued a directive that was aimed at operationalizing and improving cargo logistics at the ports of entry and inland container depots in Kenya. Despite this directive, processes at the ports/points of entry in Kenya remain unpredictable, slow and complicated.

Several key milestones remain unrealized such as the operationalisation of Enriched Certificates of Conformity; the implementation of 24 hour operations by all government agencies and other institutions involved in cargo handling; the automation of systems by all government agencies involved in cargo handling to interface with KESWS; adherence to the agreed operational guidelines and timelines set for cargo processing at the ports/points of entry; and adherence to the PVoC Program, that is, the implementation of 100% Pre-Arrival Clearance of imported cargo and the adoption of Pre-Arrival Clearance Reports without the need for re-inspection of cargo at the ports/points of entry.

In comparison to other jurisdictions, Kenya's global competitiveness in relation to international maritime trade remains low. It is thus critical to ensure that the procedures and processes for verification, inspection and clearance of cargo at the ports/points of entry are harmonized, in order to increase the efficiency and accountability of the importation processes, and ultimately realize the above-mentioned milestones.

The main aim of these Standard Operating Procedures is therefore to be a one-stop reference for all government agencies/institutions and other actors tasked with ensuring efficiency and accountability in the inspection, verification and clearance of imported cargo at the ports/points of entry in Kenya.

In order to achieve this, the Standard Operating Procedures identify the current procedures in place for each enforcement and clearance institution that handles in any way imported cargo and/or verifies the quality and standards of imported goods at our ports of entry as well as the various challenges faced by importers during the clearance process.

The Standard Operating Procedures also recommend international best practices from the most efficient cargo handling and clearance systems in the world that can work well for the enforcement Multi-Agency setup in Kenya, and outline best practice clearance time frames/timelines, as guidelines for the operations of the various agencies.

By comparing Kenya's clearance procedures to those of other jurisdictions, these Standard Operating Procedures set the pace for evaluating Kenya's performance against recommended international standards.

These Standard Operating Procedures have been drafted in line with the Government Circular OP/CAB 9/83A of 4th June 2019.

Table of Abbreviations

ACA	Anti-Counterfeit Authority
AFA	Agriculture and Food Authority
CoC	Certificate of Conformity
CoI	Certificate of Inspection
CoR	Certificate of Roadworthiness
DCI	Directorate of Criminal Investigations
DVS	Directorate of Veterinary Services
ETA	Estimated Time of Arrival
HS Codes	Harmonised Commodity Description and Coding System
ICDN	Inland Container Depot Nairobi
ICMS	Integrated Customs Management System
IDF	Import Declaration Form
IP	Intellectual Property
ISM	Import Standardisation Mark
ISO	International Organisation for Standardisation
KEBS	Kenya Bureau of Standards
KENTRADE	Kenya Trade Network Agency
KEPHIS	Kenya Plant Health Inspectorate Service
KESWS	Kenya Electronic Single Window System
KPA	Kenya Ports Authority
KR	Kenya Railways Corporation
KRA	Kenya Revenue Authority
NIS	National Intelligence Service
PCPB	Pest Control Products Board
PPB	Pharmacy and Poisons Board
PVoC	Pre Export Verification of Conformity to standards <i>(The 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.)</i>
PVoC agents	KEBS appointed inspection and certification companies
SGR	Standard Gauge Railway
SGS	Société Générale de Surveillance
SOP	Standard Operating Procedures
UCR	Unique Consignment Reference Number
VAT	Value Added Tax

References and Documents

Acts of Parliament

1. Agriculture and Food Authority Act, No. 13 of 2013
2. Crops Act, No. 16 of 2013
3. East Africa Community Customs Management Act, 2004
4. Fertilizers and Animal Food Stuffs, Cap 345
5. Fisheries Management and Development Act, No. 35 of 2016
6. Foods, Drugs and Substance Act, Cap 254
7. Health Act, No. 21 of 2017
8. Kenya Plant Health Inspectorate Service Act, No. 54 of 2012
9. Kenya Ports Authority Act, Cap 391
10. Kenya Revenue Authority Act, No. 2 of 1995
11. Kenya Railways Corporation Act, Cap 397
12. The Kenya Railways Corporation (Amendment) Act, No. 5 of 2005
13. Medical Laboratory Technicians And Technologists Act, No. 10 of 1999
14. National Police Service Act, No. 11A of 2011
15. Nurses Act, Cap 257
16. Pest Control Products Act, Cap 346
17. Plant Protection Act Cap 324
18. Public Health Act, Cap 242
19. Radiation Protection Act, Cap 243
20. Seeds and Plant Varieties Act, Cap 326
21. Standards Act, Cap 496
22. Wildlife Conservation and Management Act, Act No. 47 of 2013

Regulations

1. East African Community Customs Management Regulations (2010)
2. Food, Drugs and Chemical Substances (Food Hygiene) Regulations, 1978
3. Pest Control Products (Registration) Regulations, 1984
4. Pest Control Products (Licence fees and other charges) Regulations, 2006
5. Pest Control Products (Registration) Amendment Regulations, 2006
6. Plant Protection (Importation of Plants, Plant Products & Regulated Articles) Rules, 2009
7. Public Health (Fees) Rules, 2001

Legal Notices

1. Legal Notice 127 of 2018 - The Standards (Inspection of Imports) Order
2. Legal Notice Number 183 of 2019- The Standards (Verification of Conformity to Standards and other Applicable Regulations of Imports) Regulations
3. Legal Notice Number 11 of 2020 –The Standards (Verification of Conformity to Standards and other Applicable Regulations of Imports) (Amendment) Regulations
4. Legal Notice Number 78 of 2020- The Standards (Verification of Conformity to Standards and other Applicable Regulations Order, 2020)

Other Documents

1. Drug registration - Guidelines to submission of applications
2. Head of Public Service letter dated 4th June 2019 (referenced OP/CAB 9/83A)
3. Impact Evaluation of the Kenya National Electronic Single Window-World Bank 2018
4. KEBS Procedure on Handling of Imports Arriving Without Certificates of Conformity (CoCs)
5. KEBS Public Notice on Implementation of Import Standardization Mark (ISM) Logo
6. KEBS PVOC Program Operation Manual
7. KESWS SOPs
8. KPA SOPs
9. Kenya Ports Authority (KPA) Tariff book
10. KRA Procedure for Clearance of Imported Goods Nairobi Customs Region
11. Mombasa Port Charter 2018-2024
12. Report of the Joint Technical Committee on the Improvement of Efficiency and Cost Effectiveness of Transportation of Cargo Using SGR
13. World Bank 2018 Connecting to Compete 2018: Trade Logistics in the Global Economy
14. World Bank 2018 Why Does Cargo Spend Weeks in Sub-Saharan African Ports?
15. World Bank Economic Premise: Why cargo Dwell time matters 2012
16. World Bank Group- Impact Evaluation of the Kenya National Electronic Single Window
17. World Customs Organisation Annual Report 2018-2019
18. World Customs Organization Recommendation of UCR
19. World Economic Forum Global Competitiveness Report 2019

1 Introduction

These Standard Operating Procedures (SOPs) provide the harmonised procedures for the various enforcement and clearance institutions/agencies tasked with the inspection, verification and clearance of imported cargo at the points/ports of entry in Kenya.

Background

These SOPs have been drafted in line with the Government Circular OP/CAB 9/83A of 4th June 2019 which was aimed at operationalising and improving cargo logistics at both the ports of entry and the inland container depots in Kenya. The directive categorized the various institutions tasked with the inspection, verification and clearance of imported cargo at the points/ports of entry, as well as other stakeholders, as follows:

CATEGORY	OPERATION	AGENCY	OPERATIONAL AREAS
1	Sea Vessel Boarding Parties	<ul style="list-style-type: none"> Port Health Immigration KRA, Customs Department Port Facility Security Office KPA 	<ul style="list-style-type: none"> Domiciled within the ports of entry. Have full access to vessels and are the only agencies whose representatives are allowed to board docked vessels at the port. <p>NOTE: Any other agency that may wish to board a vessel whose activity may have an impact on cargo logistics, is required to make an application to the Lead Agencies. The agencies will be required to nominate, by name, officers who shall board the vessels, in advance and in writing to prior to docking of vessels.</p>
2	Frontline Port Operators	<ul style="list-style-type: none"> KPA KRA KR KEBS 	<ul style="list-style-type: none"> Operate within the port and do not need to fill the Accountability Form. Required to adhere to the agreed timelines and procedures for clearance of cargo.
3	Intelligence-led Operators	<ul style="list-style-type: none"> NIS DCI KEPHIS 	<ul style="list-style-type: none"> Domiciled inside the ports of entry. Undertake any cargo related intervention after making a formal request to the Head of the Lead Agency using the Port of Entry Accountability Form.
4	Assist the Lead Agencies undertake their mandate	<ul style="list-style-type: none"> All other Government Agencies 	<ul style="list-style-type: none"> Domiciled outside the ports of entry Entry to the ports by any of these government agencies shall be sanctioned by the Lead Agency to aid the Lead Agencies in undertaking their mandate.
5	Facilitate the clearance of cargo on behalf of importers	<ul style="list-style-type: none"> Clearing Agents 	<ul style="list-style-type: none"> Operate strictly outside the port Their operations shall be defined and communicated by the Lead Agency.

Additionally, the directive ordered the reduction of the number of government agencies and other institutions that were operating at the various ports/points of entry, in order to reduce the duplication of roles and increase efficiency. The directive also ordered that:

- a. Enriched Certificates of Conformity (“Enriched CoCs”) be operationalized with effect from 30th June 2019;
- b. All government agencies and other institutions involved in the handling of cargo operate on a 24-hour basis, every day of the week;
- c. All government agencies and other institutions adhere to the agreed operational guidelines and timelines set for cargo processing at the ports of entry;
- d. All government agencies involved with cargo handling take action to automate their systems and to interface them with KESWS by 1st September, 2019; and
- e. All government agencies with mandate over international trade operations continue to remain accountable for the discharge of their respective mandates in accordance with the existing legal frameworks, but subject to adherence with the guidelines provided in the circular.

Despite this directive, processes at the ports of entry remain slow and bureaucratic. The various challenges experienced by importers and other traders during the importation of cargo are highlighted below.

Need for harmonised Standard Operating Procedures

The harmonisation of these SOPs has been made necessary by the inefficiencies experienced at the points/ ports of entry in Kenya in relation to the clearance of imported cargo by the relevant agencies. These challenges include:

- a. Manual and bureaucratic processes in relation to the inspection, verification and clearance of imported cargo. For example, for consignments that warrant VAT or duty exemptions, the importers are required to submit hardcopy KRA exemption letters. However, the consignments cannot be released before the customs officers receive their internal circular with copies of those exemption letters. This leads to unnecessary delays.
- b. Duplication of roles and lack of seamless coordination and cooperation amongst the various government agencies that play a role in the inspection, verification and clearance of cargo.
- c. Lack/non-publication of harmonised SOPs that clearly detail the time frame for the various activities undertaken during the inspection, verification and clearance of imported cargo by the various agencies and institutions tasked with ensuring the efficient clearance of such cargo at the points of entry.
- d. Non-adherence to the 24-hour operations guidelines issued by the Head of Public Service¹.
- e. High SGR freight charges from the Port of Mombasa to the ICDN and the NICD².
- f. Re-introduction of destination inspection³.

1. *Head of Public Service letter dated 4th June 2019 (referenced OP/CAB 9/83A)*

2. *Report of the Joint Technical Committee on the Improvement of Efficiency and Cost Effectiveness of Transportation of Cargo using SGR* <https://www.theelephant.info/documents/report-of-the-joint-technical-committee-on-the-improvement-of-efficiency-and-cost-effectiveness-of-transportation-of-cargo-using-sgr/> See <https://www.businessdailyafrica.com/corporate/shipping/Traders-flag-hurdles-threatening-viability-of-Naivasha-depot/4003122-5486138-gnfw09z/index.html>

3. *Regulation 9(1) of the Standards (Verification of Conformity to Standards and other Applicable Regulations of Imports) Regulations, 2020*

- g Introduction of storage yards at ICDN⁴.
- h Re-inspection of cargo that has already been subjected to Pre-Arrival Clearance in accordance with the PVoC Program.
- i Lack of clarity on the acceptable documentation to ascertain the quality of cargo for pre-arrival clearance/ over-reliance on ISO certification as the only acceptable quality check.
- j Lack of confirmation that the issuance of CoCs/ Cols/ CoRs confirms both the quality and the HS Codes (import classification) of imported cargo. Importers have reported invalidation of import classifications at various ports/points of entry by customs officials. This has led to delays in customs clearance and increased costs of importation.
- k Lack of integration between the iCMS and Kentrade systems (including a failure to configure all HS codes).

Purpose of the SOPs

The purpose of the SOPs is to:

- a identify and harmonize the Standard Operating Procedures of the various agencies and institutions tasked with the inspection, verification and clearance of imported cargo at the ports/points of entry in Kenya.
- b identify the gaps and overlaps in the processes of the above agencies which can be standardized and harmonized, while ensuring conformity is maintained and adhered to.
- c collate the challenges faced by various importers and small traders during clearance of cargo and propose solutions that will ensure efficient handling and clearance of cargo at the ports/ points of entry, as well as compliance with the set standards for goods in Kenya.
- d recommend international best practices from the most efficient cargo handling and clearance systems in the world that can work well for the enforcement Multi-Agency setup in Kenya, and outline best practice clearance time frames/timelines, as guidelines for the operations of the various agencies.

Government Institutions and Stakeholders

The government agencies/institutions and other Stakeholders that play a role in the inspection, verification and clearance of imported cargo at the ports/points of entry in Kenya as identified in the SOPs are:

⁴ <https://www.businessdailyafrica.com/corporate/shipping/Traders-flag-hurdles-threatening-viability-of-Naiva-sha-depot/4003122-5486138-gnfw09z/index.html>

GOVERNMENT AGENCIES/INSTITUTIONS		OTHER STAKEHOLDERS	
1.	AFA Tea Directorate	1.	Category B Consolidators
2.	AFA Fibre Crops Directorate	2.	Clearing Agents
3.	AFA Horticultural Crops Directorate	3.	Importers
4.	AFA Nuts and Oil Crops Directorate	4.	Kenya Airports Authority
5.	AFA Sugar Directorate	5.	Kenya National Chamber of Commerce and Industry
6.	AFA Coffee Directorate	6.	Shipping lines
7.	Anti-Counterfeit Authority	7.	PVoC Agents
8.	Directorate of Criminal Investigations	8.	KENTRADE
9.	Directorate of Veterinary Services		
10.	Office de Gestion de Fret Maritime de la Republique Democratique du Congo		
11.	Kenya Bureau of Standards		
12.	Kenya Dairy Board		
13.	Kenya Fisheries Service		
14.	Kenya Medical Laboratory Technicians and Technologists Board		
15.	Kenya Plant Health Inspectorate Service		
16.	Kenya Ports Authority		
17.	Kenya Railways Corporation		
18.	Kenya Revenue Authority		
19.	Kenya Wildlife Service		
20.	Ministry of Industrialization, Trade and Enterprise Development (Department of International Trade)		
21.	National Biosafety Authority		
22.	National Environmental Management Authority		
23.	National Intelligence Service		
24.	National Police Service		
25.	Nursing Council of Kenya		
26.	Pest Control Products Board		
27.	Pharmacy & Poisons Board		
28.	Port Health Services		
29.	Radiation Protection Board		



Current Import process flowchart

Step 1

Place order with supplier and obtain proforma invoice.

Obtain an import permit from the relevant government agency eg. PPB for importation of pharmaceuticals, DVS for importation of livestock products, KWS for wildlife species etc.

Step 2

Step 3

Obtain an import declaration form from KRA. The import permit and the proforma invoice are necessary for this step.

Obtain a CoC from the authorised PVoCs agents.

Step 4

Step 5

Obtain importation documents from supplier: Bill of lading, CoC, Final commercial invoice, Packing list, IDF.

Prepare and lodge the customs entry (supported by the documents above). This step may be completed with the help of a clearing agent.

Step 6

Step 7

Customs checking of the goods and confirmation that proper declaration was made and duty paid.

Verification of the CoC and inspection of goods by the KEBS to check conformity with standards.

Step 8

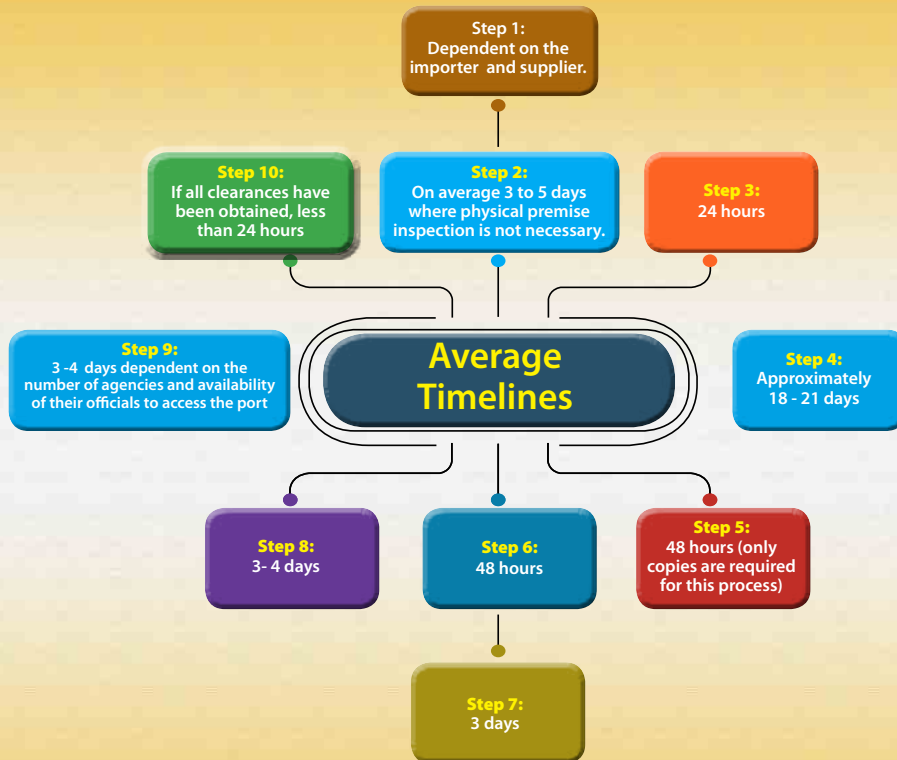
Step 9

Inspection and verification of goods by other relevant government agencies (Port Health, KEPHIS, PCPB).

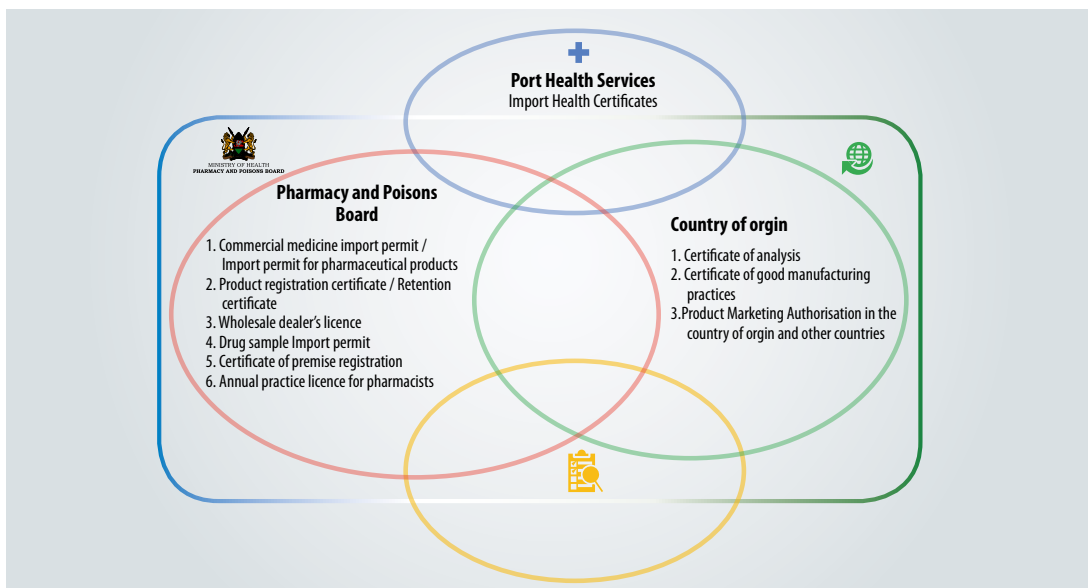
Clearance of cargo by KRA and release by KPA

Step 10

Current timelines for the clearance process in Kenya



Example of Points of Overlap in the Issuance of Import Permits for Pharmaceutical Products



The Standard Operating Procedures

The harmonised SOPs have identified the following processes in relation to the inspection, verification and clearance of imported cargo at the ports/points of entry in Kenya:

1. SOP 1-Pre-Shipment

PROCESS	ACTIVITIES	TIMELINES	RESPONSIBLE PARTY
Importer registration for regulated goods			Dependent on the type of goods.
Registration on the Integrated Customs Management System	<ul style="list-style-type: none"> · A representative of the importer shall have to attend a training by KRA on the use of the iCMS before they are granted a user name and login password. · KRA occasionally holds the training and invites interested parties. · An importer may also express interest and depending on the availability of KRA officials to conduct the training, a special training may be held for the specific importer. · Where none of the company's officials has been trained on the iCMS, then the company must procure the services of a licensed clearing agent. 	1 day	KRA
Registration on the Kenya Electronic Single Window Systems	<ul style="list-style-type: none"> · The KESWS is managed by KENTRADE. · Interested importers make a request online for login credentials. · KENTRADE assigns a unique username and password for the importer. 	Immediate	KENTRADE Clearing agents Importers Various licensing bodies such as PPB, AFA, KEPHIS etc
Identify the supplier and the goods	<ul style="list-style-type: none"> · The importer shall then source the goods to be imported and enter into the necessary contracts. 	N/A	Importer and Supplier
Import Declaration Form lodgment and Processing	<ul style="list-style-type: none"> · The importer shall obtain the pro forma invoice from the supplier. · The Importer shall login into the iCMS and lodge the pro forma invoice and follow the prompt for the IDF. · Details of the applicable Harmonized Commodity Description and Coding System (harmonized HS Codes) of each product must be declared to enable the system detect whether the goods are regulated and require further approval. 		
	<ul style="list-style-type: none"> · Where the goods to be imported are not regulated, the IDF shall be processed by the KRA on the iCMS and an approval issued. · Where the goods to be imported are regulated, the submitted IDF will be forwarded through the KESWS to the relevant agency whose approval is required for the importation of the regulated goods (eg PPB for pharmaceuticals). · Once the IDF is reviewed by the relevant agency has issued its approval, the approved IDF will be generated bearing the Unique Consignment Reference number 	Immediate for unregulated goods.	KRA and Other relevant agency (PPB, KEPHIS, KWS, DVS etc)

PROCESS	ACTIVITIES	TIMELINES	RESPONSIBLE PARTY
Pre-Export Verification of Conformity to Standards (PVoC)*	<ul style="list-style-type: none"> Upon receipt of the approved IDF, the importer shall appoint an authorized PVoC agent at the country of origin to inspect the goods. PVoC agents are authorized by KEBS to conduct inspection to ensure that the goods conform to Kenyan Standards. The inspection is conducted in accordance with set Kenyan Standards as per the respective HS Codes outlined in the IDF. Upon completion of the inspection, the PVoC agents shall issue a CoC where the goods conform to the standards. 	3 weeks	PVoC authorized agents
Shipping arrangements	<ul style="list-style-type: none"> Upon receipt of the CoC, the importer shall then arrange for the cargo to be shipped to Kenya. All cargo destined to Kenya must be insured. The importer should have the following documents before the cargo leaves the country of origin: <ol style="list-style-type: none"> Final commercial Invoice, Packing list, Pro forma invoice, Approved IDF, Relevant permit for regulated goods, Bill of Lading, Insurance cover, The CoC, an ISM when applicable 	<p>Partial manifests should be released 7 days before the ship's arrival.</p> <p>Final manifests should be lodged and approved at least 48 hours before the vessel's ETA.</p>	Importer, Supplier KRA, Shipping lines

2. SOP 2-Pre-Arrival of Cargo

PROCESS	ACTIVITIES	TIMELINES	RESPONSIBLE PARTY
Entry Declaration, payment of taxes and processing	<ul style="list-style-type: none"> The importer's agent will lodge the entry in the KRA iCMS. The agent will then receive the customs declaration amount which should be settled by the importer. Once the customs has been paid, the evidence of payment is sent to the agent. All the relevant importation documents shall be submitted to the customs official who will prepare the consignments' file and share it with the KPA officials. For accelerated clearance or clearance of cargo before arrival, importers should apply under the AEO Program. The AEO guarantees: <ol style="list-style-type: none"> Preferential customs facilitation when clearing. Reduced time and costs at points of service. Customs certified secured and reliable trading partner when trading. 	30 minutes (importers should ensure that tax is paid promptly to avoid delays).	KRA and KPA

3. SOP 3-Verification and other enforcement intervention

PROCESS	ACTIVITIES	TIMELINES	RESPONSIBLE PARTY
Verification	<ul style="list-style-type: none"> Once the cargo has arrived at the port of entry, it will be received by a KPA official (who already has the consignment's file) and placed in a shed/warehouse (designated CFS). Allocation of a verification officer is done via iCMS. The importer's agent should be present with all the original importation documents. The customs officer with the corresponding consignment file will be the first contact to verify the cargo. The customs officer will confirm that the goods had been correctly declared and that the duty paid is correct. The verification may entail a simple scan or the physical verification of the goods. Where the correct duty was not paid, an uplift may be issued and the importer shall be required to pay additional duty. Release of the consignment by KRA. 	<p>24 hours</p> <p>Any non-compliant documents should be rejected within 3 hours of the verification process to enable compliance.</p>	<p>Importer/Clearing Agent KRA</p>
Inspection	<ul style="list-style-type: none"> Once the KRA have verified that proper tax has been paid, the consignment file shall be handed over to KEBS. The importer/agent shall submit the documents for verification by KEBS. If the COC shows compliance, a KEBS release is issued. If the COC is non-compliant, the consignment is subjected to physical inspection. Depending on the PVoC certification of the cargo, KEBS shall conduct its inspection. Upon completion of the inspection, the consignment file will be returned to KRA and KPA if no other agency intervention is required. Importers of rejected goods shall be expected to re-ship the goods back to the country of origin at their own cost. All rejected goods not re-shipped within 30 days from the date of rejection shall be destroyed by KEBS at the expense of the importer. 	<p>If the consignment is compliant, 24 hours *</p> <p>If the consignment is non-compliant a certificate of rejection should be issued to the importer and copied to KRA.</p> <p>Importers of rejected goods shall be expected to re-ship the goods back to the country of origin at their own cost within 30 days.</p> <p>All rejected goods not re-shipped within 30 days from the date of rejection shall be destroyed by KEBS at the expense of the importer.</p> <p>Importers of goods destroyed by KEBS shall forfeit their bonds.</p>	<p>Importer/Clearing Agent KEBS</p>
Other intervention	<ul style="list-style-type: none"> For regulated goods, the relevant government agency may have to conduct further inspection before the goods are released. 		<p>PPB, KWS, DVS etc</p>

4. SOP 4-Verification and Inspection of Goods Arriving without CoC

PROCESS	ACTIVITIES	TIMELINES	RESPONSIBLE PARTY
Presentation of lodged customs declarations	<ul style="list-style-type: none"> All importers/clearing agents are required to present lodged customs declarations (i.e. declarations awaiting Customs approval) to KEBS at the relevant port of entry. 	Same day as arrival of cargo	importers/clearing agents
Payment of destination inspection fee	<ul style="list-style-type: none"> Payment of destination inspection at a fee equivalent to 5% of the declared customs value to KEBS and execution of a bond of the same amount in favour of KEBS 	Same day as arrival of cargo	importers/clearing agents
Hundred percent (100%) verification	<ul style="list-style-type: none"> Undertaking 100% verification at the port of entry. Generation of an inspection report. Drawing samples for analysis and reference Submitting the samples to KEBS laboratories for analysis against the relevant Kenya standards or approved specifications 	4 days	KEBS Inspectors
Issuance of Certificate of Compliance (CoC)	<ul style="list-style-type: none"> If consignment shows compliance, a Certificate of Compliance (CoC) will be issued to KRA (Customs Authority) for them to process and approve the declaration 	3 days	KEBS KRA
Presentation of customs approved entries	<ul style="list-style-type: none"> Importers/ Clearing agents of compliant goods shall present customs approved entries to KEBS Officers at the port of entry/ICDN for final release. This can only be done if the declared values and customs approved value are same. If there is any value uplift by Customs, then the importer/ clearing agent shall make an additional payment of a fee equivalent to 5% destination inspection fee on the difference between the approved value and the initially declared value. 	1 day after issuance of CoC	Importers/ Clearing agents KEBS

5. SOP 5-Destination Inspection and Clearance of Consolidated Goods

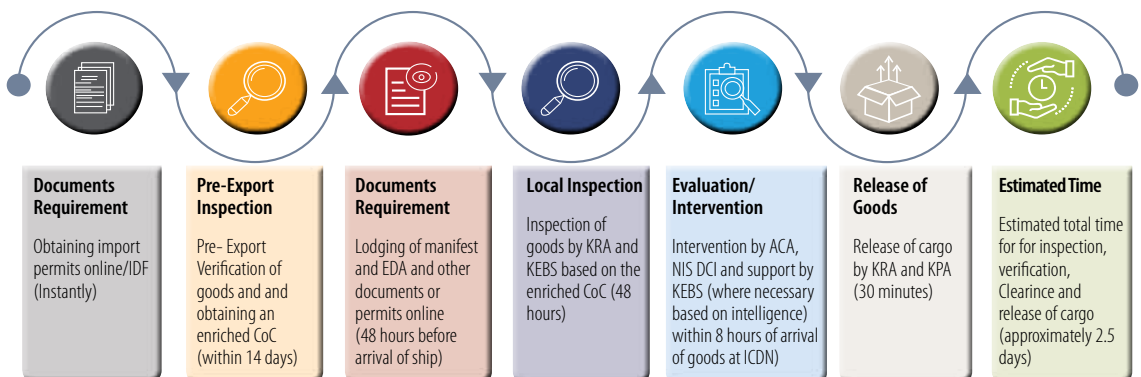
PROCESS	ACTIVITIES	TIMELINES	RESPONSIBLE PARTY
Destination Inspection	<ul style="list-style-type: none"> KRA shall verify and approve the House Manifest to allow the Consolidator/Consignee or their clearing Agent to prepare the individual Customs Entries using the HBL. The goods shall be subjected to the clearance process by the KEBS and KRA and any other requesting agency. Goods identified as high risk by the PVoC Agent in the Col and not tested, shall be sampled by KEBS for tests at a prescribed fee. Low risk goods meeting general requirements and accompanied with Col, shall be cleared by KEBS. Imported goods shall undergo the prescribed Customs procedures and verification on arrival including inspection where necessary by other government agencies. The consignment will be scanned and where there are discrepancies, the goods shall be subjected to physical verification. 	3 days	KRA KEBS Requesting Agency

PROCESS	ACTIVITIES	TIMELINES	RESPONSIBLE PARTY
	<ul style="list-style-type: none"> High risk goods targeted for testing at destination shall be conditionally released and deposited at the registered warehouse belonging to the Consolidator until a satisfactory test report is issued by KEBS. Where the risk can lead to contamination or spread of diseases or pests, the consignment shall be held at a designated place at the port of entry. Where high risk goods subjected to destination tests fail to conform to the relevant Standards, they shall be rejected. Such goods shall be re-shipped or destroyed at the Consolidator's/Consignee's own cost. 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. 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 		

6. SOP 6-Cargo Clearance

PROCESS	ACTIVITIES	TIMELINES	RESPONSIBLE PARTY
KRA release	<ul style="list-style-type: none"> Once the inspection of the cargo is completed, the consignment file is handed over to KRA for final review and release. 	30 minutes	KRA and agent
KPA release	<ul style="list-style-type: none"> The agent is then tasked with payment of the port charges and obtaining the KPA release. <p>The cargo is then released to the importer's agent.</p>	30 minutes Note: All imported cargo that is not declared and/or removed from the Port of Mombasa or the ICDs within 21 days from the date of discharge of the vessel will be transferred to a designated customs controlled area awaiting disposal in accordance with EACCMA, 2004.	KPA and agent

The diagram below represents the expected timelines in the importation process upon implementation of the SOPs.

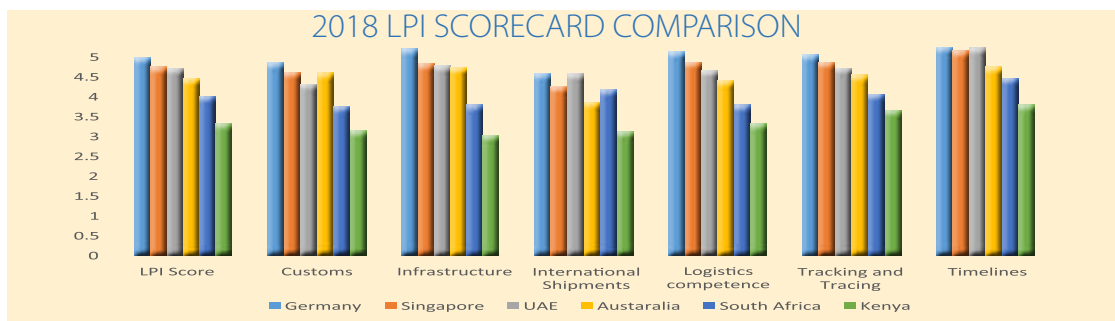


3 International Best Practices and Recommendations

These SOPs have identified the following countries for the purpose of bench marking:

- a Germany with an overall LPI rank of 1;
- b United Arab Emirates (UAE) with an overall LPI rank of 13;
- c Australia with an overall LPI rank of 19; and
- d South Africa with an overall LPI rank of 29.

The countries were selected based on their aggregated World Bank Logistics Performance Index (LPI) which ranks 160 countries on six dimensions of trade, that is, Customs, Infrastructure, International Shipments, Logistics competence, Tracking and Tracing, and Timeliness⁵. The countries also have ports linked to international transport corridors, that is, corridors that service an international hinterland. The figure below is a comparison of the countries' scorecard using their LPI rankings:



The International Best Practices recommended in the SOPs include the:

1. Digitisation and the use of technology. For example, Germany has started practical testing on the use of blockchain to release containers at the Port of Hamburg. The port is also currently using the 5G wireless communication technology.
2. Incorporation of pre-arrival notification procedures for vessel arrivals such as those used in Container Terminals at the ports of Durban, Ngqura, Port Elizabeth and Cape Town in South Africa.
3. Operationalisation of simplified documentation formalities such as the use of the Single Administrative Document (SAD) by the South African Revenue Service (SARS) to facilitate customs procedures. Although the Government Circular OP/CAB 9/83A of 4th June 2019 ordered that Enriched Certificates of Conformity ("Enriched CoCs") be operationalized with effect from 30th June 2019, this is yet to be implemented.
4. Collaboration and sharing of information by the government agencies and institutions tasked with the inspection, verification and clearance of imported cargo at the points of entry. The various points of overlap in the roles of these agencies should be streamlined to increase efficiency.
5. Intellectual property (IP) protection. For example, the Australian Border Force (ABF) is allowed under Australian Law, to seize goods that infringe various IP rights. The role of the ACA in relation to the inspection of counterfeit goods, spurious marks and pirated material is unique and is not performed by any of the Lead Agencies, which are currently at the port (KPA, KEBS, KRA and the Port Health).
6. Training of stakeholders. For example, SGS specialists offer manufacturers exporting to Germany training in order to set up their production processes so that these meet the requirements of the German market.⁶

5 The World Bank. Aggregated World Bank Logistics Performance Index (LPI). (2012-2018). Retrieved from <https://lpi.worldbank.org/international/aggregated-ranking>

6 Retrieved from https://www.hafen-hamburg.de/assets/files/magazin/poh42018_en/index.html#p=37

4 Conclusion

The responsible government agencies should work towards the following:

1. Effecting 24-hour operations by all agencies;
2. Strict adherence to the PVoC program- including adherence to Pre-arrival clearance, elimination of re-inspection of compliant cargo by the agencies, timely inspection of goods by PVoC Agents as well as the implementation of enriched COCs;
3. Collaboration and sharing of information by government agencies;
4. Reinstating ACA at the entry ports due to its unique role of curbing the importation of counterfeit goods;
5. Training of stakeholders; and
6. In the long term, a review of the laws to eliminate the duplication of roles.

SOPs



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