

REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

Notification under Article 7.3 of the
Agreement on Import Licensing Procedures

KENYA

The following notification, dated 10 November 1997, has been received from the Permanent Mission of Kenya.

Outline of system

1. The Import, Export and Essential Supplies Act cap. 502 establishes the list of goods subject to import regulation. The Government bodies responsible for the import regulations are indicated against the products in the Import Schedule.

Purpose and coverage of licensing

2. Imports of goods in:

- Part A of the Schedule is prohibited absolutely;
- Part B of the Schedule is restricted subject to the importer obtaining approval from the relevant authorities; and
- Part C of the Schedule is subject to the goods meeting sanitary and phytosanitary, environmental and technical standards on their arrival.

With the liberalization of the economy and abolition of the import licensing regime under Legal Notice No. 135 of 14 May 1993 (see Annex), one may import freely except for those goods falling under the above Schedules.

3. The system applies to goods originating in and coming from all countries.

4. Automatic import licensing enhances financing, preshipment inspection and import duty collection.

Non-automatic import licensing is for the purpose of administering import restrictions maintained pursuant to Legal Notice No. 135 of 14 May 1993.

¹See document G/LIC/3, Annex, for the Questionnaire.

5. The licensing system is not a statutory requirement. Authority exists to suspend the system whenever it is determined that such action is appropriate. Notice of such action is published in the Government Gazette.

Procedures

6.I-XI There are no quantitative restrictions.

7. There is no quantitative limit on importation of a product or on imports from a particular country.

- (a) Import declaration forms (IDFs) can be obtained or processed at any time at the convenience of the importers.
- (b) An IDF is granted on request.
- (c) There are no limitations as to the period of the year during which IDFs can be obtained or importation be made.
- (d) Relevant authorities whose prior approval must be obtained are indicated against items in Schedules B and C.

8. None; the reasons for refusal are communicated to the importer. In the event of refusal of prior approval, the applicant/importer can appeal to the Minister or seek legal action.

Eligibility of importers to apply for licence

9. All persons, firms and institutions are eligible to apply for IDFs.

Documentational and other requirements for application for licence

10. A sample application form (Import Declaration) is available for reference in the Secretariat.² An importer is required to submit the following documents with the application: pro-forma invoice (or contract or Letter of Credit).

11. Upon actual importation an importer is required to submit the approved IDF or a copy thereof.

12. There is no processing fee or administrative charge for IDFs. A processing fee of 2.75 per cent is payable to customs upon clearance of the goods upon their arrival in Kenya (at the same time as the payment of import duties and taxes is made).

13. There is no deposit or advance payment requirement associated with the issuance of IDFs.

Conditions of licensing

14. There is no validity of IDFs as they are created by the Inspection Agencies and until the 2.75 per cent of the value of imports is paid, the IDF remains a mere piece of paper.

15. In view of No. 14 there is no penalty for non-utilization.

16. IDFs are not transferable between importers because PIN numbers which are a requirement when completing IDFs are different for all.

²Available for reference in the Market Access Division.

17. (a) Yes. For prohibited goods and for goods that require prior approval from the Government.
(b) No.

Other procedural requirements

18. There are no other administrative procedures apart from prior approval of IDFs and similar administrative procedures required prior to importation.
19. The banking authorities automatically provide foreign exchange for goods to be imported.

ANNEX

LEGAL NOTICE NO. 135

THE IMPORTS, EXPORTS AND ESSENTIAL SUPPLIES ACT
(Cap. 502)

IN EXERCISE of the power conferred by Section 4 of the Imports, Exports and Essential Supplies Act the Minister for Commerce and Industry makes the following Order.

THE IMPORTS, EXPORTS AND ESSENTIAL SUPPLIES
(IMPORTS) (AMENDMENT) ORDER 1993

1. This Order may be cited as the Imports, Exports and Essential Supplies (Imports) (Amendment) Order 1993.
2. The importation of the goods specified:
 - (a) in part A of the schedule is prohibited absolutely;
 - (b) in part B of the schedule is restricted subject to the importer obtaining approval from the relevant authorities; and
 - (c) in part C of the schedule is subject to the good meeting technical, phytosanitary, health and environmental standards on its arrival.

Schedule A

<u>Tariff No.</u>	<u>SITC</u>	<u>Description</u>
0506.10.00	291 111 00	Ossein and bones treated with acid.
0506.90.00	291 119 00	Other bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), degelatinised; powder and waste of these products.
0507.10.10	291 161 10	Ivory, elephant, unworked or simply prepared but not cut to shape.
0507.10.20	291 161 20	Teeth, hippopotamus, unworked or simply prepared but not cut to shape.
0507.10.30	291 161 30	Horn, rhinoceros, unworked or simply prepared but not cut to shape.
0507.10.40	291 161 40	Other ivory, unworked or simply prepared but not cut to shape.
0507.10.90	291 161 90	Ivory powder and waste.
0507.90.00	291 169 00	Tortoise-shell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products.
0508.00.00	291 150 00	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape; powder and waste thereof.
0509.00.00	291 970 00	Natural sponges of animal origin.
2844.50.00	525 170 00	Spent (irradiated) fuel elements (cartridges) of nuclear reactors.
9601.10.00	899 111 00	Worked ivory and articles of ivory.
9601.90.00	899 119 00	Bone, tortoise-shell, horn, antlers, coral, mother-of-pearl and other animal carving material, and articles of these materials (including articles obtained by moulding).
		All other toxic chemical waste.

Schedule B

<u>Tariff No.</u>	<u>SITC</u>	<u>Description</u>	<u>Authority</u>
3601.00.00	593 110 00	Propellant products.	MGD
3602.00.00	593 120 00	Prepared explosives, other than propellant powders.	MGD
3603.00.10	593 210 00	Safety fuses; detonating fuses.	MGD
3603.00.90	593 290 00	Percussion or detonating caps; igniters; electric detonators.	MGD
3604.10.00	593 310 00	Fireworks.	MGD
3604.90.10	593 331 00	Very (light) flares and railway signals.	OP/MENR
3604.90.20	593 332 00	Rain and anti-hail rockets and bombs; distress and life-saving rockets.	OP/MENR
3604.90.90	593 339 00	Other pyrotechnic articles.	OP/MENR
8401.10.00	718 710 00	Nuclear reactors.	MEN
8401.30.00	718 770 00	Fuel elements (cartridges), non-irradiated.	MEN
8401.40.00	718 780 00	Parts of nuclear reactors.	MEN
8710.00.00	891 110 00	Tanks and other armoured fighting vehicles, motorized, whether or not fitted with weapons, and parts of such vehicles.	OP
8906.00.10	793 291 00	Warships.	OP
9301.00.00	891 120 00	Military weapons, other than revolvers, pistols and the arms of heading No. 93.07.	OP
9302.00.00	891 140 00	Revolvers and pistols, other than those of heading Nos. 93.03 or 93.04.	KP
9303.10.00	891 311 00	Muzzle-loading firearms.	KP
9303.20.00	891 312 00	Other sporting, hunting or target-shooting shotguns, including combination shotgun rifles.	KP
9303.30.00	891 313 00	Other sporting, hunting or target-shooting rifles.	KP
9303.90.00	891 319 00	Other firearms.	KP
9304.00.00	891 390 00	Other arms (for example, spring, air or gas guns and pistols, truncheons), excluding those of heading No. 93.07.	KP
9305.10.00	891 910 00	Parts of revolvers or pistols.	KP
9305.21.00	891 930 00	Shotgun barrels.	KP
9305.29.00	891 950 00	Other parts of shotguns or rifles.	KP
9305.90.00	891 990 00	Other parts of firearms other than revolvers, pistols, shotguns or rifles.	KP
9306.10.00	891 210 00	Cartridges for riveting or similar tools or for captive-bolt humane killers and parts thereof.	OP
9306.21.00	891 220 00	Cartridges.	KP
9306.29.00	891 230 00	Parts of shotgun cartridges or airgun pellets.	KP
9306.30.10	891 241 00	Other cartridges and parts thereof, for sporting, hunting or target shooting.	KP
9306.30.90	891 249 00	Other cartridges and parts thereof.	KP
9306.90.10	891 291 00	Bombs, grenades, torpedoes, mines, missiles and similar munitions of war for sporting, hunting and target shooting.	KP
9306.90.90	891 299 00	Other bombs, grenades, torpedoes, mines, missiles and similar munitions of war and parts thereof.	KP
9307.00.00	891 130 00	Swords, cutlasses, bayonets, lances and similar arms and parts thereof and scabbards and sheaths therefor.	KP

SCHEDULE C

<u>Tariff No.</u>	<u>SITC</u>	<u>Description</u>	<u>Authority</u>
0101.11.00	001 511 00	Live pure-bred breeding horses.	MALD&M
0101.19.00	001 519 00	Other live horses.	MALD&M
0101.20.00	001 520 00	Live asses, mules and hinnies.	MALD&M
0102.10.00	001 110 00	Live pure-bred breeding bovine animals.	MALD&M
0102.90.00	001 190 00	Other live bovine animals.	MALD&M
0103.10.00	001 310 00	Live pure-bred breeding swine.	MALD&M
0103.91.00	001 391 00	Other live swine weighing less than 50 kg.	MALD&M
0103.92.00	001 399 00	Other live swine weighing 50 kg or more.	MALD&M
0104.10.00	001 210 00	Live sheep.	MALD&M
0104.20.00	001 220 00	Live goats.	MALD&M
0105.11.00	001 411 00	Live fowls of the species Gallus domesticus, weighing not more than 185 g.	MALD&M
0105.19.00	001 419 00	Ducks, geese, turkeys and guinea fowls, weighing not more than 185 g.	MALD&M
0105.91.00	001 491 00	Live fowls of the species Gallus domesticus, weighing more than 185 g.	MALD&M
0105.99.00	001 499 00	Ducks, geese, turkeys and guinea fowls, weighing more than 185 g.	MALD&M
0106.00.10	001 910 00	Other live animals, of a kind mainly used for human food, not elsewhere specified.	MALD&M
0106.00.20	001 920 00	Other live animals, not elsewhere specified, for other purposes.	MALD&M
0301.10.00	034 111 00	Ornamental live fish.	FD
0301.91.00	034 112 00	Live trout.	FD
0301.92.00	034 113 00	Live eels.	FD
0301.93.00	034 114 00	Live carp.	FD
0301.99.00	034 119 00	Other live fish.	FD
0306.11.00	036 191 00	Rock lobster and other sea crawfish, frozen.	FD
0306.12.00	036 192 00	Lobsters, frozen.	FD
0306.13.00	036 110 00	Shrimps and prawns, frozen.	FD
0306.14.00	036 194 00	Crabs, frozen.	FD
0306.19.00	036 199 00	Other crustaceans, including flours, meals and pellets of crustaceans fit for human consumption, frozen.	FD
0306.21.00	036 210 00	Rock lobster and other sea crawfish, not frozen.	FD
0306.22.00	036 220 00	Lobsters, not frozen.	FD
0306.23.00	036 230 00	Shrimps and prawns, not frozen.	FD
0306.24.00	036 240 00	Crabs, not frozen.	FD
0306.29.00	036 290 00	Other crustaceans, including flours, meals and pellets of crustaceans fit for human consumption, not frozen.	FD
0307.10.00	036 310 00	Oysters, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine.	FD
0307.21.00	036 351 00	Scallops, live, fresh or chilled.	FD
0307.29.00	036 391 00	Other scallops, excluding live, fresh or chilled.	FD
0307.31.00	036 352 00	Mussels, live, fresh or chilled.	FD
0307.39.00	036 392 00	Other mussels, excluding live, fresh or chilled.	FD
0307.41.00	036 331 00	Cuttle fish and squid, live, fresh or chilled.	FD

0307.49.00	036 371 00	Other cuttle fish and squid, excluding live, fresh or chilled.	FD
0307.51.00	036 339 00	Octopus, live, fresh or chilled.	FD
0307.59.00	036 379 00	Other octopus, excluding live, fresh or chilled.	FD
0307.60.00	012 930 00	Snails, other than sea snails.	FD
0307.91.00	036 359 00	Other molluscs, including flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption, live, fresh or chilled.	FD
0307.99.00	036 399 00	Other molluscs, excluding live, fresh or chilled.	FD
0601.10.00	292 611 00	Bulbs, tubers, tuberous roots, corns, crowns and rhizomes, dormant.	MALD&M
0601.20.00	292 615 00	Bulbs, tubers, tuberous roots, corns, crowns and rhizomes, in growth or in flower; chicory plants and roots.	MALD&M
0602.10.00	292 691 00	Unrooted cuttings and slips of live plants.	MALD&M
0602.20.00	292 693 00	Trees, shrubs and bushes, grafted or not, of kinds which bear edible fruit or nuts.	MALD&M
0602.30.00	292 695 00	Rhododendrons and azaleas, grafted or not.	MALD&M
0602.40.00	292 697 00	Roses, grafted or not.	MALD&M
0602.91.00	292 698 00	Mushroom spawn.	MALD&M
0602.99.00	292 699 00	Other live plants (including their roots), cuttings and slips.	MALD&M
0603.10.10	292 711 00	Cut flowers, fresh.	MALD&M
0603.10.20	292 712 00	Flower buds, fresh.	MALD&M
0603.90.00	292 719 00	Other cut flowers and flower buds of a kind suitable for bouquets or for ornamental purposes, dried, dyed, bleached, impregnated or otherwise prepared.	MALD&M
0604.10.00	292 721 00	Mosses and lichens.	MALD&M
0701.10.00	054 111 00	Potato seed, fresh or chilled.	MALD&M
0701.90.00	054 119 00	Potato, other than seed, fresh or chilled.	MALD&M
1005.90.00	044 100 00	Maize seed.	MALD&M
3808.10.90	591 190 00	Other insecticides.	MALD&M
3808.20.00	591 200 00	Fungicides.	MALD&M
3808.30.10	598 310 00	Weedkillers.	MALD&M
3808.30.90	598 390 00	Other herbicides, anti-sprouting products and plant growth regulators.	MALD&M
3808.40.00	591 410 00	Disinfectants.	MOH
3808.90.00	591 490 00	Rodenticides and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles and fly-papers).	MOH

Authorities:

FD	Fisheries Department
KP	Kenya Police
MALD&M	Ministry of Agriculture, Livestock Development and Marketing
MEN	Ministry of Energy
MENR	Ministry of Environment and Natural Resources
MGD	Mines and Geology Department
MOH	Ministry of Health
OP	Office of the President

Made on 14 May 1993

Hon. K.L. M'Mukindia
Minister for Commerce and Industry