

**Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing Measures**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLES 18.5 AND 32.6 OF THE AGREEMENTS**

KENYA

The following communication, dated 15 July 2009, is being circulated at the request of the Delegation of Kenya.

Laws and regulations dealing with anti-dumping in Kenya are contained in Section 137 of the East African Community Customs Management Act, 2004.¹ The Law stipulates that the Commissioner of Customs shall on the advice of the East African Community Committee on Trade Remedies collect anti-dumping duty in case the goods have been dumped or collect countervailing duty upon proof that goods imported are subsidized and are adversely affecting local producers.

The following is the relevant section of the East African Community Management Act, 2004 dealing with Anti-Dumping and Countervailing Duty.

Anti-Dumping and Countervailing Duties

137. (1) The Commissioner shall on the advice of the East African Community Committee on Trade Remedies established under the Protocol:

- (a) in the case of goods regarded as having been dumped, collect anti-dumping duty;**
- (b) in the case of goods in respect of which subsidy has been granted, collect a countervailing duty; or**
- (c) take necessary measures in the case of any other matters in respect of anti-dumping and countervailing measures.**

(2) Notwithstanding the provisions of this Act, the anti-dumping and countervailing duty imposed in sub-section (1) shall be chargeable in addition to any other duty chargeable on the respective goods.

¹ The East African Community Customs Management Act, 2004 succeeded the Customs and Excise Act, Cap 472 of the Laws of Kenya after the coming into force of the East African Customs Union in January 2005.