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Committee on Technical Barriers to Trade

Original: English

**IMPLEMENTATION AND ADMINISTRATION OF THE
AGREEMENT ON TECHNICAL BARRIERS TO TRADE**

COMMUNICATION FROM KENYA

Revision

The following communication, dated 25 September 2019, has been received from the delegation of Kenya.

1 INTRODUCTION

1.1. In accordance with Article 15.2 of the WTO Agreement on Technical Barriers to Trade (TBT) and considering the decision of the TBT Committee of 14 July 1995 concerning the Statement on Implementation and Administration as contained in document [G/TBT/1/Rev.5](#) of 11 December 1997, the Government of the Republic of Kenya, accepted the Agreements establishing WTO, the TBT Agreement and the associated Legal Instrument included in Annexes 1,2 and 3.

1.2. The Ministry of Industry, Trade and Cooperatives, State Department for Trade is responsible for implementation of the WTO Agreements, and has the overall responsibility of ensuring that the obligations under the agreements are fulfilled (Article 10.10). According to the requirements of the Agreement, the Government of the Republic of Kenya has designated Kenya Bureau of Standards (KEBS) as the National Enquiry Point (NEP) for TBT.

1.3. The principal responsibilities of the National Enquiry Point for Kenya include: responding to technical enquiries from other WTO members regarding Kenyan domestic Regulations, Standards and Conformity Assessment Procedures in force; and fulfilment of the notification obligations under the TBT Agreement (Article 2.9.2).

1.4. The Kenya Bureau of Standards (KEBS) is a Statutory Body of Government, established by the Standards Act CAP 496 of the Laws of Kenya, and is mandated to provide for the preparation and promotion of standards in relation to goods, services, processes and practices. The implementation and administration of the Agreement on Technical Barriers to Trade is therefore supported by the Standards Act CAP 496 Laws of Kenya.

1.5. Notices concerning standards and technical regulations developed, issued or adopted by regulatory bodies in the country are published in the Kenya Gazette and Legal Notices (subsidiary legislation) respectively.

1.6. The aims and objectives of KEBS include:

- a. Standards Development and harmonization
- b. Promotion of standardization in Commerce and Industry;
- c. Provision of testing and calibration services;

- d. Undertaking education work in standardization, Metrology and Conformity Assessment and practical application of standards
- e. Product and system certification
- f. Enforcement of standards – Inspection and Market Surveillance
- g. Dissemination of standards information through Standards Information Centre
- h. Provision of information on Standards, Technical Regulations on Conformity Assessment Procedures through the WTO TBT National Enquiry Point

2 CODE OF GOOD PRACTICE:

2.1. KEBS has accepted the Code of Good Practice for the Preparation, Adoption and Application of Standards, Annex 3 to the Agreement ([G/TBT/CS/N/24](#)).

2.2. Notices of all proposed draft standards are published in the KEBS Standards Work Programme Bulletin (issued bi-annually). Interested persons are given a period of 60 (sixty) days to make written comments on Kenya's Notifications under Articles 2.9.4 and 5.6.4 of the Agreement.

2.3. The Ministry Health has the responsibility for the quality of goods and services which are the subject of trade under the Food, Drugs and Chemical Substances Act, CAP 254 and Public Health Act, CAP 242 respectively.

3 CERTIFICATION AND INSPECTION

3.1. KEBS operates a product certification scheme in line with the Standards Act, Cap.496 of the Laws of Kenya. This scheme leads to award of permits to use the product certification marks of quality.

3.2. KEBS Certification Body (KEBS CB) operates under ISO/IEC 17021: Conformity assessment. KEBS CB is accredited by Dutch Accreditation Council RVA. Certification services in Kenya include Quality (QMS), Environmental (EMS), Food Safety (HACCP), Occupational Health and Safety Management Systems (OHSAS), Information Management Systems among others.

4 METROLOGY

4.1. The National Measurement Standards maintained at KEBS are traceable to the International System of Units (SI). The KEBS metrology and testing laboratories are accredited to international standard ISO/IEC 17025 on general requirements for competence of testing and calibration laboratories. Kenya through KEBS is a member state of the Bureau International des Poids et Mesures (BIPM).

4.2. The Weights and Measures Department is in charge of Legal Metrology and enforces two Acts of parliament; Namely the Weights and Measures Act Cap 513 laws of Kenya and the Trade Descriptions Act Cap.503.

4.3. These laws establish a uniform system of units of measurement, control weighing and measuring equipment in use for trade, control transactions in some goods, and to protect the public against false trade descriptions.

5 ACCREDITATION SERVICE

5.1. The Kenya National Accreditation Service (KENAS) was established under the State Corporations Act Cap.466; vide Legal Notice No.55 of May 2009 as the National Accreditation Body (NAB) mandated to offer accreditation services in the Kenya. KENAS operates under ISO/IEC 17020 –General criteria for the operation of various types of bodies performing inspection. KENAS is a member of the International Accreditation Forum (IAF) and; the International Laboratory cooperation (ILAC).

5.2. Kenya's National Enquiry Point on TBT is set out below. All enquiries concerning the Kenyan implementation of the Agreement should be addressed to:

WTO TBT National Enquiry Point for Kenya
Kenya Bureau of Standards (KEBS)
KEBS Centre, Popo Road, off Mombasa Road,
P.O. Box 54974 – 00200 Nairobi Kenya
Tel: (+ 254 020) 6948000
Mobile: 0724 255242, 0734 600471
Email: info@kebs.org

Contact Person: Lucy Ikonya - Manager, Trade Affairs
