

**STATEMENT ON CONFORMITY ASSESSMENT PROCEDURES
IMPLEMENTED IN KENYA**

Communication from the Republic of Kenya

Supplement

The following communication, dated 31 May 2005, is being circulated at the request of the Delegation of the Republic of Kenya.

1. This document describes the current status of the applied conformity assessment procedures in Kenya and states future plans and actions in this area.
2. The overall conformity assessment activities that include standardisation, inspection, market surveillance, testing, certification, metrology and accreditation, are mainly implemented by governmental bodies. Some private bodies also perform certification and testing. Hence, the quality assurance of these activities are of paramount importance. The major official agency working in this area in Kenya is the Kenya Bureau of Standards (KEBS).

Following is a description of these activities:

I. INSPECTION AND MARKET SURVEILLANCE

3. Various regulatory and/or conformity assessment bodies (CABs) inspect imported and locally produced products to ensure their compliance with Kenya standards and technical regulations. These bodies include Kenya Bureau of Standards (KEBS), Ministry of Health, Ministry of Agriculture Kenya Revenue Authority (KRA), Ministry of Livestock and Fisheries, Kenya Ports Authority (KPA), Kenya Plant Health Inspectorate Service (KEPHIS), the Kenya Police etc.
4. Inspection on imported products starts at the ports of entry and includes examination and or inspection of each consignment, sampling and testing of products against Kenya standards and technical regulations.
5. Locally produced products are monitored regularly by conducting systematic visits to factories according to annual, quarterly and monthly plans that are prepared based on the risk of the product and the previous inspection and test results. During the visits, the production lines and storage areas are inspected, samples drawn and submitted for testing. In cases where repetitive deviations are identified and the manufacturer is not willing to make improvements, legal action may be taken in accordance with the provisions of the Standards Act, Cap 496 of the laws of Kenya, and or any other applicable national law.

6. Other forms of inspection are carried out by various regulatory bodies of government under the provisions of various Acts of parliament. These include environmental inspections/audits by National Environmental Management Authority (NEMA), factory inspection by the Ministry of Labour, motor vehicle inspection by the motor vehicle inspection unit of the Ministry of Transport and Communications, meat inspection by the Ministry of Livestock and Fisheries, healthcare facilities and drugs by the Ministry of Health etc.

7. There is however, the need to harmonise the regulatory infrastructure that issue technical regulations in order to make them more effective and efficient in line with the requirements and obligations of WTO/TBT agreement.

8. Local authorities that include councils, municipalities etc., in addition to the above-mentioned authorities, depending on their scope of work, conduct regular inspections of the local markets. This market surveillance is done on a random basis and on account of complaints received from consumers or users of products.

9. Due to the inadequacy of the inspection and testing infrastructure in Kenya, the quality assurance system does not adequately cover all products that are placed in the Kenyan market. This hampers the effectiveness of health and safety assurance of the Kenyan citizens and environment protection.

10. KEBS is in the process of re-launching the use of the safety mark in the Kenyan industry as one way of solving this problem and hence ensuring the protection of human health and safety.

11. As one of the regulatory agency in national biosafety issues, KEBS is also building the necessary capacity in terms of personnel training and equipment acquisition. This will enable it to effectively monitor and control products containing Genetically Modified Organisms (GMOs).

II. TESTING

12. There are quite a number of public and private testing laboratories in the country. However, due to the high cost involved in running a testing facility, this activity is dominated by the public sector.

13. KENAS has identified a total of about 100 laboratories that carry out tests in various fields in the country and which will benefit from KENAS accreditation services. These include:

- KEBS laboratories that perform a wide number of tests in various fields. Five (5) of these laboratories are accredited. Two (2) laboratories – current voltage and resistance and volume and flow have been accredited by DKD of Germany and three food, bio-chemical and microbiology laboratories have been accredited by UKAS. The scope of testing include electricity, food, chemical analysis, construction, mechanical tests, and water, in addition to limited scope of calibration, KEBS uses these facilities for assessing conformity of locally produced and or imported products to Kenya Standards and/or approved standards.
- Government chemist laboratories for testing food products, chemical products, cosmetics, and forensic tests.
- Materials research and testing department of the Ministry of Roads and Public Works for testing materials.
- National public health laboratories of the Ministry of Health for testing food products and cosmetics.
- The National agriculture laboratories of the Ministry of Agriculture for testing of soils, fertilizers.
- The mines and geology laboratories of the Ministry of Environment and Natural Resources for testing of precious metals.

- Kenya Plant Health Inspectorate Services (KEPHIS) laboratories for testing plant materials.
- Kenya Agricultural Research Institute (KARI) laboratories involved in research in agriculture.
- Kenya Marine and Fisheries Research Institute (KEMFRI) and Kenya Medical Research Institute (KEMRI) laboratories.
- Universities of Nairobi, Moi, Kenyatta, JKUAT, Egerton teaching and research laboratories in various academic fields.
- Private laboratories like Polucon, SGS, Intertek testing services.
- Private medical laboratories carrying out various tests in the medical field.

14. Efforts are still being made to identify other private and public sector laboratories for the purpose of building a data base that will facilitate provision of conformity assessment services. Some of them have already applied for national accreditation.

III. CERTIFICATION

15. Certification in Kenya includes a quality, environmental, food safety (HACCP), occupational health and safety management systems (OHSAS) and product certification.

16. The four (4) registered certification bodies working in this field in Kenya are from both the private and governmental sectors. They include KEBS-Certification Department, SGS, Bureau Veritas (BVQI) and CVA international.

17. The quality assurance department of KEBS administers a voluntary product certification scheme and grants permits to industry to use the Diamond Mark of Quality on products. The process includes assessment to ascertain compliance with specified technical requirements. Efforts are underway to administer the scheme in accordance with the requirements of the ISO/IEC Guide 65 and to also review its placement in the KEBS organigram.

18. The certification department implements a quality management system that complies with the requirements of ISO/IEC Guides 62 And 66. The department is at an advanced stage of seeking accreditation and so that its certification results would be accepted internationally.

19. To date KEBS certification department has certified 19 organisations to QMS, EMS and HACCP. The other three certification bodies have certified a total of 137 organisations.

IV. ACCREDITATION

20. The National Accreditation Body (NAB) – Kenya Accreditation Service (KENAS) has been established under the Standards Act, Cap 496 vide Legal No. 26 of 8 March 2005.

21. The Board of KENAS had representation from all stakeholders in order to assure impartiality, independence and create the necessary trust and confidence.

22. KENAS has also taken over the functions of Quality Systems Assessment Committee (QSAC) (established under Legal Notice No. 90/95) and the National Calibration Scheme (NCS) (established under Legal Notice No. 80/84) which were registering assessors and accrediting calibration laboratories respectively.

23. QSAC has registered a total of 115 assessors whereas NCS has accredited a total of 25 calibration laboratories.

24. KENAS will provide accreditation services to testing and calibration laboratories according to the International Standard ISO/IEC 17025, inspection bodies according to ISO/IEC 17020 and certification bodies according to ISO/IEC 17021.

25. KENAS has put in place provisions that will allow CABs located in other territories to provide certification services to local organizations under the same conditions as those operating locally.

26. In order to become a full member of ILAC/IAF, KENAS is currently working on fulfilling and effectively implementing the requirements of the ISO/IEC 17011. This will enable it sign multilateral agreements (MRAs)/multilateral arrangements (MLAs) with international accreditation bodies. This will not only facilitate the acceptance of Kenyan exports to international markets, but will also enhance the global acceptance of Kenyan conformity assessment results i.e. "one test accepted everywhere" i.e. acceptance of test reports calibration certificates or certificates of registration issued by accredited conformity assessment bodies.

V. METROLOGY

27. KEBS has provided metrology services since 1981 in the fields of mass, hardness, moisture content, dimensional metrology, time and frequency, pressure, electrical energy, temperature and humidity, volume and flow, density and viscosity, force, torque, direct and alternating current and instrumentation services.

28. In order to assure traceability, the national measurement standards at KEBS metrology laboratories are used to calibrate and monitor the secondary standards and these are in turn used to calibrate and monitor the numerous working standards and equipment on the factory shop floors and laboratory benches.

29. International traceability of the National Standards is achieved by inter-comparison with other metrology laboratories which are in countries that are members of the International Bureau of Weights and Measures (BIPM).

30. The current KEBS organigram is being reviewed to facilitate provision of conformity assessment services in metrology in accordance with the requirements of WTO/TBT agreement.
