



IMPORT STANDARDIZATION MARK GUIDELINES:

ISSUANCE OF IMPORT STANDARDIZATION MARK (ISM) FOR IMPORTED PRODUCTS INTENDED FOR SALE IN KENYA

DATE: 2015-07-28

1.0 GENERAL

1.2 Kenya Bureau of Standards (KEBS) is a statutory organization created through an Act of Parliament, Cap 496 Laws of Kenya, mandated to promote standardization in industry and commerce. It is the sole Standardization Body in Kenya responsible for development of Standards, Maintenance of measurement Standards (Metrology), Dissemination of Standards related information (WTO Inquiry Point) and Implementation of Standards for the facilitation of trade and protection of consumers and environment.

1.1 In accordance to section 10 of the Standards Act, Cap 496 Laws of Kenya, KEBS has specified a distinct mark, known as Import Standardization Mark (ISM), to be applied on imported commodity or product that complies with the requirements of the relevant Kenya Standard or approved specification. The mark has in the past been issued to importers in soft copies for printing in the form of stickers to be applied on KEBS certified products or incorporation on the packages of KEBS certified products. However, arising from rampant application of the mark on non- certified products, KEBS has decided to control the printing of the mark as well as improve its security features through physical and digital technology.

2.0 INTRODUCTION

2.1 KEBS is mandated through Legal Notice No. 78 of 15th July 2005 to inspect and certify imported products either in the Country of Supply or at Port of Entry in Kenya (i.e. destination inspection). KEBS is therefore implementing a Pre- Export Verification of Conformity (PVoC) to Standards programme in line with the Legal Notice No. 78 to ensure that certain products undergo mandatory inspection in the country of supply

2.2 A list of products that are subject to mandatory inspection in the country of supply has been prepared by KEBS (refer to KEBS website for the current list of products- PVoC) and is currently being implemented worldwide through KEBS appointed inspection agents. Though importers are obligated to present products appearing in the PVoC list to the appointed inspection agents for inspection in the country of supply, they are at liberty to present even non-mandatory products for inspection by the inspection agents for faster clearance into Kenya.

2.3 A flexible certification regime or routes has been developed to guide the activities of the appointed

inspection agents. Products sourced from unknown traders/ suppliers (i.e. exporters) are subject to Route of A of the PVoC programme whereby each consignment is subjected to physical inspection and testing before issuance of a Certificate of Conformity (CoC) by the inspection agent on behalf of KEBS. Products sourced from known traders/ suppliers (i.e. exporters) with adequate quality management system are subjected to Route B of the PVoC programme whereby they are registered and their consignment destined to Kenya may be subjected to only physical inspection before issuance of a CoC. Consignment from registered exporters under Route B may be subjected to testing once in a while. However, manufacturers who want to export their products to Kenya may opt for licensing under Route C whereby they are subjected to full assessment of their production quality management system. The license is valid for a period of one (1) year and during this period the manufacturer's export to Kenya will be issued with a CoC provided they adhere to the terms and conditions of the License issued by KEBS appointed agent.

2.4 Products arriving without Certificate of Conformity (CoC) from KEBS appointed inspection agents either because they are not subject to mandatory inspection in the country of supply or the exporter opted not to present them for inspection are subject to destination inspection at the Port of Entry by KEBS. Products subject to mandatory inspection in the country of supply arriving at the Port of Entry without CoC are subjected to destination inspection at a penalty fee equivalent to 15% of the customs value. Such products are only allowed into Kenya upon satisfactory inspection or test report by KEBS.

2.5 Imported products are therefore only allowed into Kenya on the basis of Certificate of Conformity (CoC) issued by KEBS appointed inspection agents or inspection and/ or testing report for goods subjected to destination inspection.

2.6 To help consumers identify in the local market, imported products that have been certified by KEBS, KEBS has made application of ISM mandatory for all imports, as outlined in the scope below, just the same way Standardization Mark (SM) is applied to all locally manufactured products.

3.0 OBJECTIVE

This document provide information and guidelines on issuance and use of Import Standardization Mark (ISM) by authorized importers to ensure effective control of non- complying imported products and also to promote a level playing field in the market for both locally manufactured and imported products

4.0 DEFINITIONS AND ABBREVIATIONS

4.1 KEBS- Kenya Bureau of Standards

4.2 Exporter- A supplier of goods manufactured in another country into Kenya

4.3 Importer- The person who receives goods manufactured in another country and places them in Kenyan market.

4.4 PVoC – Pre- Export Verification of Conformity to Standards

4.5 PVoC Routes- Certification Routes applicable in the PVoC programme

4.6 CoC- A Certificate of Conformity issued by KEBS appointed inspection agents to show compliance of product(s) in a given import consignment to the requirements of the relevant Kenya Standards or approved Specification.

4.7 PVoC License- Is a document issued to manufacturers exporting to Kenya by KEBS appointed inspection agents to show that they have satisfactory production quality management system that can guarantee consistent production of quality product(s).

4.8 Customs Entry- Is a formal declaration of specific information on the imported merchandise entering the country submitted to and approved by Kenya Revenue Authority.

4.9 IDF- Is an Import Declaration Form submitted to Kenya Revenue Authority by an importer of his or her intention to import merchandise into the Kenya.

4.10 ISM- Import Standardization Mark

4.11 Retail Unit- Is the smallest unit of a product sold directly to consumers.

4.12 EAC Partner States- Are countries constituting East Africa Community.

5.0 REFERENCES

Standards Act, Cap 496 Laws of Kenya

Legal Notice No. 78 of 5th July 2005

PVoC Guidelines

6.0 SCOPE

6.1 This guideline shall be applied to all imported commodities and products intended for sale in Kenya excluding the following:-

i) Medicines

- ii) Medical Devices (From 1st July 2016 when Pharmacy and Poisons Board takes over full control)
- iii) Pest Control products.
- iv) Seeds (Plant Materials)
- v) Printed Materials e.g. Books, Newspaper, Magazines etc.
- vi) Precious stones, Jewellery etc.
- vii) Illuminated Signs and Name plates etc.
- viii) Motor Vehicles and Bike (covered under a different inspection regime).
- ix) Artificial flowers, Walking sticks, Antiques etc.
- x) Products manufactured in an EAC partner state and bears Quality Mark of that Partner State.

6.2 Products already certified by KEBS under the Diamond Mark of Quality Scheme are exempted from mandatory application of ISM. The Diamond Mark of Quality will be re-designed and certification fees aligned to prevailing ISM costs.

6.3 Products subject to PVoC must be accompanied with CoCs the above list notwithstanding.

7.0 IMPLEMENTATION DATES

7.1 This guideline is effective for new imports as from **1st September 2015**.

7.2 Imported products already in the market can be sold without the new ISM stickers' up to **30th June 2016**. No imported product subject to this regulation will be allowed for sale in Kenyan market without ISM sticker after **30th June 2016**.

7.3 Importers with huge old stock likely to be in the market after the above deadline are advised to apply and acquire the new ISM stickers from KEBS.

8.0 DESCRIPTION OF ACTIVITIES

8.1 Application for ISM

- a. Where COC is obtained through Route A or B as provided for in the PVoC guidelines the importer shall apply for issuance of ISM stickers by completing an application form and submitting to KEBS together with copies of CoC, Customs Entry, IDF and Packing list.
- b. For Goods not accompanied with the COC, the test report used to clear the goods at the point of entry will form the basis of issuance of ISM and the Importer will be required to

complete an application form and submit to KEBS together with copies of Customs Entry, IDF, Test Report and receipt of payment of the requisite penalties for goods that were subject mandatory inspection in the country of supply.

- c. For licensed products (Route C of the PVOC programme), the importer shall apply for issuance of ISM stickers by completing an application form and submitting to KEBS together with a copy of the PVoC License issued by KEBS appointed inspection agent to the exporter. The importer shall provide half year estimated quantities of licensed product(s) retail/ sale units expected to be imported into Kenya and pay for the same.
- d. The importer shall pay for stickers required for ALL the retail units certified during submission.
- e. Application for ISM stickers MUST be submitted before KEBS final clearance of the goods from the Port of Entry.
- f. Application for ISM stickers may be submitted before goods arrival in Kenya.

8.2 Processing of ISM stickers

- a. KEBS shall verify payment and the authenticity of the submitted documents against its imports database and process the ISM by entering the details of the application in the ISM database.
- b. KEBS shall encode and print each ISM sticker with importer's name, product name, product brand and CoC/ PVoC License/ Inspection or Test Report Details within 2 working days of receipt of complete application from the importer.
- c. Importers or authorized representatives shall collect ISM stickers and letters detailing the terms and conditions for use of the mark directly from KEBS offices nearest to them.

8.3 Application of ISM Stickers on certified products

- a. Importers or their authorized representative shall affix the ISM stickers only on retail units of certified products as per the terms and conditions for use of the Mark.
- b. In case marking or sticking of the ISM on retail unit is not possible, the Mark shall be affixed on a package containing two or more Retail Units provided the retail cost of a single unit shall not be more than Kshs. 25/=.
- c. For small fast moving items such as cutlery on display in trays or Pegged, the corresponding ISM stickers may be displayed on the tray or display units at the point of sale.

- d. Importers who obtain ISM stickers before goods are shipped out of the country of supply are free to affix the stickers before shipping.
- e. Any person, organization or other corporate body that affix ISM sticker on a product not authorized to bear the Mark e.g. because there is no record of the product in question having been certified is liable for criminal action in accordance with the Standards Act, Cap 496 Laws of Kenya.

9.0 ANNEXES

9.1 Application form

THE STANDARDS ACT
(Cap 496 of the Laws of Kenya)

IMPORT STANDARDIZATION MARK (ISM) APPLICATION FORM

The Managing Director,
Kenya Bureau of standards,
P.O. Box 54974 - 00200
NAIROBI.

CUSTOMS ENTRY NUMBER <i>(Not applicable for licensed goods)</i>	
IDF NUMBER <i>(Not applicable for licensed goods)</i>	
CERTIFICATE OF CONFORMITY (COC) NO. <i>(For goods accompanied with COC)</i>	
TEST REPORT NO. <i>(For goods subjected to destination inspection)</i>	
LICENCE CERTIFICATE NO <i>(For licensed products - route C of the PVOC program)</i>	

S/N	Description of the commodity upon and in respect of which the Import standardization mark is to be used	Trade mark or brand which is in use in respect of the commodity	Quantity
1			
2			
3			
4			
5			
6			
7			

8			

Name of Importer.....Postaladdress.....Email.....

Physical address..... Tel.....

Contact Person.....Designation.....

It is hereby certified that the information supplied herein by the undersigned is true and correct. The undersigned agrees to abide by the Terms and Conditions stipulated at the back of this form

Signature.....Date.....

Attachments (Tick as appropriate)	FOR KEBS USE ONLY
<input type="checkbox"/> Packing list. <input type="checkbox"/> Customs Entry <input type="checkbox"/> Import Declaration Form (IDF) <input type="checkbox"/> Certificate of Conformity (CoC) <input type="checkbox"/> Test Report <input type="checkbox"/> PVoC License <input type="checkbox"/> Copy of receipt of payment for ISM Stickers <input type="checkbox"/> Copy of receipt of PVoC penalty (where applicable)	Application Received and Checked by..... No. of ISM stickers Printed..... Amount paid.....Receipt No..... ISM Stickers checked and released by.....

NOTE:

1. Payment shall be made at the time of filing the application
2. Fill each consignment on separate form

TERMS AND CONDITIONS

1. The Importer shall affix the ISM only on certified products.
2. The Importer shall establish and maintain a system of product recall, and addressing complaints filed by its clients or consumers concerning its certified products and shall maintain records thereof.
3. The Importer shall ensure that its certified product conforms at all times to a specified standard and shall be liable for any damage caused by the said product to its consumers.
4. The importer shall pay the applicable fees and charges as billed by KEBS.

9.2 Fees

Each ISM sticker costs Kshs. 0.49 inclusive of taxes.