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Report Highlights:

This report contains Government of Kenya (GOK) technical import requirements and regulations for food and agricultural products. It includes information on applicable laws and guidelines, import procedures, and contact details of key trade regulatory and specialist agencies. Kenya maintains a ban on imports of genetically modified (GM) agricultural food products. In addition, since October 2018, all exports to Kenya must be inspected in the country of origin or supply and be issued with a certificate of conformity prior to shipment. Both requirements are major constraints to U.S. exports to Kenya.

Disclaimer: This report is prepared by the USDA/ Foreign Agricultural Service, Office of Agricultural Affairs Nairobi for U.S. exporters of food and agricultural commodities. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies/regulations/directives have changed since its preparation, or because clear and consistent information was not available. Post highly recommends that U.S. exporters verify the full set of import requirements with their foreign customers, who are usually best equipped to research such matters with local authorities, before any products are shipped.

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Executive Summary:

Kenya's Economy and developments related to agriculture and trade

Kenya has a market-based economy and is generally considered the economic, commercial, financial and logistics hub of East Africa. Kenya has been successful in attracting U.S. exporters and investors, and more U.S. companies are setting up local and regional operations to take advantage of Kenya's strategic location, diversified economy, entrepreneurial workforce, and status as a regional financial and transportation hub for Eastern Africa. The Port of Mombasa is the most important deep-water port in the East African region, supplying the shipping needs of more than a dozen countries in the region.

At the regional level, Kenya is a member of the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC). The EAC Member States established a common external tariff and customs union in 2005, and a common market in 2010. In June 2016, Kenya ratified the EAC Protocol on Sanitary and Phytosanitary (SPS) Measures.

U.S. agricultural trade interests in Kenya

The main agricultural and food export by United States to Kenya has been wheat, courtesy of monetization under food assistance programs. Commercial wheat imports have, however, been on the rise in the last couple of years. Kenya's existing ban of imports of genetically modified (GM) products has been a key hindrance to diversification and growth of U.S. agricultural and food exports to Kenya. Other U.S. agricultural and food exports to Kenya include processed nuts, condiments, wines, snack foods, and dairy genetics. Demand for high-value U.S. consumer ready foods, and food ingredients is expected to grow in tandem with growth in the food service and hotel sectors in Kenya. Market access for U.S. meat, and poultry products has been limited due to Kenya's use of discretionary import permits.

Developments in Kenya's trade regulatory policies

Kenya's agricultural and food trade regulatory mandates are five key agencies, that are all linked to a single online import approval system. Kenya is a member of World Trade Organization (WTO) and regularly notifies technical barriers to trade (TBT) changes to the WTO but has been slow to notify sanitary and SPS changes. The Government of Kenya (GOK) is currently reviewing its food safety laws and regulations, and a bill of parliament on food safety is expected later in 2020.

Section I. Food Laws:

Kenya's regulatory system for food and agricultural imports is multi-sectoral and complex. Several government departments and agencies govern various statutes. The food regulatory system is generally consistent with the sanitary and phytosanitary (SPS) agreement of the World Trade Organization (WTO) and other international standard setting bodies including Codex Alimentarius (Codex), World Organization for Animal Health (OIE), and the International Plant Protection Convention (IPPC). Exporters and consolidators of U.S. food products should obtain a certificate of conformity (CoC) through the GOK's Pre-Export Verification of Conformity (PVoC). The GOK maintains inspection contracts with Société Générale De Surveillance S.A. (SGS), Intertek International Ltd, and Bureau Veritas to operate its PVoC program for the North America region.

The following laws are applicable to U.S. food and agricultural exports to Kenya:

1. Public Health Act Cap.242¹
2. Radiation Protection Act Cap.243 (In the case of irradiated Foods)¹
3. Food, Drugs and Chemical Substances Act Cap.254¹
4. The Agriculture, Fisheries and Food Authority Act (No. 13 of 2013)²- *Repealed Agriculture Act – Cap.318, and Suppression of Noxious Weeds Act Cap.325*
5. The Crops Act (No. 16 of 2013)² - *Repealed Agriculture (Export) Act – Cap. 319,*
6. Plant Protection Act Cap.324 (In case of Fruits & Vegetables)²
7. The Seed and Plant Variety (NPT) Regulations, 2009²
8. The Seeds & Plant Varieties (Amendment) Act, No. 53 of 2012 – regulates imported seeds or seed crops with potential to grow when planted)²
9. Dairy Industry Act Cap.336³
10. Meat Control Act Cap.356⁴
11. Animal Diseases Act Cap.364⁵
12. Customs & Excise Act Cap.472⁶
13. The Standards Act Cap.496⁷
14. Weights and measures Acts Cap.513
15. The Industrial Property Act Cap.509
16. Trademarks Act Cap.506
17. Pest Control Products Act Cap.346⁸
18. Fisheries Act Cap.378
19. Biosafety Act 2009⁹
20. Alcoholic Drinks Control Act, 2010¹⁰

21. Fertilizers and Animal Foodstuffs Act Cap 345¹¹

¹Implemented by Department of Public Health (DPH) at the ports of entry

²Implemented by Kenya Plant Health Inspection Service (KEPHIS) at the ports of entry

³Implemented by the Kenya Dairy Board (KDB) at the ports of entry

⁴Implemented by Director of Veterinary Services (DVS) and Kenya Bureau of Standards (KEBS) at the ports of entry

⁵Implemented by DVS and DPH at the ports of entry

⁶Implemented by the Kenya Revenue Authority (KRA) at the ports of entry

⁷ Implemented by KEBS at the ports of entry

⁸Implemented by the Pests Control Products Board

⁹Implemented by National Biosafety Authority (NBA) and KEBS at the ports of entry

¹⁰Implemented by the National Authority for the Campaign against Alcohol and Drugs Abuse (NACADA)

¹¹Implemented by DVS

Section II. Food Additives Regulations:

Q: *Has the GOK established specific regulations to regulate additives in food?*

A: KEBS regulates food additives through the Food, Drugs and Chemicals Substances Act that can accessed under the [Kenya Laws](#) and KS 660 series (Guidelines to the safe use of food additives) that can be purchased from KEBS (<http://onlinecatalogue.kebs.org/>). Where there are no specific GOK guidelines, KEBS follows the Codex standards on approved food additives.

Q: *Does Kenya maintain a positive and/or negative list of food additives?*

A: Kenya has both positive and negative lists for food additives. The lists are not yet available online but may be purchased from regional or national KEBS offices.

Q: *Are there any special use requirements or restrictions for additives on the positive list?*

A: The GOK restricts the use of all food additives in baby food. Food additives used as oxidants, sweeteners, colorants, curing agents, flavor enhancers, flavorings, or preservatives in all food stuffs must appear on the label, using the common chemical name on the label.

Q: *Will the GOK accept the list of Codex-approved food additives for imported consumer-ready food products?*

A: Where an additive is not listed in GOK regulations, KEBS relies, and requires that the PVoC agent rely on the Codex list of approved food additives.

Section III. Pesticides and Other Contaminants:

The Pest Products Control Act mandates the Pest Control Products Board (PCPB) to regulate the importation, exportation, manufacture, distribution and use of pesticides in Kenya. PCPB is also responsible for pesticide registration and maintains lists of registered products, restricted, and banned pesticides. The lists can be accessed online for an annual [PCPB List](#) PCPB refers to Codex standards for tolerance levels.

In addition to PCPB, other government institutions that enforce pesticide/contaminant regulations include:

- KEPHIS, who monitors and analyzes pesticide residues in their accredited analytical chemistry laboratory;
- KEBS, which set the standards and monitor compliance;
- DVS, who check on pesticide residues in animal products, feed, and animal health drugs; and,
- The Department of Public Health and KEBS, which examine for microbial and chemical contamination of food as guided by the Food, Drugs, and Chemical Substances Act, Cap 254.

Pesticide and contaminant regulation in food vary significantly between countries, even when those countries form part of the same trading bloc. Many developing countries lack the technical expertise and appropriate technology to regulate and test for pesticides or contaminants in food.

Q: *Has the GOK formulated pesticide contaminant regulations for food?*

A: The GOK promulgated pesticides and contaminants regulations for consumer-ready foods. KEBS and KEPHIS have been commissioned to oversee this aspect of Kenya's food safety.

Q: *Does the GOK use both positive and negative lists for pesticides (as is the case for food additives)?*

A: Kenya regulates based on both positive and negative lists, which are available at regional and national KEBS and KEPHIS offices. These lists are not yet available online.

Q: *For the pesticides appearing on the positive (allowed) list, does the GOK establish maximum residue levels (MRLs)?*

A: Yes, and in case pesticide and contaminants MRLs are not provided on the positive list, GOK uses MRLs established by Codex.

Section IV. Packaging and Container Regulations:

The following section describes some potential technical barriers to trade associated with Kenya's packaging and container size or material requirements and their recycling.

Kenya has no special packaging or container size requirements. Due to purchasing power constraints, most consumers prefer small packages at the retail level. However, wholesale outlets offer foodservice size packaging.

Q: *Many U.S. consumer-ready foods are marketed in containers specific to the U.S. market based on a certain number of ounces, pounds, for fluid ounces. Can Kenyan importers of these products market them in the same containers, or must a specific container be used to comply with GOK container/packaging requirements?*

A: Kenyan importers may market U.S. consumer-ready product in its original packaging/container without alteration, regardless of the container or package size. However, there are labeling requirements that should be taken into account (see Section V).

Q: *Are there any special municipal waste disposal laws or product-packaging recycling regulations that U.S. exporters need to be aware of, or prepared for, in the Kenyan marketplace?*

A: Neither the GOK nor the county Governments currently require consumer-product package recycling.

Q: *Does the GOK restrict or limit any packaging materials for consumer-ready products?*

A: The GOK regulates wood pallets that might be used during the shipment of food products, but not the materials in which the food is packaged. The GOK requires solid wood packaging material be treated and marked in line with International Sanitary and Phytosanitary Measure (ISPM) No. 15.

Section V. Labeling Requirements:

A. General Requirements

In Kenya, KEBS is responsible for ensuring that labelling of consumer-ready food products is correctly done.

GOK requires an English and/or Kiswahili label on all consumer-ready foods. The label should include metric measurements; be packaged in even numbers; a brand/trade name; a common name; list of ingredients in order of predominance; date of manufacture; an expiration and / or sell by date; net content in metric; storage instructions; the name and address of manufacturer; the country of origin; grade designation (where applicable); and, the Kenyan Import Standardization Mark (ISM, more information below). Kenya is currently reviewing its labelling standards —KS 1829: 2019

Frequently asked questions and responses that will help an exporter understand Kenyan import requirements as applied by the PVoC agent:

Q: *What language(s) are required and/or permitted on the product label?*

A: The GOK requires English on the label, but permits any other language, or a combination of languages. In Kenya, it is common to see imported food products with English and Arabic or Chinese language labeling.

Q: *Can U.S. consumer-ready products enter the Kenyan market without altering the U.S. label under which the product would normally be marketed in the United States?*

A: In addition to all of the information provided by the U.S. label, the GOK requires that products carry an Import Standardization Mark (ISM), which KEBS provides for a fee once the product qualifies for a COC. The Kenya Bureau of Standards (KEBS) requires that all imported finished products for retail have an import standardization mark (ISM) sticker; goods with the KEBS Diamond Standard Mark are exempt. More information on these marks can be found at [KEBS ISM](#).

Q: *Can the ISM or any other additionally required labeling be affixed, or must it be incorporated into the original label for the product?*

A: The GOK permits stick-on labels for both the ISM and other additional labeling requirements.

Q: *When do stick-on labels need be applied (i.e. before the product is exported; at the port of entry; or, at the point of sale)?*

A: The stick-on labels may be applied at any point prior to retail sale.

Q: *Are there instances where standard U.S. labels or claims might be considered false or misleading?*

A: To date, there have been no reported incidents of a standard U.S. food-product label being deemed false or misleading.

Q: *For the “Best if Used By” date (shelf life), does the GOK require that the product enter Kenya with a predetermined percent of that shelf life remaining for marketing to Kenyan consumers?*

A: Upon arrival in Kenya, all imported food products must have remaining at least 75 percent of the shelf life indicated on the label.

Q: *Does the GOK grant exceptions to their labeling regulations?*

A: There are a great variety of labels, label content, and style on imported food products in Kenya, but all carry the standard Kenyan labeling requirements. There are occasional exceptions, but there is no formal process through which an exporter may ask for an exception.

B. Other Specific Labeling Requirements

This section will include nutritional labeling, health claims made on labels, and any requirement to notify a specific process used to produce the consumer-ready food product.

Q: *U.S. consumer-ready food products meet at least specific minimal nutritional-labeling requirements. Are the U.S. minimal nutritional labels sufficient for the Kenyan market?*

A: The GOK requires nutritional labeling based on a uniform 100 grams of product, whereas current U.S. nutritional labeling requirements are based on portion size. However, the GOK does not insist that U.S. nutritional labels be changed to reflect the nutritional content per 100 grams.

Q: *Are relative nutrient content claims (i.e. reduced saturated fat) or absolute descriptors (i.e. high in fiber, low in fat) permitted in GOK labeling regulations?*

A: The GOK requires that, where a consumer-ready food product carries a relative or descriptive nutrient content claim, it must be supported by a nutritional breakdown of the specific attribute being described. For example, “this product is low in saturated fat, containing only three grams of saturated fat per 100 grams of total fat.” would be an allowable statement in Kenya.

Q: *Does the GOK permit health claims on labels, such as “heart healthy”, or regulate the use of the word “healthy”?*

A: Currently, GOK does not preclude any such health claims on consumer-ready labels.

Q: *Does the GOK require that foods produced using novel processes be labeled to reflect the process?*

A: GOK requires that irradiated foods be designated so, on the food container in English, even in instances where the radura symbol has been used.

C. Genetically Engineered (GE) Products & Genetically Modified Organisms (GMOs) Labeling Regulations

Despite the existence of a GE products import ban, Kenya has elaborate labelling regulations for GMOs. These requirements and precise labeling language are found in the Biosafety (Labeling) Regulations, 2012: [GMO labeling](#) and the Kenya Standard KS 2225:2010 on labeling of food and feed.

Q: *Which products are covered under these regulations?*

A: These regulations apply to food, feed or ingredients containing GMOs or products derived from Live Modified Organisms (LMOs).

Q: *What are the labeling requirements for processed products containing GMOs?*

A: In the list of ingredients the words “genetically modified” must follow each of the ingredients that have been derived from LMOs or combined with GMOs. For example: “**Product Ingredients:** Maize Meal (genetically modified); Soybean Meal (genetically modified); Salt; Sugar.”

Q: *Does the GOK require any additional labeling for GMOs.*

A: Please see Appendix III for information related to possible other labeling requirements for foods containing GMOs. Kenya’s National Biosafety Authority (NBA) has a notice on the following internet link, providing clarity on the importation of GMO products into Kenya. [GMOs import regulations](#)

Section VI. Other Specific Standards:

Non-tariff barriers are often imposed through specific and unique standards. This section treats “Specific Standards” that might impede trade in agricultural products.

Q: *Are there any special standards, legislation, or ordinances that might impede or increase the cost of importing food?*

A: The GOK requires non-science-based import permits for meat, dairy, poultry and their products that are issued by the Director of Veterinary Services (DVS) for meat, dairy, poultry and their products. In addition, each consignment must be accompanied by a certificate of conformity.

Section VII. Facility and Product Registration

- A. Facility Registration: GOK does not require individual facilities to be registered with either foreign authorities or with U.S authorities prior to importation of food products. However, importers of meat and products, eggs and egg products, and milk and dairy products must satisfy the requirement that the facility (slaughter house or processing plant) be approved and designated by the “highest veterinary authorities of the country of origin” in their application for the “no objection to import permit” from Kenya’s Director of Veterinary Service (DVS)
- B. Product Registration: GOK does not require each product to be registered with either foreign authorities or with U.S. authorities prior to importation.

Section VIII. Other Certification and Testing Requirements:

This section identifies other regulations that might have potential to impede trade in agricultural products.

Q: *What are the GOK's inspection requirements at the point imported food reaches Kenyan borders?*

A: The level of inspection required by the GOK at the port of entry is to establish whether the imported food product has a Certificate of Conformity (CoC). To obtain a CoC, an imported product must satisfy Kenyan import requirements, as evaluated by the pre-export verification of conformity (PVoC) agents appointed by GOK. Once a PVoC agent has issued a CoC, the importer may present the CoC to KEBS for clearance of the goods and apply for the Import Standardization Mark (ISM), a stick-on-label to be affixed to each retail container. Directions on PVoC can be obtained at [KEBS PVoC](#).

There are three routes for certification. The PVoC agent(s) reviews the Request for Certification (RFC) received from the exporter before determining the most appropriate certification route and the applicable standard to be used in the certification process. Additional information can be found at:

[KEBS](#)

:

Route A: This route is open to all products being exported by either traders or manufacturers and is mainly for first time exporters. Products shipped under this route must be tested and physically inspected to demonstrate conformity to relevant standards.

Route B: This route is primarily used by frequent exporters of homogenous products. Products shipped under this route must be registered with an authorized PVoC agent. The product registration is valid for a period of one year. Shipments of registered products are exempted from mandatory testing, and certification may be based on physical inspection only. However, random testing of registered product is still required to ensure product conformity throughout the one-year registration period. However, the following products are not eligible for registration under Route B, and must go through Route A:

- Sugar;
- Cereals and pulses such as rice, wheat, beans, and maize;
- Animal and Fishery products (fresh and frozen- not further processed);
- Dairy Products; and
- Fresh horticultural products.

Route C: This route is allowed only for manufacturers with a quality management system in their production process. It involves auditing of such production processes and licensing of products manufactured by authorized PVoC agent(s), in alignment with ISO Guide 28: 2004. If successful, the manufacturer will be presented with a license for the relevant products, valid for a period of one year. Licensed products are subject to random physical inspection by authorized PVoC agent(s) prior to issuance of CoC and subsequent shipping. However, the PVoC agent(s) will carry out limited testing during the license valid period.

Q: Does the GOK require that consumer-ready food products be registered before being sold in the domestic market?

A: The GOK requires that a food product with homogeneous production methods be registered annually with the PVoC agent. Shipments within that year need only be inspected randomly by the PVoC agent, but otherwise no additional product registration is required.

Q: Do all consumer-ready food products and food commodities require laboratory testing to ensure conformity with Kenya import standards?

A: The PVoC agent makes the determination on the need for laboratory testing, in accordance with the contract with the GOK. The GOK requires that a food product meet all Kenyan standards before qualifying for a CoC, and therefore product testing by the PVoC agent should be expected.

Q: Are product samples shipped via express mail or parcel post subject to import regulations?

A: Product samples (except live plants or seeds) shipped via express mail or parcel post are not subject to import regulations but are subject to custom handling charges based on the value of the product.

Q: Does the GOK monitor food products at wholesale or retail distribution points?

A: Reportedly, KEBS conducts random surveillance and requires non-conforming products to be recalled by the producer.

Specific documentation and certification requirements

Pre-Shipment Documents

- Plant Import Permit (PIP) for bulk commodities issued by the Kenya Plant Health Inspectorate Service (KEPHIS). The PIP form can be found at [KEPHIS FORMS](#)
- Import Declaration Form (IDF) issued by the Kenya Revenue Authority (KRA) found at [KRA Forms](#)

Post-Shipment Documents

- Certificate of Conformity (CoC)
- Phytosanitary Certificate (PC) containing the required Additional Declarations for bulk commodities (corn, wheat, pulses, rice, sorghum, barley, etc.).
- Non-Genetically Modified Organisms (GMO) Certificate
- Bill of Lading (three original B/L plus non-negotiable copies)
- Commercial Invoice
- Packing List
- Customs Entry Form
- Certificate of Origin
- Health Certificates (Cleanliness, Weight, and Quality)
- Insurance Certificate

Other Documents requested depending on the agricultural commodity or food product:

- Fumigation Certificate
- Radiation Certificate
- Noxious Weed Certificate
- Free from Karnal Bunt Certificate

Section IX. Import Procedures:

The Kenya TradeNet System – a single international trade platform, implemented by Kenya Trade Network Agency (KENTRADE) – handles all imports into Kenya. The system integrates all the import/export certification agencies, customs authorities and the banks. See [Kentrade](#)

The following is a description of import procedures after a CoC has been acquired:

1. The importer will notify a clearing agent (CA) of the arrival date of cargo;
2. The CA notifies the Kenya Revenue Authority (KRA) via its on-line clearing system (Simba). The importer must use a KRA registered CA;
3. The CA obtains the arrival date and manifest number and enters into Simba;
4. The CA sends the manifest number to KRA, who posts the number to the specified Kenyan bank;
5. The CA pays the relevant taxes using HS Codes and VAT rates where applicable;
6. The KRA agent clears and confirms entry of the cargo to the CA;
7. The CA uses the KRA confirmation to pay the various port charges at the Kenya Ports Authority (KPA);
8. The CA uses the KPA documents and any related import permits to request clearance from KEPHIS, KEBS, Port Health and the local police; and,
9. The KPA conducts a final physical verification of the cargo before releasing it into the domestic market.

The GOK, through the Finance Act of 2013, introduced the Rail Development Levy (RDL) on all goods imported into Kenya for domestic use. The entire customs clearance process takes a minimum of three days. Should an exporter/importer be dissatisfied, KRA has adopted the alternative dispute resolution (ADR) mechanism to expedite. For more information, please see [ADR](#)

Section X. Copyright and/or Trademark Laws:

Intellectual property rights (IPR) laws and regulations are a rarity in developing countries, and where they exist, they are poorly enforced. Exporters must be aware that IPR protection in Kenya can be extremely challenging.

Q: *Does the GOK have laws that protect trademarks and brand names of foreign-produced food products?*

A: The GOK provides for trademark and brand name registration in Kenya. Kenya Industrial Property Institute (KIPI) registers product via an application. For more information and a copy of the application, please see [KIPI](#).

Q: *Is there a statute of limitations on trademarks and brand names?*

A: Trademarks are registered for ten years initially and may be renewed indefinitely upon request.

Appendix I. Government Regulatory Agency Contacts:

Kenya Bureau of Standards (KEBS)

The Managing Director
P.O. Box 54974 Nairobi, Kenya
Tel: 254-20-6948000 or 69028201/401/410
Fax: 254-20-609660/6004031
Email: info@kebs.org
Website: www.kebs.org

Kenya Plant Health Inspectorate Service (KEPHIS)

The Managing Director
P.O. Box 49592 Nairobi, Kenya
Tel: 254-20-3536171/2 or 3597201/2/3
Mobile: 254-722516221, 254-733874274
Fax: 254-20-882265
Email: director@kephis.org
Website: www.kephis.org

Department of Veterinary Services (DVS)

The Director
P.O. Private Bag 00625 Kabete, Kenya
Tel: 254-20-8043441631383/2231/1287
Fax: 254-20-2026212
Cell: 254-722376237
Email: veterinarydepartment@yahoo.com

Ministry of Health

Director, Public Health
P.O. Box 30016-00100 Nairobi, Kenya
Tel: 254-20-2717077
Fax: 254-20-2710055
Website: <http://www.health.go.ke/>

Pest Control Products Board

The Managing Director
Waiyaki Way, Opposite ABC Place
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Mobile: 0720480904/0735778743
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National Biosafety Authority

The Chief Executive Officer
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Nairobi, Kenya
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Email: ceo@biosafetykenya.go.ke
www.biosafetkenya.go.ke

Kenya Industrial Property Institute

The Managing Director
P.O. Box 51648-00200
Nairobi, Kenya
Tel: (254-20) 6002210/11
Fax: (254-20)6006312
Website: <http://www.kipi.go.ke/>
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Kenya Ports Authority

The Managing Director
P.O. Box 95009-80104
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Cell: (254-20) 720202424
Email: micd@kpa.co.ke
Website: <http://www.kpa.co.ke>

Kenya Revenue Authority

Office of the Commissioner General
Times Tower Building, 30th Floor
P.O. Box 48240-00100 GPO
Nairobi. Kenya
Tel: (254-20) 310900/2810000
Fax: (254-20) 341342
Email: cic@kra.go.ke
Website: <http://www.kra.go.ke>

Appendix II. Other Import Specialist Contacts:

SGS North America Inc.

236 32nd Avenue
Brookings, SD 57006 USA
Tel: 605-692-7611
Fax: 605-692 -7617
Website: <http://www.sgsgroup.us.com>

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Attachments:

No Attachments