

## IMPORT/EXPORT PROCEDURES IN KENYA

### IMPORTING INTO KENYA

Importation in Kenya involves a series of documentations and procedures that must be adhered to by the importer.

#### Documents required in order to clear imports

- To clear any imported goods such as a car, machinery or general merchandise requires the engagement of a licensed customs clearing agent. When engaging with your preferred clearing agent ensure you always provide importation documents including but not limited to:
  - A Certificate of Conformity (CoC) from the PVoC agent for regulated products;
  - an import standards mark (ISM) when applicable;
  - Valid Commercial Invoice from the exporting firm
  - Valid pro forma invoices from the exporting firm.
  - Bill of Lading (sea cargo)/Airway Bill (air cargo)
  - Certificate of origin
  - Freight invoice for sea cargo
  - Logbook and its translation if it is not in English (motor vehicle)
  - Permit/License for restricted goods
  - Personal or Taxpayer Identification Number (PIN certificate)
  - Exemption letter (in case goods are exempted)
  - Purchase Orders/Contracts
  - Certificate of Roadworthiness for Motor Vehicles
  - Packing List
  - Letter of Credit (if available)

The customs clearing agent is then allowed to declare the goods you are importing in the customs system (Create an entry).

- **Import Declaration Form (IDF - Form C-61)** you will need to pay a processing fee of Kshs 5,000 minimum or 2.75 percent of the CIF value.
- **Declaration of customs value (Form C- 52)** Issued by the Customs Services Department. As an importer, you are required to complete it and sign it to show that you have declared the true and accurate value of the imported goods.
- **Certificates of compliance** Processed as required by the different authorities such as KEBS, KEPHIS e.g. certificate of analysis, phytosanitary certificate, etc. These are issued by the competent authorities in the supplier's country after inspecting the goods. The supplier will then send you the relevant certificate to show that the goods comply with the local requirements.
- **Release Order Issued by the port authority.** This document allows the goods to be released to you or your agent's custody after verification and payment of the storage and other charges that may have accrued.

### Preparing Import Documentation

It is advisable to use the services of a clearing agent who can facilitate the process of preparing the necessary Customs documents. The KRA has introduced a new system for enhancing effective declaration and tracking of consignments known as Integrated Customs Management System (ICMIS) which has replaced the aging SIMBA TradeX system. Only registered clearing agents who

have undergone customs training are allowed to access the system. You will need to provide them with the originals of the documents received from your supplier. The clearing agent can ensure that all the required documentation is attached and submit it, on your behalf, to the Customs Services Department.

**Figure 1: Step-by-Step Import Procedures  
Before placing the order for the goods**

Step	Activity	Whom to contact	Document issued/reference
Step 1	Ensure you have a trade license	<ul style="list-style-type: none"> <li>MoTI</li> </ul>	<ul style="list-style-type: none"> <li>Licence</li> </ul>
Step 2	Ensure you have an import licence, if required	<ul style="list-style-type: none"> <li>KRA</li> </ul>	<ul style="list-style-type: none"> <li>Licence</li> </ul>
Step 3	If it is food, drugs or chemical substance obtain permit, where necessary	<ul style="list-style-type: none"> <li>Port Health Office</li> <li>Pharmacy and Poisons Board</li> </ul>	<ul style="list-style-type: none"> <li>Permit</li> </ul>
Step 4	For agricultural products - obtain plant import permit - establish the phytosanitary requirements and communicate with the supplier	<ul style="list-style-type: none"> <li>KEPHIS</li> </ul>	<ul style="list-style-type: none"> <li>Permit</li> <li>Phytosanitary requirements</li> </ul>
Step 5	Establish the Kenyan standard for the product you are importing and communicate to the supplier/exporter	<ul style="list-style-type: none"> <li>KEBS</li> </ul>	<ul style="list-style-type: none"> <li>Standard specification</li> </ul>
Step 6	Determine the goods you need to import in respect of <ul style="list-style-type: none"> <li>Description</li> <li>Quality</li> <li>Specifications</li> <li>Quantity</li> </ul>	<ul style="list-style-type: none"> <li>Firm</li> </ul>	<ul style="list-style-type: none"> <li>Specifications</li> </ul>
Step 7	Send out information to the identified supplier clearly stating the following: <ul style="list-style-type: none"> <li>Description of the goods</li> <li>Technical specifications</li> <li>Kenyan standards</li> <li>Phytosanitary requirements</li> <li>Quantity</li> <li>Price</li> <li>Delivery period</li> </ul>	<ul style="list-style-type: none"> <li>Firm</li> </ul>	<ul style="list-style-type: none"> <li>Specifications</li> </ul>
Step 8	Check to ensure that the goods are not prohibited or restricted from importation	<ul style="list-style-type: none"> <li>KRA</li> </ul>	<ul style="list-style-type: none"> <li>2<sup>nd</sup> schedule of the EA Customs Management Act</li> </ul>
Step 9	Check to determine whether the goods are exempted from duty	<ul style="list-style-type: none"> <li>KRA</li> </ul>	<ul style="list-style-type: none"> <li>Fifth schedule of the EA Customs Act</li> </ul>
Step 10	Check to determine whether the goods attract countervailing and/or anti-dumping duties	<ul style="list-style-type: none"> <li>KRA</li> </ul>	<ul style="list-style-type: none"> <li>EA Customs Management Act</li> </ul>
Step 11	Determine the cost of the goods to be imported	<ul style="list-style-type: none"> <li>Firm</li> </ul>	<ul style="list-style-type: none"> <li>Costing schedule</li> </ul>
Step 12	Organize for funding either internally or externally	<ul style="list-style-type: none"> <li>Firm</li> <li>Bank</li> </ul>	<ul style="list-style-type: none"> <li>Funds are available</li> </ul>
Step 13	Consult your bank and obtain advice on how to deal with the supplier	<ul style="list-style-type: none"> <li>Bank</li> </ul>	<ul style="list-style-type: none"> <li>Financial advice</li> </ul>

## Ordering the goods

Step	Activity	Whom to contact	Document issued/reference
Step 1	Discuss with the selected supplier and agree on terms and enter into a contract	• Supplier	• Contract • Place order
Step 2	Advise your supplier on the bank you will use	• Firm	• Bank name
Step 3	Make payment arrangements according to the contract	• Firm	• Advice on payments

## Before Goods Arrive

Step	Activity	Whom to contact	Document issued/reference
Step 1	Obtain the documents that your bank requires. Normally they will be <ul style="list-style-type: none"> <li>• Commercial invoice</li> <li>• Packing list</li> <li>• Bill of lading/Airway bill</li> <li>• Certificate of conformity</li> </ul>	• Firm	-
Step 2	Appoint a clearing agent	• KIFWA	
Step 3	The clearing agent computes customs duty, port charges, transport charges required and advises you.	• Clearing Agent	
Step 4	The clearing agent makes arrangement for transport of the goods to your premises	• Transporter	
Step 5	The clearing agent prepares the customs declaration entry electronically, pays duty at the bank and lodges the supporting documents with Customs	• Clearing Agent • KRA	
Step 6	Ensure the relevant quality certificates for the goods are available. Avail them to the Clearing Agent to clear with KEBS	• KEBS	
Step 7	The Clearing agent clears with KEPHIS, if necessary	• KEPHIS	
Step 8	The Clearing agent clears with the Port Health Office, if necessary	• Port Health Office	

## Once Goods Arrive

Step	Activity	Whom to contact	Document issued/reference
Step 1	Customs processes the documents	• KRA	
Step 2	Release order is issued	• KRA	
Step 3	Authentication of relevant quality certificates and release of goods	• KEBS	
Step 4	Port charges are paid and goods are released to importer or clearing agent	• KPA	
Step 5	Goods are collected and transported	• Transporter	
Step 6	Goods are received at your premises		

## **EXPORTING FROM KENYA**

### **Introduction**

To Export means to take or cause to be taken out of the Partner State. In accordance with the provisions of Sec.73 of the EACCMA 2004, goods for Exportation shall be entered (declared) in the prescribed manner and the owner furnish customs with the full particulars, supported by documentary evidence, of the goods referred to in the entry. The goods declared shall be exported within thirty days from the date of entry.

### **Export Documentation**

The following documents are required for a typical export transaction:

- Commercial invoice
- Bill of lading/Airway bill
- Packing list
- Certificate of origin
- All necessary permits/ License for restricted goods
- Personal or Taxpayer Identification Number (PIN certificate)
- Purchase Orders/Contracts

With imports, these documents need to be lodged together with the customs declaration to clear the goods for export. You can engage a freight forwarder to do the documentation on your behalf.

### **Export Procedures**

Export procedures are not as lengthy as those in import transactions and are described in the next paragraphs.

### **Valuation of Exports**

The E.A. Customs Management Act describes the value of good for export as including:

- The cost of the goods
- Transport and all other charges up to the time of delivery of the goods on board the exporting aircraft or vessel, or at the place of exit from the country.

Where the cost of the goods cannot be determined, the cost of similar or identical goods exported from an EAC partner state at about or the same time shall apply.

Where the value of the goods cannot be determined through the previously mentioned methods, then the proper officer may determine the value of the goods by other objective means.

## Assessment of Duty

The Fourth Schedule of the Customs and Excise Act specifies the goods upon which export duties are charged and the rates applicable. In Kenya, export duties are charged on raw hides and skins, and scrap metal.

The Minister of Finance, by notice in the Kenya Gazette, may amend the rates of duty for exports by increasing or decreasing them.

## Prohibited and Restricted Exports

The Third Schedule of the EA Customs Management Act describes the Prohibited and Restricted Exports.

Restricted exports include waste and scrap of ferrous cast iron, timber from any wood grown in Kenya and wood charcoal.

According to the Schedule, prohibited goods comprise “All goods the exportation of which is prohibited under this Act or by any written law for the time being in force in the Partner States.”

## Figure 1: Step-by-Step Export Procedures

### Before you take the order

Step	Activity description	Whom to contact	Output
Step 1	Ensure you have a trade licence	• MoTI	• Trade Licence
Step 2	Ensure you have secured an exporters' code number	• KRA	• Export code
Step 3	Ensure you have an export licence	• DET	• Export licence
Step 4	Ensure you have the necessary permits or certificates; in the case of fish, plant, horticultural products, minerals	• Department of Fisheries • HCDA • KEPHIS	• Permit / Certificate
Step 5	Obtain the standard requirements of the buyer and ensure you can comply	• Buyer	• Standards specification
Step 6	Determine and organize adequate funds	• Firm • Bank	• Funding

## Before the goods are sent

Step	Activity description	Whom to contact	Output
Step 1	Ensure the supply contract is fully signed indicating: <ul style="list-style-type: none"> <li>• Description of goods</li> <li>• Technical specifications</li> <li>• Quantity</li> <li>• Price</li> <li>• Payment term</li> <li>• Delivery time</li> </ul>	<ul style="list-style-type: none"> <li>• Buyer</li> </ul>	<ul style="list-style-type: none"> <li>• Contract</li> </ul>
Step 2	Obtain payment guarantee and confirm with your bank on its validity	<ul style="list-style-type: none"> <li>• Bank</li> </ul>	<ul style="list-style-type: none"> <li>• Confirmed payment</li> </ul>
Step 3	Obtain/prepare all the necessary documents: <ul style="list-style-type: none"> <li>• Commercial invoice</li> <li>• Certificate of origin</li> <li>• Special licences</li> <li>• Packing list</li> </ul>	<ul style="list-style-type: none"> <li>• Firm</li> </ul>	<ul style="list-style-type: none"> <li>• Documents</li> </ul>
Step 4	Forward the documents to your bank for payment	<ul style="list-style-type: none"> <li>• Bank</li> </ul>	
Step 5	Release the goods to your freight forwarders for dispatch	<ul style="list-style-type: none"> <li>• Freight forwarder</li> </ul>	
Step 6	The freight forwarders declares the goods with Customs Services Department	<ul style="list-style-type: none"> <li>• KRA</li> </ul>	
Step 7	The goods are inspected by all parties	<ul style="list-style-type: none"> <li>• Customs, KEPHIS</li> </ul>	
Step 8	Goods are cleared for export	<ul style="list-style-type: none"> <li>• Customs, KEPHIS</li> </ul>	
Step 9	Bill of lading or airway bill is issued	<ul style="list-style-type: none"> <li>• Shipper</li> </ul>	