

WTO TECHNICAL BARRIERS TO TRADE (TBT) SPECIAL MEETING FOR INFORMATION EXCHANGE

GENEVA, SWITZERLAND
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**FUNCTIONING OF WTO/TBT NATIONAL ENQUIRY POINT
(NEP) FOR KENYA**

KENYA BUREAU OF STANDARDS (KEBS)

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ESTABLISHMENT OF KENYA BUREAU OF STANDARDS (KEBS)

- Established in 1974 by an Act of Parliament – The Standards Act Laws, of Kenya
 - The Standards Act always prevail if in conflict with any other Act – National Authority in standardization
 - Operates under the Ministry of Trade and Industry
 - Governed by National Standards Council (NSC) as the policy making organ
 - Run by a Managing Director as the CEO
- Functions of KEBS
 - Ensuring implementation of Standards and technical regulations in the industry, using inspectors and quality assurance officers
 - Promoting standardization in Kenya (MSTQ)
 - Notifying the public on existence of new standards and technical regulations by publishing them in the Kenya Gazette

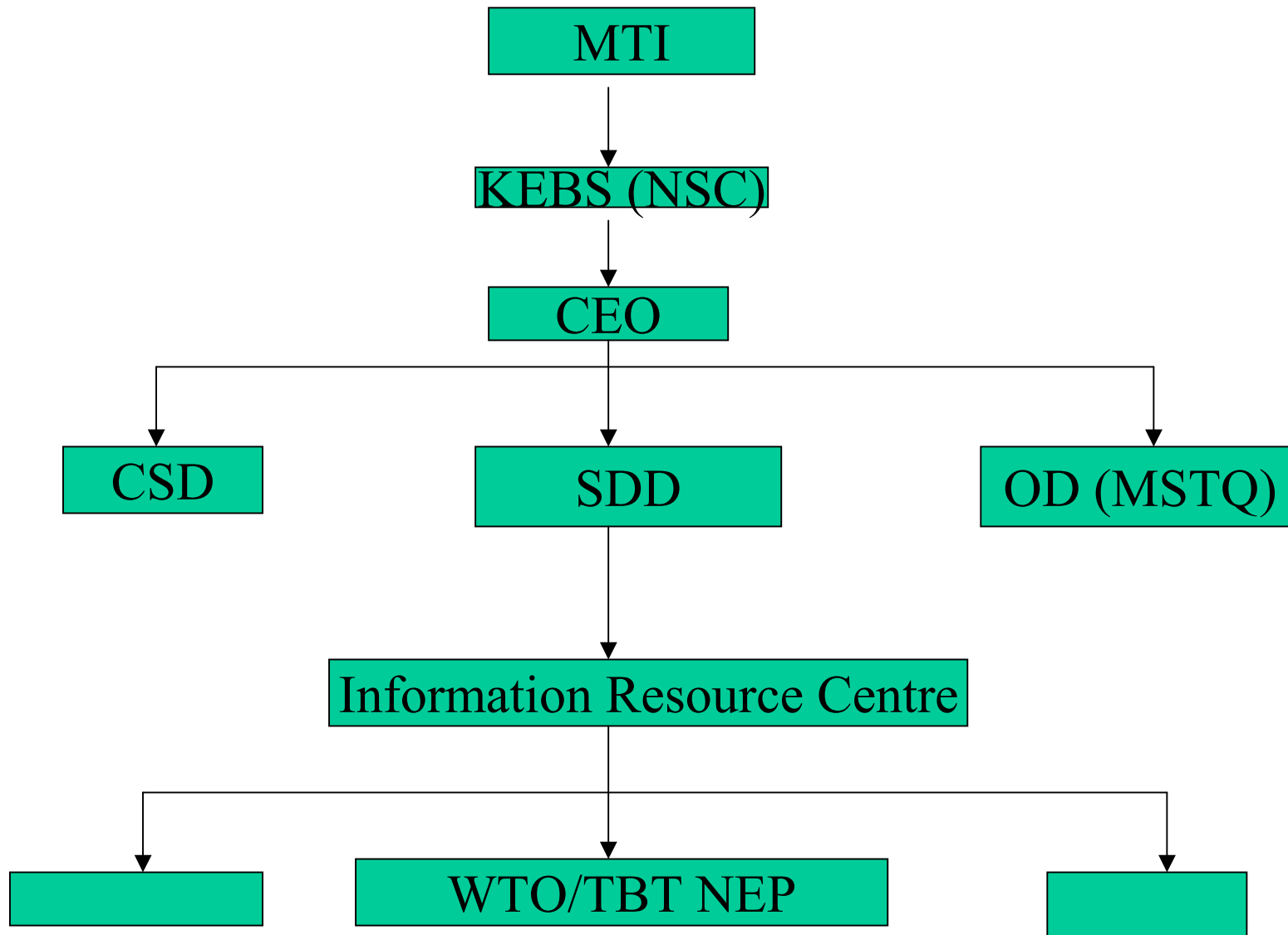
ESTABLISHMENT OF TBT NATIONAL ENQUIRY POINT (NEP) FOR KENYA

- TBT Agreement – Under articles 10.1 to 10.3
 - KEBS was officially designated as TBT National Enquiry Point for Kenya in 1995
- Full functioning of NEP started in 1999 after the WTO/UNCTAD/ITC technical assistance under Phase I of JITAP Project (Joint Integrated Technical Assistance Programme)
- The Assistance included
 - Receipt of technical facilities – a computer, a scanner, a Xerox photocopier (Model 5826), Printer (HP Laser Jet 1100)
 - Sponsorship to a Study Tour of NEPs in Europe in 1999
 - Funds to collect technical regulation from other ministries – Laws, Legal Notices

ADMINISTRATIVE LOCATION OF TBT NATIONAL EQUIRY POINT

- It was realized that the functions of NEP are closely related to those of existing Information Resource Centre which include
 - Selection, identification acquisition, processing, storage and dissemination of standards and standards-related documents
 - Providing information to customers in trade, commerce and industry
- For Continual sustainability of NEP services, it was integrated into Information Resource Centre and forms a one of the major section
- NEP is manned by 2 members of staff who are adequate at the moment.

NEP Organization Representation



FUNCTIONING OF TBT NEP

- The service provision is supported by two databases
 - WINSIS database containing standards
 - DIN Global containing technical regulations, CAP, and legal notices
- Both databases have a total of 4000 entries with 1600 technical regulations
- It has been noted that TBT notifications take too long from WTO secretariat to NEP due to protocol requirements
- A staff is therefore assigned to be downloading TBT and SPS notifications from WTO Website on daily basis
- The downloaded notifications are save in the KEBS server, ready for dissemination

FUNCTIONING OF TBT NEP (Cont.)

Notifications downloaded and disseminated

YEAR	NOTIFICATIONS DOWNLOADED	DISEMINATION/ DISTRIBUTION		
		INDUSTRY	TC	QAO
2000	108	200	70	75
2001	199	1,800	180	240
2002	402	4,200	360	480
2003	676	4,800	432	396
Sept 2004	366	4,350	405	378
TOTALS	1,751	15,350	1,447	1,569

FUNCTIONING OF TBT NEP (Cont.)

- The Question is – Once downloaded and saved in the server, **What do we do with these notifications? How do we disseminate them?**
- Descriptive information of each downloaded notification is summarized and compiled into a monthly bulletin - ***WTO/TBT Notification Up-Date Bulletin***
- The structure of the Bulletin is given below

Not. No. and Date of Issue	Product Covered	Country	Title	Deadline for Submission of Comments
G/TBT/N/CHE/42 2 September 2004	Feedstuff derived from genetically modified organisms	Switzerland	Draft Modifications to the Feedstuff Ordinance of 26 th May, 1999 (German, French; 5 pages).	30 October 2004

FUNCTIONING OF TBT NEP (Cont.)

- Notifications and Bulletin are disseminated electronically to over 400 organization in trade, industry and commerce
- In addition, the following also receive the publications
 - TC committee members (expected to share the same within their organizations)
 - KEBS senior staff
 - Quality assurance, inspectors and certification officers at KEBS
 - Library subscribers
- SDI services is being offered to KEBS and TC officers – Will be expanded to industry early next year – to eliminated delays in monthly bulletin
- The services at NEP is given free of charge

FUNCTIONING OF TBT NEP (Cont.)

- **Enquiry service** – Enquiries are received through – phones, emails, letters/correspondences or in person
- Every request is then put in writing and filed in an official file
 - To assist in tracking down the details of the requests
 - Historical prove that information requested, is the actual information provided for
 - Increase efficiency and accountability in information provision
- **Note** that the communication is through email and fax – Enquiries received are shown below

YEAR	ENQUIRIES	
	LOCAL	INTERNATIONAL
2002	15	1
2003	59	2
September 2004	95	1
Total	169	4

FUNCTIONING OF TBT NEP (Cont.)

- **Response time** - The response time depends on the source of the information requested
 - 2 days average for information available within Kenya
 - One week average for information available externally
 - More than a week where translations are required
- **Code of Good Practice** - Article 4 of TBT Agreement – To comply with this article the following are published and disseminate to clients
 - KEBS Standards Work Programme Bulletin
 - Standards Monthly Additions Bulletin
- The current policy is to adopt ISO standards, where local standards are not available

CONVERTING KENYA STANDARDS INTO TECHNICAL REGULATIONS

- **Note three stages** - Standards are developed through consensus by Technical committees comprising
 - Government lead agency/regulatory
 - Manufacturers/producers
 - Major corporate consumer
 - Universities/research institutions
 - Industry associations
 - Trade associations
 - Professional bodies
 - Consumer organizations
 - KEBS as secretariat
- National Standards Council (NSC) approves the standards and the CEO publish them in Kenya Gazette (Government publication) – Notifying on existence of new standards
- Gazetted standards dealing on food, health and safety are selected and are declared mandatory by the Minister of Trade & Industry, by publishing them in a Legal Notice

PROBLEMS, CHALLENGES AND TECHNICAL ASSISTANCE

- After sending TBT notifications, little response has been received from the industry – Attributed to lack of awareness for the benefits TBT notifications could bring to the industry - Awareness training seminars and workshops for the industry on active participation of WTO activities, for them to realize the benefits
- NEP source for faxing services from other functional areas of KEBS – To be a one-stop-information-service-point, it needs its own fax machine and WTO or JITAP are well stationed to provide this assistance
- Some NET do not send full text to their counterparts when requested – WTO could provide full text and translations since it receive copies from notifying NEP
- Majority of Kenya manufacturers are SME without internet access and thus not covered in the electronic distribution of information – Something to be done about it

PROBLEMS, CHALLENGES AND TECHNICAL ASSISTANCE (Cont.)

- Some of the entries in WTO/TBT Directory of NEP are not updated even after sending updates – To maintain regular communication among NEP, WTO to update it regularly
- Server capacity at KEBS is limited while the website is not interactive – Assistance is required to create an interactive website which could allow full text searches on technical regulations **also** capacities to link descriptive information with full text
- Assistance on drafting notifications
- Kenya NEP require a CD server which will allow storage of full text technical regulations and allowing online searching of the available CDs – WTO CDs and Catalogues – **by our clients**

We acknowledge that there is always room for improvement and any observations and comments are always welcome and appreciated

THANK YOU ALL