



INTRODUCTION

The Standards Alliance is a public-private partnership between the American National Standards Institute (ANSI) and USAID designed to assist developing countries in effectively implementing their commitments under the WTO's Technical Barriers to Trade (TBT) agreement.

The main objectives of the overall Standards Alliance program include increased understanding of WTO TBT principles, encourage transparency in the development and alteration of technical regulations, and improve implementation of the TBT Agreement's Code of Good Practice for the preparation, adoption and application of standards, with the larger goal of promoting trade and economic development.

The Standards Alliance received applications from Burundi, Kenya, Rwanda, and Tanzania. During the week of February 10-15, 2014, the Standards Alliance conducted a joint assessment in Nairobi, Kenya and Bujumbura, Burundi. During the Nairobi portion of the joint assessment, ANSI met with the Kenya Bureau of Standards, the Uganda National Bureau of Standards, and the Rwanda Bureau of Standards, among others. In Bujumbura, ANSI attended US-EAC Trade and Investment Partnership talks on TBT. During these discussions, both sides engaged in fruitful discussions regarding the Standards Alliance engagement with the region. A summary of the joint assessment is available upon request. Both before and after the joint assessment, ANSI communicated with ANSI members regarding their interest in supporting the project's engagement with the region.

The Standards Alliance recognizes the need to engage with the EAC in such a way that responds to both the unique and shared needs of the countries within the region. As such, engagement will proceed through multiple channels. The Standards Alliance will engage individual, or numerous countries, within the EAC on issues best addressed at the national level. Additionally, the Standards Alliance looks forward to engaging regional EAC bodies, *e.g.*, the East African Standards Committee, as appropriate.

The Standards Alliance will work with USAID's East African Trade Hub (EATH) to carry out this work plan. EATH will take the lead on several activities, the full details of which can be found below in the EATH/KEBS proposal.

The Standards Alliance has set the following as goals for its engagement with EAC:

1. More effective National Notification Authorities (NNAs) and Enquiry Points (EPs).
2. Established relationships between international standardization organizations, US-based SDOs and certification and accreditation bodies, and EAC national/regional standards bodies .
3. Increased private sector participation in the development of standards and technical regulations and/or consideration of Good Regulatory Practices in the development of technical regulations and conformity assessment procedures.

These goals, and the activities listed below, are subject to change as our understanding of needs and capacities deepen.

WORK PLAN ACTIVITIES FOR YEAR ONE

GOAL 1: More effective National Notification Authorities (NNA) and Enquiry Points (EP)

ACTIVITY	COUNTERPART	LEAD IMPLEMENTOR	TIMELINE
<p>1. WTO TBT Enquiry Point Training</p> <p>For details on this activity, visit the Standards Alliance web site.</p>	Burundi, Kenya, Rwanda, Tanzania, and Uganda	EATH/NIST	COMPLETED December 2013
<p>2. Focused Enquiry Point Capacity Building</p> <p>Diane Thompson will provide capacity building to enquiry points as follow-up to the December 2013 training. Diane will work with each country to develop and follow an action plan for this capacity building. Details on the action plans will be provided as they are developed.</p>	Burundi, Kenya, Rwanda, Tanzania, and Uganda	Thompson Consulting	March 2014- June 2015
<p>3. Development of Electronic Notification System</p> <p>Specific tasks include:</p> <ul style="list-style-type: none"> - Develop basic ENS online platform - Link platform to WTO TBT Notification System - Develop backend feature for regulators to submit notifications - Outreach to private sector and regulators - Regional workshop to consider adapting system to other EAC countries <p>Additional details on EATH's activities can be found in the EATH/KEBS proposal below.</p>	For the initial phase: Kenya	EATH	August 2014
<p>4. Workshops to Raise Awareness of Notification Requirements under WTO TBT Agreement</p> <p>Additional details on EATH's activities can be found in the EATH/KEBS proposal below.</p>	Kenya	EATH	January- February 2014

GOAL 2: Established relationships between US-based SDOs, international standardization organizations, US-based certification and accreditation bodies and EAC national/regional standards bodies

ACTIVITY	COUNTERPART	LEAD IMPLEMENTOR	TIMELINE
<p>5. Standards and/or Conformity Assessment Exchange</p> <p>An exchange between US-based organizations and EAC national standards bodies and private sector on standards and/or conformity assessment by sector(s) of interest, e.g., infrastructure-related industries as water and electrical, and how these best practices contribute to</p>	EAC member countries, as appropriate	ANSI	October 2014

compliance with the WTO TBT Agreement.			
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GOAL 3: Increased private sector participation in the development of standards and technical regulations and/or consideration of Good Regulatory Practices in the development of technical regulations and conformity assessment procedures.

ACTIVITY	COUNTERPART	LEAD IMPLEMENTOR	TIMELINE
<p>6. Workshop on public consultations in the regulatory process and standards development</p> <p>This event would bring together USG experts (from OIRA, USTR, DOC, etc.) and the US private sector (including trade associations, companies, and/or standards groups) with their counterparts to discuss such topics as: (i) public consultation in the regulatory process; (ii) consensus building in the standards development process (iii) how to prepare an effective comment; and (iv) the connection between business competitiveness and public consultation.</p>	<p>African Regional Standards Organization (ARSO) and/or EAC member countries, as appropriate</p>	<p>ANSI</p>	<p>July 2014</p>

2014



**Kenya Bureau of
Standards**

Standards for quality life

KEBS-USAID STANDARDS ALLIANCE PROJECT SCOPE OF WORK PHASE 2 – PROPOSAL MARCH 2014

This is Kenya Bureau of Standards project request for funding by the USAID Standards Alliance programme. One broad area is proposed i.e. Implementing an effective WTO TBT National Enquiry Point.

1.0 Background

The Kenya Bureau of Standards (KEBS) is a governmental agency responsible for maintaining the standards and quality assurance in Kenya. KEBS was established by an Act of Parliament, *The Standard Act*, Chapter 496 of the Laws of Kenya. The KEBS started its operations in July 1974. KEBS has main offices in Nairobi and regional offices throughout Kenya.

KEBS is mandated to facilitate and/or guide the development of appropriate standardization and conformity assessment mechanisms for goods and services in the country. KEBS provides trade facilitation services in Standards, Metrology, and Conformity assessment. KEBS service provision is enhanced through its membership of the International Organization for Standardization (ISO) and Bureau International des Poids et Mesures (Metre Convention) BIPM. KEBS in its capacity as the designated Kenya's WTO/TBT National Enquiry Point, is offering services that are envisaged in the WTO TBT Agreement.

KEBS is taking the leading role of Standards Bureaus in the EAC/COMESA regions and Africa. This is attributed to the infrastructure, human resource base and the elaborate and quality services that KEBS has been providing over the years.

Enterprises and manufacturers of Kenya are facing challenges in accessing markets due to the fact that a clear and internationally recognized quality infrastructure is not yet fully developed. This challenge needs to be addressed in order to enable Kenya reap maximum benefits from the multilateral trading arrangement (under the WTO) and regional and bilateral trade initiatives such as the EAC, COMESA the proposed Tripartite FTA between COMESA, EAC and SADC, USA AGOA initiative and EAC-EU trading arrangement.

Appropriate standards, effectively enforced and accepted by trading partners, are fundamental to supporting Kenya's products access to the domestic, regional as well as the global market.

Whilst considerable work on SQMT initiatives is in progress, KEBS considers that additional initiatives would be useful and has requested support from USAID to complement these efforts. The support is being availed in phases. The first phase focuses on the following on implementing an effective WTO TBT Enquiry Point which is considered a priority in the context of the challenges that KEBS is addressing in promotion of Kenya's products access to the regional and global markets.

2.0 Progress made under phase 1

2.1 Context

The TBT Enquiry point at the KEBS was established in 1995, pursuant to the provisions of the WTO TBT Agreement. Implementation of the functions of the enquiry point was only realized in 1999 after technical support under JITAP program.

The NEP's main objective is to improve Kenya's competitiveness in the world markets. Its functions include: -

i) Issuing notifications

The National Enquiry Point issues notifications to the WTO secretariat concerning;

- Impending implementation of new or revised technical regulations in the country.
- Code of Good Practice on the preparation, adoption, and application of standards and conformity assessment procedures.
- Statements of Implementation and Administration of the TBT Agreement.
- Bilateral or Plurilateral agreements.

The WTO secretariat then makes this information available to all WTO members. In this way the WTO-TBT Agreement ensures that the whole system of technical regulations is open and transparent.

ii) Handling enquiries

NEP responds to enquiries on standards, technical regulations and conformity assessment procedures. The enquiries may emanate from the local industry or from foreign investors based in other WTO member states.

2.2 Progress

The phase 1 of the KEBS-USAID Standards Alliance, which has been under implementation since December 2013, focused on: -

- a) Training for NEP members from KEBS and other Regional Standards Bureaus in EAC held regionally on WTO TBT requirements and the management of an effective NEP, conducted by NIST, 9 – 11 December 2013
- b) TBT Agreement awareness among Regulators and County Governments. Which was achieved through the following workshops: -
 - i) One TBT Awareness Sensitization workshop conducted on 30 January. A total of 45 participants from over 25 regulatory government institutions attended the workshop
 - ii) 4 County workshops conducted as follows: -
 - Nairobi County and Environ Counties – 13 Feb
 - Kisumu County and Environ Counties – 18 Feb
 - Nakuru County and Environ Counties – 20 Feb
 - Mombasa County and Environ Counties – 25 Feb
- c) Development of an Electronic Notification System, which has been very successful with the following being the status and proposed way forward
 - KEBS Electronic Notification System Development is complete, with testing of the system in progress
 - Specification Requirement Elicitation & system design (100% done)
 - Prototype Development and approval (100%)
 - Full development of the ENS System (100%)
 - Testing of ENS system modules (70%)
 - Migration to Server and Testing of performance (30%)

- Content Upload – To date, 270 notifications from 35 countries have already been uploaded. Daily uploads of new notifications is being done hand in hand with testing of the system's stability after migration of the system to the new server.

The system is due for formal launch towards the end of April 2014.

2.0 Scope of Work for Phase 2

2.1 Objective of the support under KEBS-USAID Standards Alliance project

The specific objectives of the Phase 2 of KEBS-USAID Standards alliance project in the area of NEP are to: -

- a) Enhance the efficiency of data upload through direct link to the WTO TBT Notification System
- b) Development of a back end feature for use by Regulators in submission of their draft Notifications to KEBS in order to save time used in processing notifications from the Regulators.
- c) Create awareness among the private sector on the new KEBS ENS
- d) Private sector and Regulators outreach to ensure registration and effective utilization of the ENS
- e) Regional workshop to consider EAC NEPs status of notification management and the KEBS ENS, with a view to coming up with a regional strategy for roll out of the ENS similar to KEBS ENS to the rest of the EAC countries. This will be organized under the auspices of the EAC as a follow up activity to the Regional NEP training workshop of December 2013.

2.2 Tasks

1. Enhance the efficiency of data upload through direct link to the WTO TBT Notification System

During the second phase, the current architecture of the ENS will be modified in order to cater for direct importation of notifications from the WTO TBT Notification system. This will entail revisiting the specifications to ensure that the redevelopment of the system sustains the utility of the system based on the needs identified at the start of the project.

On completion of the re-development of the ENS, historical notifications dating to 2012 will be uploaded for purposes of archiving and facilitating retrieval to anyone interested in historical notifications.

Training of KEBS NEP, trade affairs and ICT teams on system maintenance will be conducted to ensure requisite capacity to manage the system after completion of phase 2.

Output

KEBS ENS – with link to WTO TBT Notification system for automatic importation of notifications from the WTO system

2. Development of a back end feature for use by Regulators in submission of their draft Notifications to KEBS in order to save time used in processing notifications from the Regulators.

Presently, the regulators use email system for submission of their draft notifications to KEBS NEP for processing and eventual submission to the WTO. This system is inefficient and cumbersome. It is proposed that the ENS infrastructure be used to support online upload of the draft notifications from the regulators.

Consequently, under the phase 2 of the project, the Regulators back end feature will be developed and introduced to the Regulators. By the end of the project, it is expected that the Regulators will have been trained on ENS Regulator Platform for draft notification uploads.

Output

Regulators back end feature and at least 10 Regulators trained on how to use the feature for upload of draft notifications

3. Private Sector awareness and outreach

a) Workshops

Through collaboration with Kenya Association of Manufacturers and other relevant private sector association bodies, KEBS will conduct ENS awareness and hands on training to representatives of private firms through workshops.

A total of 5 one day workshops, each workshop targeting 50 participants, are envisaged as follows: -

- Nairobi and environs (Nairobi, Machakos, Makueni, Kiambu, Kajiado and Murang'a)
- Nakuru and environs (Nakuru, Kericho, Uasin Ngishu, Baringo, Laikipia and Nyandarua)
- Mombasa and environs (Mombasa, Kwale, Voi, Kilifi, Tana River and Malindi)
- Kisumu and environs (Kisumu, Kakamega, Kisii, Nandi, Bungoma and Homa Bay)
- Nyeri and environs (Nyeri, Meru, Embu and Kirinyaga)

Output

At the end of the workshop, it is expected that a total 250 people will have been trained on the KEBS ENS and assisted to successfully register as users.

b) Migration of current emailed clientele base to the new ENS

To ensure the target firms that were receiving the TBT Notification Bulletin are reached through the new ENS, efforts will be made to migrate all the 1,000 plus contacts to the new system so that through a systems alert they may start getting the notifications.

4. Regulators outreach workshop on the KEBS ENS

A one day awareness creation workshop is proposed targeting the Regulators as users of the ENS. The purpose of the workshop is to expose them on how to navigate the ENS as users as well as how to use the ENS back end feature for submitting draft notifications to KEBS. A total of 50 participants from Regulatory Institutions will be targeted.

Output

Workshop Report and 50 participants from Regulatory Institutions reached out to during the workshop.

- 5. Regional workshop to consider EAC NEPs status of notification management and the KEBS ENS, with a view to coming up with a regional strategy for roll out of the ENS similar to KEBS ENS to the rest of the EAC countries. This will be organized under the auspices of the EAC as a follow up activity to the Regional NEP training workshop of December 2013.**

Further to USAID proposal for regional knowledge sharing on the KEBS ENS and exploration of strategy for regional roll out of similar system to the rest of the EAC countries, a regional workshop is proposed. The purpose of this workshop will be to: -

- a) Afford the region an opportunity to take stock of how each of the NEP are managing notifications and challenges that are faced in the course of discharging this duty.
- b) Consider KEBS ENS in the context of each country's reported experiences and challenges, in order to help the participants appreciate the value of the ENS.

- c) Explore strategy for roll out of similar system as KEBS ENS to the rest of the EAC Partner States and draw an action plan for implementation of the proposed strategy.

Output

Regional workshop report documenting experiences in the EAC Partner States, Proposed strategy and road map for rollout of the ENS similar to KEBS ENS to the rest of the EAC countries.

2.3. Resource requirement

2.1 Financial support

a) Private Sector awareness and outreach workshops

A total of 5 one day non-residential workshops, each workshop targeting 50 participants, are envisaged as follows: -

- Nairobi and environs (Nairobi, Machakos, Makeni, Kiambu, Kajiado and Murang'a)
- Nakuru and environs (Nakuru, Kericho, Uasin Ngishu, Baringo, Laikipia and Nyandarua)
- Mombasa and environs (Mombasa, Kwale, Voi, Kilifi, Tana River and Malindi)
- Kisumu and environs (Kisumu, Kakamega, Kisii, Nandi, Bungoma and Homa Bay)
- Nyeri and environs (Nyeri, Meru, Embu and Kirinyaga)

b) Regulators outreach workshop on the KEBS ENS

One day non-residential workshop for the Regulators to be held in Nairobi, targeting 50 participants

c) Regional workshop to consider EAC NEPs status of notification

Regional workshop to be held in Arusha, Tanzania, targeting a total of 20 people (i.e. 4 people from each EAC Partner State).

2.2 Personnel and envisaged level of effort

a) IT Expert/Systems Developer LOE: 70 days

The IT Expert/Systems developer will support KEBS in the re-development of the system to ensure link with the WTO system, development of the back end feature for regulators, conduct training among KEBS NEP/ICT teams on the re-developed ENS and provide support during scheduled private sector, regulators and regional awareness workshops on the ENS.

b) Trade Policy/Facilitation Expert LOE: 15 days

Technical support to KEBS in the re-development of the ENS, regional outreach and strategic management of the phase 2: The Trade Policy/Facilitation Expert will work with the ICT expert on the redevelopment of the ENS to ensure direct link to the WTO. This support will focus on the specification to ensure that the utility of the ENS, as identified during needs identification is sustained. Trade Policy expert will also provide strategic guidance and liaison with EAC to ensure a successful regional workshop.

c) Trade Facilitation Expert LOE: 20 days

Technical support to KEBS during private sector/regulator awareness creation: The Trade Facilitation Expert will work with KEBS to provide technical support through liaison with Kenya Association of Manufacturers and any other relevant private sector association in the roll out of the private sector outreach program through envisaged workshops. Similar support will be provided in the roll out of the new ENS system to the Regulators.

d.) Logistics Support LOE: 20 days. The logistics support person will provide logistics and administrative support to the national training programs.