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Kenya

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**Report Highlights:**

The United States Agriculture & Food Importer Guide (USAFIG) - Kenya is an extensive resource crafted to provide Kenyan importers with essential information and contacts for importing United States agricultural and food products. Market insights detail current trends and demand for United States agricultural and food products. It covers Kenyan regulatory requirements, offering an overview of food and agricultural import regulations, import documentation, and inspection procedures, as well as mandates and contacts for regulatory agencies. An overview of United States and Kenyan business cultures is included, along with best practices for establishing business relationships.

*This report was prepared for USDA/FAS by ADREC Limited, Nairobi, Kenya*

## Executive Summary

### Overview:

Kenya may be modest in its trade ties with the United States (ranking 94th in 2022 for overall goods and services), but the relationship is significant for Kenya, as the U.S. stands as its fourth-largest trading partner and its second-largest export destination after Uganda, comprising 9% of Kenya's exports.

### Regulatory Framework and Standards:

In the United States, regulatory bodies like the Food Safety and Inspection Service (FSIS) oversee meat, poultry, and processed egg products, ensuring they meet safety and labelling standards. The Animal and Plant Health Inspection Service (APHIS) regulates the import and export of animals, plants, and related products to prevent the spread of pests and diseases. Additionally, the Agricultural Marketing Service (AMS) facilitates the marketing of agricultural products through grading, standardization, and market information services. In Kenya, the Kenya Plant Health Inspectorate Service (KEPHIS) ensures the phytosanitary quality of plants and plant products for export and import. The Directorate of Veterinary Services (DVS) regulates animal health, including livestock imports and exports. The Kenya Dairy Board (KDB) oversees the dairy industry's quality and safety standards. The Kenya Bureau of Standards (KEBS) sets standards for various products, including food and agricultural items. The National Biosafety Authority (NBA) regulates genetically modified organisms (GMOs), and the Department of Public Health (DPH) oversees food safety and hygiene standards for public health.

### Support for Agricultural Exporters:

The USDA Foreign Agricultural Service (USDA FAS) offers extensive assistance to American agricultural exporters, aiding them in accessing global markets, fostering buyer connections, and venturing into new territories. Through the support of State Regional Trade Groups (SRTGs), the USDA promotes United States agricultural and food exports via various initiatives like trade fairs, missions, and marketing efforts. Cooperators receive United States export programs to aid in market promotion and development.

### Business Culture and Sampling Process:

Understanding the business culture is crucial for successful trade relations. In the United States, a generally informal and direct approach prevails, emphasizing efficiency and clarity in communication. Moreover, the sampling process of agricultural products imported into Kenya from the United States holds substantial significance, serving as a critical mechanism for evaluating product quality, gauging market demand, and understanding consumer preferences.

### Challenges and Strategies:

Importing goods from the United States into Kenya presents several challenges, including structural issues and potential pitfalls for first-time importers such as navigating complex customs procedures, dealing with inconsistent regulatory standards, managing long shipping times, addressing potential tariff and non-tariff barriers, and ensuring compliance with local import documentation requirements. However, leveraging support by engaging with the United States Cooperators and SRTGs, and staying informed about training opportunities, Kenyan importers can effectively navigate the challenges and enhance their success in importing agricultural products from the United States.

### Quality Assurance and Logistics:

Ensuring the safety and quality of exports is paramount. The United States maintains a rigorous food safety system, instilling trust in Kenyan importers. Cold chain systems play a vital role in preserving the quality of perishable goods during transportation and storage, with Kenya's infrastructure being essential in this regard.

### Trade Regulations and Tariffs:

Navigating trade regulations and tariffs is integral to facilitating smooth transactions. Both countries, as members of the World Trade Organization (WTO), benefit from reciprocal most-favored-nation (MFN) tariff rate access. Kenya applies tariffs based on the international harmonized system (HS) of product classification and the East African Community (EAC) Common External Tariff (CET) bands.

## Market Fact Sheet: Kenya

### Quick Facts 2023

Imports of consumer-oriented products: \$529 million in 2022

#### Top Growth Products in Kenya:

Processed foods (e.g. snacks, breakfast cereals, canned foods, and ready-to-eat meals)

Beverages (e.g. soft drinks, juices, energy drinks, & bottled water)

Dairy Products (e.g. milk powder, cheese, yogurt, and butter)

Confectionery (e.g. chocolates, candies, and chewing gums).

Condiments and sauces (e.g. condiments, sauces, and salad dressings)

Frozen foods (e.g. frozen fruits, vegetables, seafood, and meat products)

Health and wellness products (e.g. vitamins, supplements, and health foods)

Personal care products (e.g. skincare products, haircare products, & cosmetics)

#### Food Industry by Channels in Kenya:

Supermarkets

Mini-marts and convenience Stores

Restaurants and cafes

Hotels and resorts

Catering services

E-Commerce platforms (online grocery delivery services and food marketplaces)

#### Food Industry by Channels (United States billion) 2022:

Food Industry Output: \$3.9 billion

Food Exports: \$2.7 billion

Food Imports: \$2.9 billion

#### Top Host Country Retailers Supermarkets (by number of outlets):

1) Naivas (84); 2) Quickmatt (53); 3) Chandarana FoodPlus (25); 4) Carrefour (16); 5) Cleanshelf (12); 6) Eastmatt (9); 7) Maathai (8)

#### GDP/Population:

Estimated Population (2023): 54.7 million

GDP- Nominal: (2023): \$113.42 billion

GDP per capita (ppp) (2023): \$4,881.53

Data and Information Sources: United States Trade Data, Kenya GDP, Kenya Economic Survey 2023

## Section I: Market Overview

Kenya may be modest in its trade ties with the U.S. (ranking 94th in 2022 for overall goods and services), but the relationship is significant for Kenya, as the U.S. stands as its fourth-largest trading partner and its second-largest export destination after Uganda, comprising 9% of Kenya's exports. Kenya's main import partners are India, China, UAE, South Africa, Saudi Arabia, the United States, and Japan<sup>1</sup>. In 2022, there was a goods trade deficit of \$271 million between the United States and Kenya. This trade deficit underscores the potential for further engagement and collaboration to balance trade relations and explore mutually beneficial opportunities. While Kenya may be relatively small in terms of trade volume with the United States, it presents promising opportunities, particularly in

<sup>1</sup> <https://oec.world/en/profile/country/ken>

sectors such as agriculture and trade facilitation. Building strategic partnerships could further enhance bilateral trade relations between the two countries. Kenya, a burgeoning middle-income country, serves as the economic, financial, and transportation hub of East Africa. With a median age of 20 years, 33.8 percent of its population falls within the 25 to 54 age range. The backbone of Kenya's economy is agriculture, employing approximately 75 percent of its 54.7 million people, either fully or partially. The majority of Kenya's agricultural output is derived from small rain-fed fields and local livestock farms. However, due to limited domestic production, Kenya relies on imports to meet its food consumption needs. Small-scale farming and low productivity contribute to urbanization, driving up the demand for imported food. Urbanization is on the rise, with the urban population projected to increase from 28.0 percent in 2020 to 30.6 percent by 2025. This migration, coupled with a burgeoning tourism sector, presents significant market opportunities for increased consumption and imports of snack foods, tree nuts, beverages, distilled spirits, wine, and dairy products. Despite being a relatively small trading partner for the United States, Kenya presents various opportunities for bilateral trade. There are several advantages, limitations, potential advancements, and risks associated with United States imports into Kenya. Table 1 outlines a Strength, Weaknesses, Opportunities and Threats (SWOT) analysis of agricultural trade between the United States and Kenya.

Table 1: Strengths, weaknesses, opportunities and threats for United States imports into Kenya

Strengths	Weaknesses
<p>High-quality United States agricultural products meeting safety and hygiene standards.</p> <p>Diverse range of agricultural products available for import (grains, fruits, vegetables, meat, and dairy).</p> <p>Efficient utilization of advanced agricultural technologies leading to higher quality produce.</p> <p>Facilitation of imports through Kenya- United States trade relations.</p> <p>Reliability of United States agri-brands enhancing appeal to Kenyan importers and consumers.</p>	<p>High transport costs due to the long distances between United States and Kenya impacting the overall cost effectiveness of United States imports.</p> <p>Seasonal availability affecting United States product supply and pricing.</p> <p>Competition from both domestic producers and other exporting countries.</p>
Opportunities	Threats
<p>Growing Kenyan market attracting agricultural importers.</p> <p>Increasing demand for health-oriented products benefiting importers.</p> <p>Expansion of United States product reach in Kenya through e-commerce.</p> <p>Government initiatives supporting United States agricultural imports.</p> <p>Collaboration between the United States and Kenya enhancing innovation and sustainability in agriculture.</p> <p>Potential for expanding trade in value-added products in the agricultural sector.</p> <p>Kenya's strategic location as a gateway to the East African market offers opportunities for United States businesses to establish partnerships and expand their presence in the region.</p>	<p>Trade policy changes potentially affecting United States imports to Kenya.</p> <p>Impact of exchange rate fluctuations on import costs.</p> <p>Political conflicts potentially disrupting agricultural trade relations.</p> <p>Climate risks disrupting agricultural supply chains.</p> <p>Influence of consumer preferences on product demand and marketing strategies.</p>

## Section II: Food Laws

The United States Department of Agriculture (USDA)<sup>2</sup> has established food safety standards to ensure that food products are safe for human consumption. These standards include requirements for sanitation, hygiene, and food handling practices. Individual United States state's agriculture departments provide points of contact and issue export certification documents, such as Certificates of Free Sale. Certificates of Free Sale are documents that

<sup>2</sup> <https://www.usda.gov/>

indicate a particular product is marketed in the United States or is eligible for export. The list of the three main United States regulatory agencies, their mandate, and contacts is outlined in Table 2.

Table 2: United States regulatory agencies, mandate, and contacts

#	Regulatory Agency	Mandate	Contacts and Address
1.	USDA Animal and Plant Health Inspection Service (APHIS)	Provides phytosanitary certification of both United States and foreign-origin agricultural commodities. The export provides certification of commodities as a service to United States exporters.	United States Department of Agriculture Animal and Plant Health Inspection Service 4700 River Road Riverdale, MD 20737 www.aphis.usda.gov telephone: 1-844-820-2234 Email: APHIS.CustomerSupport@usda.gov
2.	USDA Food Safety and Inspection Service (FSIS)	Responsible for ensuring that the United States commercial supply of meat, poultry, and egg products is safe, wholesome, and correctly labelled and packaged.	Jamie L. Whittten Building 1400 Independence Ave SW Washington, D.C. www.fsis.usda.gov
3.	USDA Grain Inspection, Packers and Stockyards Administration (GIPSA)	Provides the United States grain market with Federal quality standards and a uniform system for applying them and promotes fair and competitive marketing environments for the livestock, meat, and poultry industries.	Headquarters Offices Stop 3601 1400 Independence Ave., SW Washington, D.C. 20250-3601 Telephone: (202) 720-7051 Fax: (202) 205-9237

Imports of food and agricultural products to Kenya are regulated by five key agencies namely: Kenya Plant Health Inspectorate Service (KEPHIS), the Directorate of Veterinary Services (DVS), the Kenya Dairy Board (KDB), the Kenya Bureau of Standards (KEBS), the National Biosafety Authority (NBA), and the Department of Public Health (DPH). Kenya's implementing institutions, regulatory agencies, their mandates, and the respective laws that apply to the food and agricultural imports from the United States to Kenya are described in detail in Section X. Outlined below is a step-by-step practical guide for a Kenyan importer to navigate Kenya's food safety import requirements: Familiarize with the food safety standards established by the United States Department of Agriculture (USDA).

These standards encompass various aspects such as sanitation, hygiene, and food handling practices. Ensure that the imported food products comply with these standards to guarantee safety for human consumption.

Research and identify the specific food safety requirements applicable to the import product category. The USDA provides comprehensive guidelines and regulations for different types of food products. Pay close attention to any specific regulations that may apply to the product to ensure compliance.

Reach out to regulatory authorities in Kenya responsible for overseeing food safety standards and regulations. These may include the Kenya Bureau of Standards (KEBS) and the Ministry of Health. Seek guidance on the specific requirements for importing food products into Kenya, including documentation and procedures.

Work closely with the suppliers or producers to obtain necessary export certification documents. These may include Certificates of Free Sale, which indicate that the product meets the required standards and is eligible for export from the United States. These documents serve as proof that the products comply with the United States food safety regulations.

Verify that the product labels meet the labelling requirements set by both the USDA and Kenyan regulatory authorities. Labels should include essential information such as ingredients, nutritional information, allergens, and proper handling instructions. Non-compliance with labelling requirements can lead to delays or rejection of the products at customs.

Establish robust quality assurance measures within the supply chain to ensure that food products maintain their safety and quality during transportation and storage. This may involve implementing temperature controls, monitoring product integrity, and conducting regular inspections.

Keep abreast of any changes or updates to food safety regulations in both the United States and Kenya. Regulatory requirements may evolve over time, so it is essential to stay informed to maintain compliance and avoid any potential issues with importing products.

By following the above steps and collaborating closely with regulatory authorities, suppliers, and producers, Kenyan importers can navigate Kenya's food safety requirements effectively and ensure the smooth importation of food products from the United States.

### Section III: United States Importers business tips

#### 1) USDA Foreign Agricultural Service (FAS), Cooperators, and State Regional Trade Groups (SRTGs)

The USDA Foreign Agricultural Service (FAS) plays a crucial role in supporting the United States agricultural exporters worldwide. FAS offers a range of services and programs to help the United States agricultural exporters succeed globally. These include connecting the United States agriculture to international opportunities, facilitating relationships with potential foreign buyers, identifying new market prospects, and providing technical and financial assistance, among others. The United States Department of Agriculture (USDA), specifically through the Office of Agricultural Affairs (OAA) in Kenya, assists Kenyan importers by connecting them with information and contacts from the United States exporters. Two groups of the United States trade organizations actively participate in the export market: Foreign Market Development Cooperators which represent various United States food industries and State Regional Trading Groups (SRTGs) which are non-profit organizations representing United States State Departments of Agriculture, as well as individual companies. Outlined below are practical tips for Kenyan importers on navigating USDA programs and resources:

Utilize the services and programs offered by the USDA Foreign Agricultural Service (FAS) to support the United States agricultural exporters. These include connecting with potential foreign buyers, accessing market information, and receiving technical and financial assistance. Reach out to the Office of Agricultural Affairs (OAA) in Kenya for specific assistance tailored to the importers needs.

Familiarize with USDA Export Market Development Programs, such as the Market Access Program (MAP) and the Foreign Market Development program (FMD). These programs provide cost-share assistance for activities like consumer advertising, trade shows, and market research, which all help to promote the United States agricultural exports globally. Understand the eligibility criteria and contribution requirements for participation.

Connect with the United States trade organizations, including Foreign Market Development Cooperators and State Regional Trading Groups (SRTGs), to access resources and support in exporting agricultural products.

Cooperators represent various United States food industries, while SRTGs focus on regional interests and value-added products. Explore potential partnerships and collaboration opportunities with these organizations.

Take advantage of the contacts and resources provided by USDA programs and cooperators. Access information on key United States Cooperators active in Kenya, such as the United States Grains Council and USA Poultry & Egg Export Council, as well as SRTGs representing different United States regions. These organizations can offer valuable insights and assistance tailored to the specific industry and regional interests.

Stay updated on relevant training opportunities and initiatives offered by USDA programs, such as the Cochran Fellowship Program. Participating in training programs can provide valuable knowledge and skills to enhance the business operations and facilitate international trade.

By leveraging USDA resources, engaging with the United States Cooperators and SRTGs, and staying informed about training opportunities, Kenyan importers can effectively enhance their success in importing agricultural and food products from the United States. Key United States Cooperators active in Kenya include the United States Grains Council, United States Wheat Associates (USW), World Initiative for Soy in Human Health (WISHH), United States Poultry and Egg Export Council (USAPEEC), United States Dairy Export Council, pork producers and the National Association of Animal Breeders. The list and some contacts of United States Cooperators is described in Section VIII.

Four SRTGs, (Food Export United States Northeast, Food Export Association of the Midwest United States, Southern United States Trade Association, and Western United States Agricultural Trade Association) represent the

food and agricultural interests of the United States regions<sup>3</sup>. While cooperators target specific food industries, SRTGs focus on regional interests. SRTGs specialize in value-added and processed food products from their respective regions. Cooperators tend to be commodity-oriented and represent specific food industries. While there are geographical overlaps, SRTGs are divided by regions, whereas Cooperators focus on specific food sectors. FAS actively supports the four State Regional Trade Groups (SRTGs), which, in turn, assist the United States companies in creating international trade opportunities. Section IX of this guide provides the names and contact details of the SRTGs.

FAS actively supports SRTGs to aid the United States companies in international trade. In the United States, Cooperator-led initiatives involve collaborative campaigns promoting American products, state partnerships driving economic growth, and technology consortia marketing innovations.

## 2) United States business customs and expectations

In the United States, business culture is generally informal and friendly compared to other, more reserved countries. Americans are known for being direct and wanting to quickly get to the point of a meeting. They are also very enthusiastic when meeting new people in a business setting. When it comes to business relationships, if the business opportunity is right, Americans are willing to conduct business right away since the transaction is between companies, not necessarily individuals. However, Americans do want to do business with people they like and with whom they can build a rapport. First impressions, friendliness, trustworthiness, and enthusiasm without being overbearing can all impact a business deal. The United States exporters typically require a proven track record from importers before extending credit, often insisting on upfront payment for purchases. This cautious approach ensures that importers mitigate the risk associated with transactions and maintain financial stability. The differences and similarities between Kenyan and the United States business cultures, along with tips on how a Kenyan importer can approach a United States business partner and avoid common pitfalls are outlined below:

### Cultural Differences:

Kenyan business culture tends to be more formal compared to the informal and friendly nature of the United States business interactions. While Kenyan business professionals may prefer structured meetings and formalities, Americans often prefer a more casual approach, with an emphasis on building rapport and personal connections. Americans are known for their direct communication style and preference for efficiency. They value brevity and getting straight to the point in business meetings. On the other hand, Kenyan communication styles may involve more indirectness and a slower pace, with an emphasis on building relationships before diving into business matters.

In Kenya, building trust and establishing personal relationships are often crucial aspects of business interactions. Kenyan business professionals may prefer to spend time getting to know their counterparts before discussing business matters. In contrast, while Americans also value trust and relationships, they may prioritize efficiency and results in initial interactions.

### Cultural Overlaps:

Both Kenyan and American business cultures value enthusiasm and friendliness in professional interactions. A warm and welcoming demeanor can help build rapport and establish a positive impression in both settings. Despite differences in communication styles, both cultures value efficiency and results-oriented approaches to business. While the methods may differ, both Kenyan and American professionals appreciate effective and timely decision-making.

### Approaching a United States Business Partner:

When communicating with the United States business partners, prioritize clarity and brevity. Clearly articulate the intentions and objectives without unnecessary preamble.

While efficiency is important, take the time to build rapport and establish a personal connection with the United States counterparts. Show genuine interest in their business and culture.

Provide evidence of reliability and trustworthiness through the actions and past successes. The United States business partners often value a proven track record and may require assurances before extending credit or entering into agreements.

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<sup>3</sup> <https://www.fas.usda.gov/topics/getting-started>

### Common Pitfalls:

Misunderstandings can arise due to differences in communication styles and cultural norms. Be mindful of potential language barriers and strive for clarity in all communications.

Differences in business practices and expectations between Kenya and the United States can lead to misunderstandings or conflicts. Clearly communicate expectations and seek clarification when necessary to avoid discrepancies.

Neglecting to invest time in building relationships with the United States business partners can hinder collaboration and trust-building. Take the time to cultivate personal connections and understand the cultural nuances of the counterparts.

By understanding and navigating the differences and similarities between Kenyan and United States business cultures, importers can effectively engage with the United States business partners and foster successful collaborations.

### 3) Product Sampling

The sampling process of agricultural products imported into Kenya from the United States is pivotal, significantly shaping the dynamics of trade. It acts as a critical mechanism for evaluating product quality, gauging market demand, and understanding consumer preferences, thereby enabling importers to make well-informed decisions. Moreover, robust sampling procedures contribute to bolstering transparency, credibility, and trust within the trading framework, fostering sustainable trade practices and nurturing enduring partnerships. While samples and exhibits destined for trade fairs enjoy duty-free entry into Kenya, strict adherence to customs regulations is essential. These regulations mandate that such items must either be re-exported or officially certified as destroyed by a customs certification officer after use. Failure to comply with these requirements results in the imposition of import duties and value-added taxes, calculated based on the perceived value of the goods, significantly impacting importing entities. Additionally, product samples, excluding live plants or seeds, dispatched via express mail or parcel post, are exempt from standard import regulations but remain subject to custom handling charges, determined by the assessed value of the products. Outlined below is a step-by-step guide on how to obtain samples of agricultural and food products imported into Kenya from the United States:

Determine the specific agricultural and food products for which the samples are required. Consider factors such as market demand, consumer preferences, and potential business opportunities when selecting products for sampling.

Conduct thorough research to identify reputable suppliers or exporters of the desired agricultural and food products from the United States. Utilize online directories, trade associations, and business networks to find potential suppliers that meet the requirements.

Reach out to selected suppliers to express the interest in obtaining samples of their agricultural and food products. Provide details about the business, including the industry, intended use of the samples, and any specific product specifications or preferences.

Clearly communicate the request for samples to the suppliers, specifying the quantity, types, and varieties of products required. Discuss any applicable costs, including shipping fees or sample charges, and confirm the timeline for sample delivery.

Coordinate with the suppliers to arrange the shipment of the samples to the destined location in Kenya. Ensure that all necessary documentation, including invoices and export certificates, is provided to facilitate customs clearance.

Once the samples are shipped, monitor the delivery process to ensure timely arrival. Upon receipt, inspect the samples to verify their condition and quality. Notify the supplier immediately if there are any discrepancies or issues with the samples.

Conduct thorough evaluations of the samples to assess their quality, suitability, and market appeal. Test the products according to relevant standards and specifications to ensure compliance with regulatory requirements.

Provide feedback to the suppliers based on an evaluation of the samples. Communicate any preferences, concerns, or modifications needed for future orders. Use the information gathered from the sample evaluation to make informed decisions about potential business partnerships or product offerings.

Follow up with the suppliers to discuss next steps and negotiate terms for potential orders or collaborations. Clarify pricing, terms of sale, and any additional requirements to finalize the agreement.



Keep detailed records of the sampling process, including correspondence with suppliers, sample evaluations, and agreements reached. These records will serve as valuable reference points for future transactions and quality assurance purposes.

By following these steps, importers can efficiently obtain samples of agricultural and food products from the United States for evaluation and decision-making in their Kenyan importing business.

#### 4) Experiences, obstacles, and issues first-time importers face

Importing goods from the United States into Kenya presents numerous challenges, including both structural issues and potential pitfalls, particularly for first-time importers. These challenges include restrictive business terms from the United States exporters, operational challenges (delivery delays, supply chain management), trade barriers (competition, high tariffs), financial constraints and high capital investments, and consolidation of goods and minimum order quantities. Despite these challenges, proactive strategies, informed decision-making, and leveraging support from institutions like the USDA and FAS can facilitate successful market entry and sustainable growth in Kenya. Below are the challenges and the proposed actions to address each of these main challenges.

##### Restrictive business terms from the United States exporters:

Kenyan importers face significant challenges due to restrictive business terms imposed by the United States exporters. These exporters often provide limited market support, compelling importers to shoulder the additional costs of brand marketing. This lack of awareness of the United States agricultural and food products in the Kenyan market necessitates targeted marketing efforts through local influencers, trade fairs, and digital channels, increasing the financial burden on importers. To overcome these restrictive business terms, the importer should take the following actions:

- ✓ Engage in negotiations with the United States exporters to discuss and potentially renegotiate business terms. Highlight the importance of market support and request for more favourable terms.
- ✓ Foster strong relationships with exporters over time to establish mutual trust and understanding. This may lead to more flexible terms in the future.
- ✓ Explore alternative marketing strategies that may require lower investment but still effectively promote imported brands. Focus on targeted marketing efforts through local influencers and digital channels to maximize impact while minimizing costs.

##### Operational challenges (delivery delays, supply chain management):

Kenyan importers face significant operational challenges when bringing products from the United States to Kenya. The global supply chain crisis has exacerbated issues such as container shortages and transportation bottlenecks, leading to delivery delays and disrupted distribution. Additionally, the rise in crude oil prices has increased transportation costs, making it harder to compete with other markets. Importers must also contend with prolonged lead times and concerns about product expiration dates due to shipment durations averaging two to three months. Furthermore, Kenyan importers often have limited purchasing capacity and typically start with small quantities, while the United States exporters generally manage sizable shipments. To overcome these operational challenges, the importer should take the following actions:

- ✓ Implement efficient supply chain management practices to minimize delays and improve operational efficiency. Regularly assess and optimize logistics processes to ensure timely delivery of products.
- ✓ Collaborate with reliable suppliers who have a track record of delivering products on time and efficiently managing supply chains. Conduct thorough due diligence before engaging with suppliers to mitigate risks.
- ✓ Leverage technology solutions such as inventory management systems and transportation tracking software to enhance visibility and control over the supply chain.

##### Trade barriers (competition, high tariffs):

Kenyan importers face significant trade barriers, including fierce geographical competition from neighboring countries and high tariffs on the United States agricultural and food products. This competition necessitates differentiation through unique product features, strategic partnerships with local distributors, and tailored marketing strategies. Additionally, importers must contend with low-cost imports, making it difficult to compete on price alone. High tariffs further exacerbate these challenges, increasing the cost of imported goods and reducing profit margins. To overcome these trade barriers challenges, the importer should take the following actions:

- ✓ Focus on offering unique products or value-added services that differentiate the offerings from low-cost imports and justify higher prices.
- ✓ Engage with industry associations and government bodies to advocate for policy changes that reduce tariffs or provide incentives for importing certain products.
- ✓ Diversify the market presence by exploring opportunities in neighbouring countries with less stringent trade barriers or lower tariffs.

Financial constraints and high capital investments:

Kenyan importers face significant financial challenges when importing from the United States due to currency exchange issues and substantial capital investments. Local banks often struggle to acquire the United States dollars, leading to delays and increased costs. Additionally, the absence of favorable credit terms from the United States exporters, who typically deal with large quantities, exacerbates the financial burden on importers. This situation is further complicated by difficulties in consolidating goods, requiring importers to manage large, capital-intensive orders. To overcome these financial constraints and high capital investment challenges, the importer should take the following actions:

- ✓ Explore financing options such as trade credit, loans, or partnerships with financial institutions to overcome capital constraints and facilitate imports.
- ✓ Implement inventory management practices to minimize capital tied up in excess inventory and optimize cash flow.
- ✓ Negotiate favourable payment terms with exporters, such as extended credit periods or instalment payments, to ease financial burden.

Consolidation of goods and minimum order quantities:

Kenyan importers often face difficulties due to their limited purchasing capacity, typically starting with small quantities, while the United States exporters generally prefer to manage sizable shipments. This disparity creates challenges in consolidating goods, as the United States exporters usually deal with larger orders. The inability to meet minimum order quantities (MOQs) can lead to higher costs and inefficiencies for Kenyan importers. To overcome these consolidation and minimum order quantities challenges, the importer should take the following actions:

- ✓ Collaborate/Partner with local distributors or wholesalers who can consolidate orders from multiple importers to meet minimum order quantities and reduce costs.
- ✓ Collaborate with other importers to aggregate demand and collectively meet minimum order quantities, enabling bulk purchasing and cost savings.
- ✓ Identify alternative suppliers who offer more flexible terms or are willing to accommodate smaller order quantities.
- ✓ Leverage third-party logistics providers (3PLs) who specialize in consolidating shipments. These providers can combine orders from multiple importers, ensuring that MOQs are met while optimizing logistics and reducing shipping costs.
- ✓ Engage in negotiations with the United States exporters to secure more flexible MOQs and payment terms. Emphasize the potential for long-term business growth and the importance of establishing a foothold in the Kenyan market.

By adopting these strategies, Kenyan importers can navigate the challenges associated with importing agricultural and food products from the United States and position themselves for successful market entry and sustainable business growth in Kenya.

##### 5) Trade shows and trade missions

The USDA oversees the Quality Samples Program (QSP), which is typically administered through cooperators looking to promote their products in export markets. This program allows potential customers globally to experience firsthand the superior quality and benefits of the United States agricultural products. Additionally, the United States Department of Agriculture (USDA) provides robust support to the four State Regional Trade Groups (SRTGs), which are organizations committed to assisting the United States food exporters in expanding their international market presence. These groups facilitate trade through activities such as trade fairs, trade missions, international marketing campaigns, market analyses, and promotion of export opportunities. Coordination of promotional activities by the SRTGs is managed by the Foreign Agricultural Service (FAS) offices both in Washington and

abroad. Annually, FAS endorses trade shows that offer exceptional international exposure and marketing opportunities for the United States companies and producers. FAS collaborates with show organizers and partners to establish a " United States Pavilion," showcasing the diversity and quality of American-made products to potential foreign buyers. Participating companies benefit from a range of support services, including marketing and promotion, market intelligence, logistical assistance, and on-site support. In addition to physical trade shows<sup>4</sup>, FAS hosts virtual events, providing a user-friendly online platform for the United States exporters to showcase their products to potential foreign buyers. Attending these shows provides a unique opportunity for Kenyan importers to engage with potential business partners, conduct private meetings, sample products, and gain valuable insights into the latest trends and innovations within the industry. Importers who attend these events gain valuable first-hand insights, including networking opportunities, the ability to establish essential business connections, and the chance to explore and evaluate a diverse range of products. In some cases, these events also provide opportunities to initiate new business ventures. Importers may find these trade shows instrumental in expanding their product knowledge, fostering partnerships, and staying abreast of industry developments. Some of the United States endorsed trade shows comprise, among others, the following:

(i) Fruit Logistica Trade Show in Berlin, Germany

Fruit Logistica, endorsed by the USDA and held in Berlin, Germany, is a premier international trade show focusing on fresh fruits, vegetables, dried fruits, and tree nuts. With over 2,600 exhibitors and 63,000 visitors from 140 countries in 2023, it attracts a diverse audience, including importers and wholesalers. The USDA-endorsed United States Pavilion showcased 17 exhibitors, highlighting American produce like apples, citrus, exotic fruits, and nuts, with 10 exhibitors representing small-to-medium-sized enterprises. This diverse showcase demonstrates the innovation and quality of American agriculture.

(ii) BIOFACH Trade Show in Nürnberg, Germany

BIOFACH, the world's largest organic trade fair in Nürnberg, Germany, endorsed by the USDA, offers a prime platform for global market entry. With 2,765 exhibitors and over 36,000 buyers from 135 countries in 2023, it's a key event for organic industry players. The United States Pavilion emphasizes United States origin, with strict admission criteria. It's a pivotal opportunity for organic producers to showcase products and expand their market reach.

(iii) Supermarket Trade Show in Tokyo, Japan

The Supermarket Trade Show in Tokyo endorsed by USDA, is Japan's leading international event for supermarket buyers and food retailers, USDA-endorsed. In 2023, it hosted 2,046 exhibitors and attracted 62,000 visitors from 16 countries. The United States Pavilion featured 15 exhibitors, highlighting American products like fresh produce, dairy, meat, and nuts. With its diverse offerings, the show fosters networking and business opportunities, emphasizing the appeal of American goods in Japan's retail sector. The event serves as a vital marketplace, connecting international exhibitors with Japanese buyers, backed by USDA endorsement for trade facilitation and showcasing the United States product quality and diversity.

(iv) Natural Products Expo West in Anaheim Convention Center Anaheim, CA, United States

Natural Products Expo West held in Anaheim Convention Center Anaheim, CA, United States stands as the foremost trade show in the natural, organic, and healthy products industry. It offers a prime opportunity for industry professionals to explore the expansive array of emerging and pioneering brands, making it an ideal platform to discover the next big sell. The expo promises to inspire attendees through extensive product discovery, allowing them to stay ahead of market trends. Attendees can benefit from elite education sessions, gaining valuable insights into industry developments, innovations, and best practices. The show places a significant emphasis on sustainable innovation, reflecting the growing importance of environmentally conscious practices in the industry. The show serves as a dynamic hub for professionals seeking to stay informed, discover innovative products, and engage with a vibrant community dedicated to promoting natural, organic, and healthy living.

#### Section IV: Import Food Standards & Regulations, Import Procedures

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<sup>4</sup> <https://fas.usda.gov/topics/trade-shows>

This section illustrates the imported agricultural and food products standards, regulation and procedures required to be carried out while importing products from the United States into Kenya.

#### 1) Labeling requirements

The United States ensures the safety of its exports through a robust food safety system, making them a trustworthy choice for Kenyan importers. Stringent regulations, comprehensive testing, traceability, and adherence to international standards are key elements. Ongoing research, education, collaboration with the industry, a risk-based approach, and certification programs contribute to the effectiveness of this system. The United States extends the same quality and safety standards to exports as domestically consumed products, reinforcing reliability in the global market. This commitment is evident in the holistic approach covering the entire food supply chain, demonstrating a dedication to upholding the highest standards. Kenyan importers can confidently rely on the United States exports, knowing they adhere to stringent guidelines, creating a secure global food trade environment.

In Kenya, the Kenya Bureau of Standards (KEBS) oversees the labelling requirements for consumer-ready food products imported from the United States. The Government of Kenya (GOK) mandates that labels must be in English and/or Kiswahili and follow specific guidelines, including even-numbered packaging. Required details on the label include metric measurements, brand/trade name, common name, ingredients in order of predominance, date of manufacture, expiration/sell-by date, net content in metric units, storage instructions, manufacturer's name and address, country of origin, grade designation (if applicable), and the Kenyan Import Standardization Mark (ISM). All retail products imported must prominently display an Import Standardization Mark (ISM) sticker, unless they already feature the KEBS Diamond Standard Mark. Acquiring the KEBS sticker poses a significant challenge for importers in Kenya, adding complexity to the importation process. Stick-on labels are permitted for both the ISM and additional requirements, and they can be applied at any point before retail sale. Upon arrival in Kenya, imported food products must have at least 75 percent of the indicated shelf life remaining. Nutritional labelling is also mandatory as part of the overall labelling standards. Further information on labelling requirements can be obtained from the Kenya Bureau of Standards (KEBS)<sup>5</sup>. Practical advice for Kenyan importers on labelling food products imported from the United States into Kenya include:

- Familiarization with the labelling requirements set by the Kenya Bureau of Standards (KEBS) for consumer-ready food products imported from the United States. Ensure compliance with guidelines regarding language, packaging, and mandatory label details.

- Labels must be in English and/or Kiswahili, and packaging should follow specific guidelines, including even-numbered packaging. Ensure that the product labels meet the language and packaging requirements to facilitate consumer understanding and compliance.

- Include all required details on the product label, such as metric measurements, brand/trade name, common name, ingredients (in order of predominance), date of manufacture, expiration/sell-by date, net content in metric units, storage instructions, manufacturer's name and address, country of origin, grade designation (if applicable), and the Kenyan Import Standardization Mark (ISM).

- Ensure that all retail products prominently display an Import Standardization Mark (ISM) sticker, unless they already feature the KEBS Diamond Standard Mark. Acquiring the KEBS sticker can be a challenge, so plan accordingly and allow time for this process during importation.

- Imported food products must have at least 75 percent of the indicated shelf life remaining upon arrival in Kenya. Take this requirement into account when planning shipments and managing inventory to avoid issues with expired products.

- Ensure compliance with mandatory nutritional labelling requirements as part of the overall labelling standards.

  - Include accurate and comprehensive nutritional information on product labels to help consumers make informed choices.

- Stick-on labels are permitted for both the ISM and additional requirements, and they can be applied at any point before retail sale. Consider utilizing stick-on labels for ease of compliance and flexibility in applying required markings.

- Regularly monitor updates and changes to labelling regulations and requirements issued by KEBS. Stay informed about any amendments or new guidelines that may impact the labelling practices to ensure ongoing compliance.

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<sup>5</sup> <https://www.kebs.org>

For questions or clarifications, additional information and support on labelling requirements, reach out to KEBS<sup>6</sup> for guidance.

By adhering to these practical tips and ensuring compliance with labelling requirements, Kenyan importers can navigate the labelling process effectively and ensure that their imported agricultural and food products meet regulatory standards for sale in the Kenyan market.

## 2) Sanitary and phytosanitary (SPS) measures

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)<sup>7</sup>, Organization for Animal Health (OIE) and the International Plant Protection Convention (IPPC). The WTO established the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement), which sets out the basic rules on food safety and animal and plant health standards that governments are required to follow. The Organization for Animal Health (OIE), also known as the World Organisation for Animal Health, sets international standards for animal health and welfare, provides expertise and support for the control of animal diseases, and promotes transparency in the global animal health situation. The International Plant Protection Convention (IPPC) aims to protect cultivated and wild plants by preventing the introduction and spread of pests. It provides a framework and standards for the harmonization of phytosanitary measures and facilitates safe international trade. Sanitary and Phytosanitary (SPS) measures include all relevant regulations, requirements, and procedures used to ensure the safety of agricultural products for people, plants, and animals. This includes processes and production methods; testing, inspection, certification, and approval procedures; quarantine requirements for transporting animals or plants; procedures and methods of risk assessment; and packaging and labelling requirements related to food safety. The Foreign Agricultural Service (FAS) provides access to a database that lists the maximum acceptable levels of pesticides and veterinary drugs in food and agricultural products in the United States, as well as 70 other countries, the European Union, and the Codex Alimentarius Commission. The Codex Alimentarius Commission is an international food standards organization that develops harmonized food standards, guidelines, and codes of practice to protect the health of consumers and ensure fair practices in the food trade.

The Kenya Bureau of Standards (KEBS) has established maximum residue limits (MRLs) for veterinary drugs, pesticides, and other chemicals in agricultural and food products imported into Kenya. The MRLs are set to ensure that the levels of residues in food products do not pose a risk to human health. The MRLs for veterinary drugs, pesticides, and other chemicals are established based on the Codex Alimentarius Commission guidelines. Specific SPS measures in Kenya that may impact the United States agricultural and food products imports include:

The Kenya Bureau of Standards (KEBS) has established MRLs for veterinary drugs, pesticides, and other chemicals in agricultural and food products imported into Kenya. These MRLs ensure that residue levels in food products comply with safety standards and do not pose a risk to human health. Compliance with these MRLs may require the United States exporters to adjust their production practices or use alternative products to meet Kenyan regulatory requirements.

Kenya may have specific quarantine requirements for transporting animals or plants to prevent the spread of pests and diseases. Kenya importers need to ensure compliance with these quarantine measures to facilitate the entry of agricultural products into the Kenyan market. This may involve obtaining appropriate certifications or undergoing inspection procedures to demonstrate compliance with Kenyan quarantine regulations.

Kenya may have specific packaging and labelling requirements related to food safety that Kenya importers need to adhere to. This could include requirements for product labelling, such as ingredient lists, nutritional information, and storage instructions, to ensure compliance with Kenyan regulations and standards.

United States agricultural products imported to Kenya may be subject to testing, inspection, and certification procedures to verify compliance with Kenyan SPS standards. This may involve obtaining certificates of analysis or conformity from accredited laboratories or certification bodies to demonstrate the safety and quality of the exported products.

Kenya may conduct risk assessments on imported agricultural and food products to evaluate potential health risks and determine appropriate regulatory measures. The United States exporters may need to provide

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<sup>6</sup> <https://www.kebs.org>

<sup>7</sup> <https://www.fao.org/fao-who-codexalimentarius/codex-texts/guidelines/en>

documentation or data to support risk assessments conducted by Kenyan authorities and address any concerns related to the safety of their products.

Kenya's SPS measures are based on international standards set by organizations such as the Codex Alimentarius Commission. Kenya importers may need to ensure that their products comply with Codex standards to meet Kenyan regulatory requirements and facilitate market access.

Overall, Kenya importers need to be aware of and comply with specific SPS measures in Kenya to overcome potential barriers and ensure the successful import of agricultural and food products to the Kenyan market. This may involve understanding and adhering to regulatory requirements related to MRLs, quarantine, packaging and labelling, testing and certification, risk assessment, and harmonization with international standards.

### 3) Shipment consolidation and other shipping options

Consolidating imported goods from the United States to Kenya offers substantial benefits, including cost savings and improved logistics efficiency. It optimizes container space, reduces shipping costs per unit, and streamlines customs clearance by managing a single shipment. Consolidated shipping combines multiple less-than-truckload (LTL) shipments into one full container, offering preferred rates and optimizing supply chain logistics to save time and reduce costs. Freight consolidation merges various units into larger shipments, lowering overall shipping expenses and minimizing goods damage risks. Buyer consolidation involves combining cargo from multiple suppliers into a Full Container Load (FCL) or consolidating buyers' cargo at the destination port for Full Truck Load (FTL) inland transit. Importing goods from the United States to Kenya can be facilitated by logistics companies like DHL or FedEx, online stores offering international shipping, specialized cargo services, or clearing agents processing import documentation through Kenya Customs. Centralized consolidation warehouses enhance inventory control, reducing stock outs and overstock situations. Consolidation provides better visibility into the supply chain, facilitating improved planning and shipment control. Combining goods into a single shipment proves daunting due to the United States exporters' preference for dealing in large volumes, thus impeding importers' efforts to optimize their shipping processes. Additionally, most exporters refrain from breaking bulk, leading to exorbitant costs associated with loose cargo. Consequently, the transit time for shipments typically extends to two to three months before reaching the importer.

The consolidation process faces significant hurdles due to documentation complexities, with each importer required to compile records and paperwork under their individual names, which can result in discrepancies in shipping schedules. Additionally, the organization of consolidation may be prolonged because only a limited number of importers are prepared to make purchases at specific times. Exploring shipment options from the United States to Kenya involves a comprehensive examination of various transportation modes, including air freight, sea freight, and land transportation. Collaborating with specialized shipping services such as express courier companies and freight forwarders can yield valuable insights into optimizing efficiency and cost-effectiveness for different types of merchandise. Additionally, evaluating the potential benefits of multimodal transportation, which integrates different transport modes, can provide increased adaptability and reliability in delivering goods to Kenya from the United States. Considering crucial factors like transit durations, customs clearance protocols, packaging specifications, and regulatory requirements is paramount to guaranteeing the seamless and punctual delivery of shipments. For Kenya importers dealing with non-bulky and lightweight products such as biological genetics and artificial insemination equipment, air shipment is the preferred mode of transportation. Given the sensitivity of these items, the Kenya Customs department offers prior release with priority clearance procedures. This support enables importers to arrange for cold chain logistics and specialized storage facilities, ensuring the products remain in optimal condition and preventing spoilage. The process for consolidating imported goods from the United States to Kenya involves the following steps:

Identify the range of goods to be imported and assess consolidation feasibility based on frequency and volume of shipments.

Select a reputable freight forwarder experienced in the United States to Kenya shipments and discuss consolidation options.

Communicate with multiple suppliers in the United States, ensuring they are aware of the consolidation plan and willing to work with the chosen freight forwarder.

Choose a consolidation warehouse in the United States compliant with international shipping standards and experienced in consolidation.

Prepare accurate documentation in compliance with both the United States and Kenyan customs regulations.

Standardize labeling and packaging to facilitate easy consolidation and meet Kenyan labeling requirements.  
Establish a shipping schedule aligning production and shipping plans.  
Consolidate goods at the chosen warehouse, implementing proper inventory management.  
Optimize container space and consider different sizes based on goods' nature and volume.  
Arrange transportation from the warehouse to the designated port, ensuring compliance with regulations.  
Facilitate customs clearance before shipping to Kenya, submitting required documentation.  
Work with the shipping line to transport goods to the Kenyan port of entry, complying with maritime regulations.  
Engage a customs broker for clearance upon arrival, submitting required documentation.  
Plan efficient last-mile distribution, coordinating with local logistics partners.  
Maintain detailed records of the consolidation process for future improvements.

By following this comprehensive step-by-step process, businesses can harness the advantages of consolidating import goods from the United States to Kenya, facilitating a smoother and more cost-effective international trade operation.

#### 4) Cold chain and storage facilities

Cold chain systems are indispensable for global trade in perishable goods, ensuring food supplies' availability worldwide. The United States maintains a competitive edge in this arena, leveraging advanced technologies and temperature-controlled logistics. Enhanced food safety is achieved through preventive measures like sanitation and the Hazard Analysis and Critical Control Point (HACCP) system. Cold chain requirements are vital for preserving perishable items' quality during transportation. In United States, cold storage facilities play a pivotal role in maintaining the integrity and safety of temperature-sensitive goods, including perishable food items. The cold storage infrastructure is extensive and diverse, with strategically located facilities nationwide. Equipped with advanced technologies such as automated systems and internet of things devices, these facilities ensure precise temperature control and environmental monitoring. Many offer multi-temperature storage options and employ sophisticated inventory management systems to minimize waste and track products effectively.

Kenya's cold chain infrastructure is essential for preserving the quality of perishable goods during transportation and storage. Cold storage warehouses, refrigerated containers, and temperature-controlled transport vehicles are key components. Regulatory frameworks in both the United States and Kenya emphasize compliance to ensure the safety and integrity of imported goods. Effective cold chain logistics rely on partnerships with specialized service providers and technological innovations like monitoring systems and data analytics to optimize operations and ensure timely delivery. Cold storage facilities in Kenya plays a crucial role in preserving perishable goods such as meat, poultry products, fresh produce, and dairy. However, challenges persist, particularly in rural areas, including inconsistent availability across regions, high operating costs, and an unreliable power supply. Dry storage facilities are essential for non-perishable goods e.g. grain and packaged foods, but in Kenya, there exists challenges like limited capacity for storage and infrastructure inadequacies.

#### 5) Import documentation and inspection procedures

The Government of Kenya (GOK) has established import requirements and regulations for food and agricultural products. Kenya has a pre-shipment inspection requirement called the Pre-Shipment Verification of Conformity (PVoC) for imported products to Kenya. This process ensures that the goods meet the necessary standards. All imports procured by Kenyan-based importers must be insured with companies licensed to conduct business in Kenya. Importation of animals, plants, and seeds is subject to quarantine regulations. The importation process of agricultural products from the United States into Kenya is managed through the Kenya TradeNet System, overseen by the Kenya Trade Network Agency (KENTRADE), which integrates all import/export certification agencies, customs authorities, and banks. The Kenya Electronic Import Export System provides a single point for importers and exporters to electronically submit certificates and receive approvals from relevant trade regulatory agencies. Imports of food and agricultural products to Kenya require that all certification requests be submitted through the Kenya Electronic Import Export System (KESWS)<sup>8</sup>.

When importing goods into Kenya, importers must be aware of specific requirements and documentation procedures. To import any commodity into Kenya, the importer will need to enlist the services of a clearing agent.

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<sup>8</sup> <https://kenyatradenet.go.ke/kesws/jsf/login/KESWSLoginPage.jsf>.



The clearing agent will process the import documentation through Kenya Customs electronically using the Simba 2005 system and clear the goods on the importer's behalf. After obtaining a Certificate of Conformity (CoC), the importer notifies a clearing agent (CA) of the shipment's arrival date. The CA informs the Kenya Revenue Authority (KRA) via the online clearing system, and upon entry of arrival details, the KRA posts the manifest number to the designated Kenyan bank. The CA then pays applicable taxes using Harmonized System (HS) Codes and Value Added Tax (VAT) rates, with the KRA agent confirming cargo clearance. Subsequent steps include payment of port charges to the Kenya Ports Authority (KPA) and obtaining clearance from KEPHIS, KEBS, Port Health, and local police. The importer will need to ensure that they have the following documents for their imports: Import Declaration Forms (IDF), Certificate of Conformity (CoC) from the PVoC agent for regulated products, Import Standards Mark (ISM) when applicable, and valid *pro forma* invoices from the exporting firm. Additionally, importers to Kenya must obtain an Import Standards Mark (ISM). The ISM is mandatory for all imported products sold in Kenya and helps consumers identify certified products. Final verification by the KPA precedes the release of cargo into the domestic market. Importers from the United States must comply with regulations that may restrict exports to specific entities or destinations. They are required to submit a shipper's export declaration specifying the cargo's ultimate and intermediate destinations. Additionally, a destination control statement must be included on all bill of lading and commercial invoice copies. Importers from the United States into Kenya are required to:

- Stay informed about Kenyan regulations, including those set by authorities like KEBS.
- Clearly communicate import regulations to the United States exporters.
- Provide exporters with a detailed list of required import documentation.
- Request documentation from exporters to verify compliance with the United States export regulations.
- Ensure adherence to Kenyan product standards and labeling requirements.
- Assist exporters in navigating Kenyan customs clearance procedures.
- Conduct inspections and testing to ensure imported goods meet Kenyan standards.
- Collaborate with freight forwarders to ensure compliance with logistics requirements.
- Maintain registration with Kenyan authorities and comply with local regulations.
- Promptly communicate any changes in regulations to exporters.
- Seek clarification from Kenyan regulatory authorities and build positive relationships.
- Collaborate with exporters to improve procedures based on feedback and regulatory changes.

In addition to providing high-quality products, the United States exporters extend support to Kenyan buyers by assisting with customs documentation and furnishing market insights. This assistance streamlines the import process and empowers Kenyan buyers to make informed decisions.

#### 6) Tariffs and duties

As members of the World Trade Organization (WTO), the United States and Kenya have reciprocal most-favored-nation (MFN) tariff rate access to all other WTO members. The United States average effective applied tariff (total duties divided by imports) on Kenyan imports was 0.4% in 2021. According to the WTO, Kenya's average applied MFN tariff rate for all partners was 14.3% in 2022<sup>9</sup>. More information on imports of agricultural and food products from the United States can be found through the Kenya Revenue Authority (KRA), which provides a customs tariff book detailing the customs duty rates for various goods imported into Kenya. The tariff book is based on the Harmonized System (HS) of classification and is used to determine the applicable customs duty rates for goods imported into Kenya. The tariff rates and customs duties applicable to the product category when importing from the United States into Kenya vary depending on the product. Kenya applies tariffs based on the international harmonized system (HS) of product classification and applies duties and tariffs of the East African Community (EAC) Common External Tariff<sup>10</sup>. Excise duties depend on whether the imported item is excisable or not. The rates are prescribed under the Excise Duty Act 2015. Imports into Kenya are subject to a standard VAT rate of 16%, levied on the sum of the cost, insurance, freight (CIF) value, duty, and other applicable taxes. An import declaration fee of 3.5% and a railway development levy of 2% are also charged. As of November 7th, 2019, adjustments were made to the rates of the Import Declaration Fees (IDF) and Railway Development Levy (RDL). The IDF rate rose from 2% to 3.5% of the Cost, Insurance, and Freight (CIF) Value, with a minimum charge of 5,000 Kenyan Shillings. Similarly, the RDL rate increased from 1.5% to 2%. Customs will evaluate duties based on item values and the relevant duty rates specified in the EAC Common External Tariff. Kenya has implemented specific measures related to import duty rates: Kenya was granted a Stay of Application of Common External Tariff (CET)

<sup>9</sup> [https://www.usitc.gov/research\\_and\\_analysis/tradeshifts/2021/agriculture](https://www.usitc.gov/research_and_analysis/tradeshifts/2021/agriculture).

<sup>10</sup> <https://www.kra.go.ke/images/publications/EAC-CET-2022-VERSION-30TH-JUNE-Fn.pdf>



rates. Legal Notice Nos. EAC/129/2023 and EAC/132/2023 outline the application of CET rates for select items imported into Kenya. These measures are effective for one year starting from July 1, 2023, through June 30, 2024. The tariff rates of the 10 United States priority products are described in section XI.

The East African Community (EAC) employs a tariff structure that consists of three bands: The Common External Tariff (CET) bands. The three EAC tariff bands are: Band 1 (0% to 10%): This band includes essential goods and raw materials, attracting the lowest tariffs ranging from 0% to 10%. This band includes goods that are exempt from customs duties. Band 2 (25%): Goods falling under this band face a higher tariff rate of 25%. This band often includes intermediate goods and some finished products. Band 3 (35%): The highest tariff band, set at 35%, applies to certain finished goods and products deemed sensitive to protect domestic industries. Goods in this band are subject to a standard rate of customs duty. For sensitive items such as maize, which is a crucial agricultural commodity, the specific tariff rates may vary. Import tariffs are subject to periodic reviews and adjustments by EAC member states to address economic considerations and ensure fair trade practices. It is advisable to the importer to make a reference to the latest EAC tariff schedules or directly consult with relevant authorities for the most up-to-date and specific information on tariffs for sensitive items like maize within the East African Community.

#### 7) Trade agreements

The World Trade Organization (WTO) is the primary international organization dealing with the global rules of trade between nations. Kenya has been a member of the WTO since its inception in January 1995. In July 2020, the United States and Kenya launched negotiations for a free trade agreement, marking the first such agreement in sub-Saharan Africa. The United States signed Trade and Investment Framework Agreements (TIFA) with the East African Community (EAC) in 2008, and with the Common Market for Eastern and Southern Africa (COMESA) in 2001. Kenya is a member of both regional organizations. Kenya is also a member of the Africa Continental Free Trade Area (AfCFTA) established in 2018. In July 2022, the United States and Kenya announced the Strategic Trade and Investment Partnership (STIP). The partnership aims to promote trade and investment between the two countries.

#### Section V: Import priority product categories

This section discusses the United States production levels, the United States agricultural imports to Kenya, and details on the import of United States food and agricultural products for 10 priority product categories. The outlook for the production levels prepared by the United States Department of Agriculture for livestock, wheat, feed grains, rice, and oilseeds in the United States detailed in Table 3.

Table 3: United States production levels for livestock, wheat, feed grains, rice and oilseeds

Type of crop	Unit of measure	2020/21	2021/22	2022/23	2023/24
Commercial Beef *	billion pounds	27.17	27.95	28.29	26.96
Commercial pork *	billion pounds	28.32	27.69	27.01	27.4
Commercial lamb and mutton*	million pounds	138	138	131	130
Turkey* (ready to cook weight)	billion pounds	5.74	5.56	5.22	5.6
Egg	billion	96.1	95.46	92.6	112.8
Corn	mil. Bu. <sup>11</sup>	14,111	15,074	13,730	15,085
Rice	mil. Cwt	227.5	191.6	160.4	185
Sorghum	mil. Bu.	373	448	188	394
Soy bean meal	thou. Short tons	50,565	51,811	52,639	54,475
Soybean	mil. Bu.	51	51.7	49.5	52
Soybean oil	mil. Lbs.	25,023	26,143	26,245	27,120
Wheat	mil. Bu.	1,828	1,646	1,650	1,887

Source: <https://www.usda.gov/oce/commodity/wasde> and <https://www.statista.com/statistics> Key: “Mil. Bu.” Stands for “million bushels. “Mil. Cwt” stands for “million hundredweight. “Thou. Short tons” stands for “thousand short tons.” “Mil. Lbs.” stands for “million pounds. “billion” signifies one billion of items each, \* stands for estimate.

In 2022, the United States had a goods trade deficit with Kenya, with United States exports totalling \$604 million and imports totalling \$875 million. The agricultural trade imported to Kenya from United States is described in Table 4.

Table 4: Agricultural trade imports from United States into Kenya<sup>12</sup>

Product	2018	2019	2020	2021	2022	2023
	USD	USD	USD	USD	USD	USD
Grains & feeds	18,175	31,434	5,420	40,146	29,487	20,405
Oilseeds & products	4,507	8,371	4,678	8,586	4,973	12,670
Ethanol (non-bev.)	0	0	2,665	2,433	9,011	8,566
Horticultural products	8,991	9,665	13,989	15,416	14,657	8,377
Planting seeds	2,944	2,436	3,205	2,800	3,420	2,235
Sugar & tropical products	152	269	191	196	226	514
Livestock & meats	473	342	568	954	481	496
Dairy & products	0	213	103	104	114	78
Poultry & products	286	81	20	105	0	29
Tobacco & products	0	0	0	0	9	26
Total	35,527	52,810	30,839	70,739	62,379	53,395

Data Source: United States Census Bureau Trade Data, Product Group: FAS (Agricultural)

The section below provides details on the import of the United States agricultural and food products across 10 priority categories: 1) Meat and poultry products; 2) Grain and feed products; 3) Seafood; 4) Condiments, sauces, jams, and jellies; 5) Snack foods; 6) Non-alcoholic beverages; 7) Alcoholic beverages; 8) Food preparations and ingredients; 9) Pasta and processed cereals; and 10) Other processed products such as fats and oils. The following are the 10 priority product categories:

#### 1) Meat and poultry products

The United States is one of the world's largest producers of beef cattle. The total cattle inventory typically fluctuates but is estimated to be around 94 million head. The United States is a major producer of pork, with production levels fluctuating but generally exceeding 24 million metric tons annually. The United States is a leading producer of poultry, including chicken and turkey. Annual production of broiler chickens is approximately 20 million metric tons, while turkey production is around 2.5 million metric tons. The United States provides a varied array of high-quality meat and poultry products, offering numerous benefits for importers in Kenya. Additionally, it offers an extensive range of meat and poultry items, encompassing beef, pork, chicken, turkey, and processed meat products. The United States is a major exporter of chicken breasts, boasting a robust poultry industry that produces high-quality and competitively priced poultry products. The United States poultry sector ensures the production of premium chicken breasts sought after by consumers worldwide. This variety allows Kenyan importers to meet the diverse preferences of their local consumers. Meat and poultry from the United States comply with rigorous quality and safety regulations. The products are produced under the oversight of regulatory agencies such as the United States Department of Agriculture (USDA), ensuring compliance with stringent hygiene, sanitation, and quality control measures. The United States is known for offering competitively priced meat and poultry products, making them an attractive option for importers seeking cost-effective solutions without compromising on quality. The United States meat and poultry producers often leverage advanced processing technologies, ensuring efficiency in

<sup>12</sup> <https://www.fas.usda.gov/data/databases-applications>

production and maintaining product freshness and safety during transportation. Some of the United States meat and poultry producers obtain Halal certification, catering to the preferences of Muslim consumers in Kenya. This certification attests that the products meet Islamic dietary laws.

The United States emphasizes traceability in its meat and poultry supply chain, allowing importers to track the origin and processing history of products. This transparency contributes to consumer confidence and aligns with global food safety standards. USDA and other agencies provide support programs to facilitate the export of the United States meat and poultry. This assistance includes market information, promotional activities, and regulatory compliance guidance. Meat, poultry, and egg products must be refrigerated or frozen after processing and before shipment to inhibit spoilage and the growth of pathogens. During transportation and storage, challenges remain to maintain proper refrigeration temperatures and to keep the "cold chain" from breaking during steps such as palletization, staging, loading and unloading of containers, and storage. The exportation of meat and poultry products is regulated by the Animal and Plant Health Inspection Service (APHIS) in the United States.

Kenyan importers of meat and meat products play a crucial role in ensuring the availability of quality food in the country. Importers of meat and poultry products must apply for an import license from the National Biosecurity Agency. The Director of Veterinary Services (DVS) issues import permits for meat, dairy, poultry, and related products to attest that the products conform to testing requirements for Kenya and issues a no-objection permit. These permits authorize the importation of specific quantities and types of meat and poultry products. Each consignment of meat and meat products must be accompanied by a certificate of conformity, verifying compliance with the required standards. Upon actual importation, the importer needs to submit the approved import license, the Certificate of Origin, and other relevant customs-related documentation. The EAC council increased import duty on imports of fresh eggs of fowls of the species *Gallus domesticus* (chicken eggs) from 25% to 35%. The items have been moved to the Fourth Band of the EAC CET 2022, attracting a higher import duty rate of 35%. The tariff rate for imports of meat and poultry products into Kenya is 35%.

## 2) Grain and feed products

Wheat is one of the primary cereal crops grown in the United States. Production levels vary by year and region, but the United States typically produces over 50 million metric tons of wheat annually. The leading wheat-producing states include Kansas, North Dakota, Montana, and Washington. The United States is the world's largest producer of corn, with annual production exceeding 350 million metric tons. Corn is a key feed grain for livestock and is also used in various food and industrial applications. Sorghum production levels in the United States vary but typically range between 7 to 10 million metric tons annually. Sorghum is primarily used as a feed grain but also has food and industrial uses. The United States is a significant producer of rice, particularly in states such as Arkansas, California, Louisiana, Mississippi, and Texas. Annual rice production in the United States typically ranges between 7 to 10 million metric tons. The import of cereal grains, including wheat, rice, corn, and barley, plays a vital role in meeting Kenya's food needs for both human and animal consumption. Among these grains, wheat holds particular significance, with Kenya importing substantial quantities, a notable portion of which is sourced from the United States. The demand for wheat imports is primarily driven by factors such as population growth, changing dietary preferences, and the need to address domestic production shortfalls. However, specific information regarding moisture contents of these imported grains would depend on various factors including storage conditions, transportation methods, and specific contractual agreements between exporters and importers.

To ensure compliance with import regulations, phytosanitary certificates are required, confirming product quality and safety of grain and feeds products. Importers from the United States must obtain a Phytosanitary Certificate from USDA APHIS and an Import Permit from KEPHIS to process grain imports into Kenya. The GOK has granted duty remissions and tariff exemptions to support the importation of grains and grain products. The United States offers a diverse range of high-quality grain and feed products, including genetically modified options, aligned with local market preferences and regulations. Competitive pricing, export assistance programs, and tailored services provided by the United States exporters further enhance the appeal for Kenyan importers. With well-established logistics and shipping infrastructure, the United States ensures efficient and timely delivery of grain and feed products to international markets, including Kenya.

The EAC Council of Ministers (Council) granted Kenya duty remission from 35% to 10% for hard wheat and other wheat under the duty remission scheme for one year ending 30th June 2024. Kenya was granted a stay of

application of CET rates on several products including rice in the husk, husked (brown) rice, semi-milled or wholly milled rice, and broken rice from 75% or USD 345/MT to 35% or USD 200/MT effective for the one year from 1 July 2023. On June 10, 2022, the GOK issued additional tariff exemptions for new feed ingredients to address rising feed costs. Duty exemptions were granted for genetically engineered feed ingredients. Animal feed manufacturers in Kenya have a one-year window to import duty-free raw materials under the EAC Duty Remission Scheme effective for one year from 1st July 2023.

### 3) Seafood

Importers for seafood must obtain a certificate of origin and a health certificate from the United States veterinary authority. Kenya Fisheries Service inspects processing facilities before issuing permits for fish movement within the boundaries of Kenya. The United States offers a diverse range of seafood products, including fish, shrimp, crab, lobster, and shellfish, catering to various consumer preferences. The United States seafood adheres to stringent quality and safety standards, regulated by agencies like the FDA and the National Oceanic and Atmospheric Administration (NOAA), ensuring compliance with health and safety measures. Emphasizing sustainable fishing practices, the United States boasts fisheries management programs and certifications, aligning with global conservation efforts. Kenyan importers benefit from the competitive pricing of the United States seafood products without compromising quality. The United States maintains reliable cold chain logistics, ensuring product integrity during transportation. Traceability systems enable product tracking from catch to market, promoting transparency and accountability. The EAC council increased import duty on imports of fish and crustaceans, molluscs, and other aquatic invertebrates (225 Tariff Lines all at 25% import duty rate) from 25% to 35%. The items have been moved to the Fourth Band of the EAC CET 2022, attracting a higher import duty rate of 35%.

### 4) Condiments, sauces, jams & jellies

In the United States, the Food and Drug Administration (FDA) regulates the production, storage, and import of condiments, sauces, jams, and jellies, ensuring compliance with food labelling, packaging, and safety standards. Importers must register their facilities with the FDA and provide prior notice of incoming shipments. In Kenya, the Kenya Bureau of Standards (KEBS) regulates imports of these products, requiring compliance with labelling requirements. Both imported and domestically produced foods must meet the same legal requirements in Kenya. The United States condiments, sauces, jams, and jellies offer high-quality products with significant market growth potential in Kenya. The competitive advantage of the United States products lies in their diverse range and innovative flavors, addressing different culinary preferences. Importers benefit from various aspects. The United States condiments offer a wide array of flavors and types, meeting diverse consumer preferences in Kenya. United States condiment producers continuously innovate, introducing new flavors and ingredients to meet evolving consumer demands, appealing to Kenyan consumers seeking unique products. Many United States condiment brands are globally recognized for their quality and reliability, offering importers products with established reputations and consumer trust. The United States condiments are well-packaged and presented, enhancing their appeal on store shelves and contributing to product visibility and consumer interest. The United States maintains a reliable and efficient supply chain, ensuring consistent and timely deliveries, helping Kenyan importers manage inventory and meet market demands. The United States condiment producers often tailor their products to suit diverse global tastes, allowing Kenyan importers to meet specific market demands effectively. The EAC Council of Ministers (Council) granted Kenya a stay of application of CET rates from the previous 35% to 35% or USD500 for sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour, meal and prepared mustard products effective for the one year from 1st July 2023. Also, the Council granted Kenya a stay of application of CET rates from the previous rate of 35% to 35% or USD250/MT for products including Jams, fruit jellies, marmalades, fruit or nut purée, and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter effective for the one year from 1st July 2023.

### 5) Snack foods

Snack foods imported from the United States to Kenya are subject to stringent regulations and standards, overseen by the FDA in the United States and the Kenya Bureau of Standards (KEBS) in Kenya. These regulations ensure compliance with labelling, packaging, and safety protocols, providing consumers with assurances of product quality and safety. The United States snack foods are widely regarded as premium brands, renowned for their high quality and reliability in the global market. The array of snack products from the United States encompasses a diverse range, including chips, pretzels, popcorn, nuts, and innovative snack varieties, catering to an array of consumer preferences. Importers benefit from the competitive advantages inherent in the United States snack foods. Firstly,

the United States snacks offer a wide selection, empowering importers to tailor their offerings to meet the diverse preferences of consumers in the Kenyan market. Moreover, the United States snack products adhere rigorously to international quality and safety standards, ensuring compliance with regulations and prioritizing consumer safety. Many United States snack brands enjoy global recognition for their exceptional quality and taste, appealing to consumers seeking trusted and familiar products.

Innovation is a hallmark of the United States snack industry, with producers continually introducing new flavors, formats, and healthier alternatives to meet evolving consumer demands. These innovative offerings resonate with consumers, allowing importers to stay ahead of market trends and capitalize on shifting preferences. Additionally, the United States snacks are often attractively packaged, enhancing their visibility and appeal on store shelves, thereby contributing to their marketability. Importantly, the United States snack market includes a burgeoning segment of healthier and organic options, catering to the increasing number of health-conscious consumers. Furthermore, the United States maintains a reliable and efficient supply chain, ensuring consistent and timely deliveries of snack items, thereby providing importers with a stable supply. Lastly, the United States snack producers possess the flexibility to tailor their products to suit global tastes, enabling importers to offer snacks that resonate with the local consumer base. This adaptability ensures that importers can meet the specific preferences and demands of Kenyan consumers effectively. The tariff rate for imports of snack foods products into Kenya is 25%.

#### 6) Non-alcoholic beverages

Non-alcoholic beverages imported from the United States to Kenya offer a versatile assortment, encompassing a wide range of products such as soft drinks, juices, energy drinks, bottled water, iced tea, and innovative health-oriented beverages. This expansive selection not only caters to diverse consumer preferences but also provides Kenya importers with a plethora of options to meet the dynamic demands of the market. One of the paramount advantages of the United States non-alcoholic beverages lies in their unwavering commitment to stringent quality and safety standards. These products adhere rigorously to international regulations, ensuring consumer safety and compliance with global standards. Moreover, many United States beverage brands enjoy widespread recognition for their exceptional taste and quality, instilling confidence in importers and consumers alike. Innovation is a cornerstone of the United States beverage industry, with producers consistently introducing novel flavors, functional beverages, and health-focused options. This innovation not only keeps the United States beverages at the forefront of the market but also empowers importers to capitalize on the latest trends, staying ahead of the curve in meeting consumer preferences. Furthermore, the United States beverage products are often impeccably packaged with compelling branding, bolstering their appeal and visibility on store shelves. The reliability and efficiency of the United States supply chain ensure consistent and punctual deliveries of beverage products, providing importers with a dependable source of supply. Additionally, the United States beverage producers are adept at customizing their offerings to align with global tastes, allowing importers to curate product selections that resonate with the local consumer base. Notably, the United States beverages cater to various market segments, including natural and organic options, low-sugar alternatives, and functional beverages. This diversity enables importers to diversify their product portfolio, catering to the evolving preferences and lifestyle choices of Kenyan consumers. The tariff rate for imports of non-alcoholic beverage products into Kenya is 35%.

#### 7) Alcoholic beverages

Alcoholic beverages imported from the United States offer a wide range of premium options, including whiskey, bourbon, vodka, wine, and craft beer. These beverages are regulated by the Alcohol and Tobacco Tax and Trade Bureau (TTB) in the United States, ensuring compliance with stringent quality and safety standards. Importers seeking to bring alcoholic beverages into Kenya must obtain permits from TTB and adhere to various regulatory requirements, including obtaining licenses from the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) and complying with Kenya Standard KS 2150: 2021 for alcoholic mixed beverages. One of the competitive advantages of the United States alcoholic beverages is their adherence to rigorous quality and safety standards, ensuring a reliable and premium product. The United States offers a broad selection of alcoholic beverages, catering to varied consumer preferences, while craft spirits and beers showcase the artistry and dedication of American producers. Importers often highlight the consistent quality and craftsmanship of the United States alcoholic beverages, with brands enjoying global recognition and adding value to the offerings in the Kenyan market. Despite these advantages, importers face challenges such as high import duties, which can impact affordability and market penetration. Additionally, navigating Kenya's regulatory requirements, including labeling and licensing, requires careful attention to ensure compliance. The importer should ensure that their business

complies with the legal drinking age requirements and other regulations related to the sale of alcoholic beverages. Depending on the volume and value of the imports, the importer may be required to post customs and excise bonds with the KRA. These bonds serve as financial guarantees for tax payments. In some cases, the KRA may require the importer to have a local representative or distributor to facilitate the importation of alcoholic beverages. The Commissioner for Excise stamps must be applied at least sixty days before the manufacture or importation of the excisable goods. The tariff rate for imports of alcoholic beverage products into Kenya is 35%.

#### 8) Food preparations and ingredients

Food preparations and ingredients imported from the United States to Kenya offer a diverse range of high-quality products, each presenting unique attributes and advantages. The United States maintains a competitive edge by delivering options that cater to the needs of both consumers and businesses across various culinary preferences. The United States provides a broad selection of ready-to-eat and easy-to-prepare food items, including sauces, marinades, and meal kits. These offerings are carefully crafted to accommodate busy lifestyles and diverse culinary tastes, ensuring convenience without compromising on flavor or quality. The United States baking ingredients encompass a wide range of products, including mixes, decorations, specialty flours, and other essentials. These ingredients cater to the needs of both home bakers and commercial establishments, guaranteeing convenience, consistency, and superior quality in baked goods. A diverse selection of sauces, condiments, and dressings, including barbecue sauces and salad dressings, are available from the United States. These products elevate the flavor profiles of various dishes and cuisines, providing versatility and depth to culinary creations, whether in homes or professional kitchens.

The United States remains at the forefront of culinary innovation, consistently introducing new flavors, formulations, and packaging concepts. This culture of innovation keeps the United States offerings dynamic and relevant, providing consumers with exciting and enticing options to explore and enjoy. Importers value the consistent quality of the United States food preparations, which aligns with international standards. The reliability of the supply chain further ensures continuity in business operations, fostering trust and long-term partnerships between importers and United States suppliers. Challenges such as high shipping and importation costs, as well as the need for consumer education, may impact the affordability and market penetration of the United States food preparations and ingredients. Finding cost-effective shipping solutions and investing in marketing and consumer awareness initiatives are essential strategies to overcome these challenges and maximize the potential of the United States imports in Kenya. The EAC Council of Ministers (Council) granted Kenya a stay of application of CET rates from the previous rate of 25% to 25% or USD250/MT on several products including other food preparations of flour, groats, meal, and starch effective for the one year from 1st July 2023.

#### 9) Pasta and processed cereals

In the United States, a wide variety of pasta and processed cereal products are available, ranging from traditional pasta shapes like spaghetti and penne to specialty options such as gluten-free and whole grain varieties. Additionally, processed cereals encompass a range of breakfast cereals, oatmeal, granola, and cereal bars, often featuring diverse flavors and nutritional profiles. The competitive advantage of the United States pasta and processed cereals lies in several factors. Firstly, the United States boasts advanced manufacturing processes and technology, ensuring high-quality products. Secondly, the United States agricultural sector produces a diverse range of grains, allowing for abundant and varied raw material inputs into pasta and cereal production. Thirdly, the United States emphasizes innovation in food processing, leading to the development of new and appealing product offerings that cater to evolving consumer preferences.

Kenyan importers report several advantages of sourcing pasta and processed cereals from the United States. Firstly, the United States products are renowned for their quality and safety standards, meeting strict FDA regulations. This assurance of product safety and adherence to labelling requirements is particularly valuable to Kenyan importers, who must ensure compliance with KEBS regulations. Additionally, the United States products often offer a wider range of options, including specialty and health-conscious varieties, which appeal to increasingly discerning Kenyan consumers. Furthermore, the reliability of the United States suppliers and the efficiency of their distribution networks contribute to smooth importation processes, ensuring consistent availability of products in the Kenyan market. Overall, the combination of high-quality standards, product variety, and reliable supply chain management makes the United States pasta and processed cereals advantageous choices for Kenyan importers. In Kenya, the tariff rate for pasta and processed cereals is 25%.

#### 10) Other processed products (e.g. fats and oil products)

The United States is the world's largest producer of soybeans, with annual production exceeding 100 million metric tons. Soybeans are a versatile crop used for animal feed, cooking oil, biodiesel, and various food products. In addition to soybeans, the United States also produces other oilseeds such as sunflower seeds, canola, and peanuts. Production levels vary but contribute significantly to the country's oilseed output. In the United States, fats and oils products are regulated by the FDA to ensure compliance with food labelling, packaging, and safety standards. Importers must adhere to FDA regulations to ensure product safety. Similarly, in Kenya, the Kenya Bureau of Standards (KEBS) oversees regulations for fats and oils products, requiring compliance with labeling requirements to include product details such as ingredients and manufacturer information. Additionally, importers must obtain an import permit from the National Biosafety Authority (NBA) for products containing genetically modified (GM) material, attesting to compliance with Kenya's Biosafety regulations. The United States provides a diverse range of oils, catering to different culinary preferences and industrial needs, with ongoing research and development leading to innovative products. Importers value the reliability and consistency in quality associated with the United States fats and oils, particularly appreciating their adherence to health and nutritional standards. Well-known United States brands are favored for their global reputation and standing in the market. However, challenges such as higher pricing and logistical issues in transportation and distribution may be encountered by importers. The tariff rate for other processed products e.g. fats and oils products is 35%. However, The EAC Council of Ministers (Council) granted Kenya a stay of application of EAC Common External Tariff (CET) rates from 35% to 25% or USD500/MT on refined soya bean oil, RDB palm olein, other palm oil, refined sunflower oil, and refined corn oil effective for the one year from 1 July 2023.

Section VII: United States Top 10 Exports to Kenya in 2023 (values in millions of dollars)

Commodity	Total Value (USD)	Total Volume (Metric Tons)	10-Year Average Value (USD)	10-Year Growth	
Wheat	\$17.92 Million	50,360	\$15.96 Million	184%	These grains play a significant role in trade between the United States and Kenya. United States hard wheat is considered high quality and is used for blending with cheaper wheat. Wheat produced in the East African region is not sufficient to meet demand by approved manufacturers
Vegetable Oils (excl. soybean)	\$10.79 Million	5,026	\$7.31 Million	4%	vegetable oils (excluding soybean)
Ethanol (non-bev.)	\$8.57 Million	---	\$4.54 Million	---	Non-beverage ethanol
Pulses	\$4.55 Million	6,336	\$6.16 Million	-47%	Pulses include lentils and chickpeas
Planting Seeds	\$2.23 Million	294	\$2.69 Million	2%	These seeds contribute to Kenya's agricultural growth.
Other Intermediate Products	\$2.21 Million	733	\$2.07 Million	110%	These products contribute to the bilateral agricultural exchange between the United States and Kenya.
Food Preparations	\$1.69 Million	132	\$3.77 Million	-15%	These preparations enhance culinary diversity in Kenya.
Condiments & Sauces	\$1.67 Million	382	\$1.51 Million	20%	These specialized products serve various purposes. United States ingredients are considered of high quality
Dextrins, Peptones, & Proteins	\$1.08 Million	279	\$723,267	161%	Despite a decline, milled grains and their products contribute to imports.
Essential Oils	\$961,045	48	\$879,411	50%	Essential oils, valued find applications in cosmetics, aromatherapy, and more.

Source: <https://www.fas.usda.gov/data/databases-applications> / <https://fas.usda.gov/regions/kenya>



Section VIII: United States Cooperators

#	Organisation	Roles	Website	Contacts
	United States Grains Council	Focuses on developing export markets for the United States barley, corn, sorghum, and related products, including distiller's dried grains and ethanol.	<a href="https://grains.org/">https://grains.org/</a>	United States Grains Council 20 F Street Nw, Suite 900, Washington, DC 20001   Tel: 202.789.0789   Fax: 202.898.0522
	United States Wheat Associates (USW)	Export market development organization for the United States wheat industry.	<a href="https://www.uswheat.org/">https://www.uswheat.org/</a>	3103 10th Street, North, Arlington, VA 22201- 2149, United States Phone: +1 (703) 650-0251
	World Initiative for Soy in Human Health (WISHH)	Works to improve global nutrition by promoting soy protein and oil in human diets.	<a href="https://soygrowers.com/">https://soygrowers.com/</a>	ASA Washington Office 1 M Street SE, Ste. 200 Washington, D.C. 20003 Phone: 314-576-1770 Toll Free: 1-800-688-7692 Email: <a href="mailto:info@soy.org">info@soy.org</a>
	USAPEEC (USA Poultry & Egg Export Council)	Represents the United States poultry and egg industry in international markets.	<a href="http://www.usapeec.org">www.usapeec.org</a>	2300 W Park Pl Blvd, Stone Mountain, Ga 30087 +1 770-413-0006
	National Dairy Council	Nutrition education and research organization that promotes dairy products' health benefits and supports dairy farmers.	<a href="https://www.usdairy.com">https://www.usdairy.com</a>	Dairy Management, Inc. Attn: Mike Braden 10255 W. Higgins Rd. Suite 900
	National Swine Association	Represents the United States swine industry, advocating for swine producers, promoting pork products, and addressing industry challenges.	<a href="https://nationalswine.com">https://nationalswine.com</a>	2639 Yeager Rd, West Lafayette, IN 47906 +1 765-463-3594
	National Association of Animal Breeders	Focuses on improving livestock genetics through artificial insemination and other breeding technologies.	<a href="http://www.naab-css.org">www.naab-css.org</a>	8413 Excelsior Dr Ste 140, Madison, WI 53717 +1 608-827-0277

Section IX: United States State Regional Trading Groups (SRTGs)

<b>SRTG</b>	<b>States</b>	<b>Contact</b>
<i>Food Export USA Northeast</i>	Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont	<a href="http://www.foodexport.org">www.foodexport.org</a> Tel: +1 215 829-9111
<i>Food Export Association of the Midwest USA</i>	Indiana, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin	<a href="http://www.foodexport.org">www.foodexport.org</a> Tel: +1(312)334-9200
<i>Southern United States Trade Association</i>	Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, Puerto Rico, South Carolina, Tennessee, Texas, Virginia, West Virginia	<a href="http://www.susta.org">www.susta.org</a> Tel: +1 504568-5986
<i>Western United States Agricultural Trade Association</i>	Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Guam, America Samoa	<a href="http://www.wusata.org">www.wusata.org</a> Tel: +1 360693-3373

Section X: Kenya regulatory agencies, mandate, and contacts

<b>Regulatory Agency</b>	<b>Mandate</b>	<b>Contacts and Address</b>	<b>Legislation</b>
Kenya Plant Health Inspectorate Service (KEPHIS)	Assure the quality of agricultural inputs and produce to prevent adverse impacts on the economy, the environment, and human health. Monitors and analyzes pesticide residues.	Email: <a href="mailto:director@kephis.org">director@kephis.org</a> <a href="http://www.kephis.org">www.kephis.org</a> Email: kephisinfo@kephis.org Email: director@kephis.org Phone: 020 661 8000 Mobile: +254 0709-891-000	The Agriculture, and Food Authority (AFA) Act (No. 13 of 2013)
			The Crops Act (No. 16 of 2013)
			Plant Protection Act Cap.324 (for fruits and vegetables)
			The Seed and Plant Variety (National Performance Trials) Regulations, 2009
			The Seeds & Plant Varieties (Amendment) Act, No. 53 of 2012 (for imported seeds or seed crops with potential to grow when planted)
Kenya Bureaus of Standards (KEBS)	Provides standards, metrology, and conformity assessments. (SMCA) and examines for microbial and chemical contamination of food.	Email: info@kebs.org <a href="http://www.kebs.org">www.kebs.org</a> Tel: 254-20-6948000 or 69028201/401/41 Mobile: +254722 202 137 or 0734600 471/2	The Standards Act Cap.496
Directorate of Veterinary Services (DVS)	Monitors pesticide residues in animal products, feed, and animal health drugs.	Email: <a href="mailto:veterinarydepartment@yahoo.com">veterinarydepartment@yahoo.com</a> <a href="https://www.kilimo.go.ke/management/state-department-of-livestock/">https://www.kilimo.go.ke/management/state-department-of-livestock/</a> Tel: 254-20-8043441631383/2231/1287 Cell: 254-722376237	The Animal Diseases Act Cap.364
			The Fertilizers and Animal Foodstuffs Act Cap 345
Division of National Public Health Laboratory (DNPHL)	Examines microbial and chemical contamination of food.	http://www.health.go.ke/ Tel: 254-20-2717077 ps.medical@health.go.ke ps.publichealth@health.go.ke	The Public Health Act Cap.242
			The Radiation Protection Act Cap.243 (for irradiated food)
			The Food, Drugs, and Chemical Substances Act Cap.254
			The Animal Diseases Act Cap.364
National Biosafety	Exercises general supervision and control	Email: info@biosafetykenya.go.ke	The Biosafety Act 2009

Regulatory Agency	Mandate	Contacts and Address	Legislation
Authority (NBA)	over the transfer, handling, and use of "genetically modified organisms" (GMOs), including importation of genetically engineered products.	<a href="https://www.biosafetykenya.go.ke">https://www.biosafetykenya.go.ke</a> Tel: +254 20 2678667 or +254 713854132 Email: <a href="mailto:info@biosafetykenya.go.ke">info@biosafetykenya.go.ke</a> <a href="http://www.biosafetykenya.go">http://www.biosafetykenya.go</a>	
Ministry of Trade, Industry, and Enterprise Development	Regulates the use of weights and measures in trade and commerce, provides for the protection of industrial property rights in Kenya, and provides for the registration of trademarks in Kenya.	Kenyatta Avenue, Teleposta Towers, 16th Floor Telephone: 315001-7 Email: info-trade@industrialization.go.ke	The Weights and Measures Acts Cap.513
			The Industrial Property Act Cap.509
			The Trademarks Act Cap.506
National Authority for the Campaign against Alcohol and Drugs Abuse (NACADA)	Issue licenses for the importation and exportation of alcoholic drinks in Kenya.	NSSF Building, Eastern Wing, Block A, 18th Floor Board, Bishop Road, Community Nairobi, Kenya	The Alcoholic Drinks Control Act, 2010
Kenya Fisheries Service	Issuance of fish permit through the office of the County Director of Fisheries.	13th Floor, NHIF building Kenya Fisheries Service (KeFS) P.O. Box 48511 - 00100 Nairobi, Kenya	The Fisheries Act Cap.378
Customs Services Department (CSD) under the Kenya Revenue Authority (KRA)	Responsible for collecting and accounting for import duty and VAT on imports.	Times Tower Building, Haile Selassie Avenue, Nairobi, Nairobi County, Kenya KRA customer care  Tel: +254 20 4 999 999 or +254 711 099 <a href="mailto:callcentre@kra.go.ke">callcentre@kra.go.ke</a>	The Customs & Excise Act Cap.472
Kenya Dairy Board (KDB)	Responsible for ensuring that all imported dairy products meet the required standards and regulations.	<a href="http://www.kdb.go.ke">www.kdb.go.ke</a> Kenya Dairy Board HQ, New Loresho Estate, Upper Kabete Off Waiyaki Way. P.O Box 30406-00100 Nairobi. <a href="mailto:info@kdb.co.ke">info@kdb.co.ke</a> Tel: +2540203569377/341302 Mobile: +254722573432 or +254733521438	Dairy Industry Act Chapter 336
			Public Health Act Chapter 242

Section XI: Kenya Import Tariff Schedule (10 Priority Products)

#	Product	Tariff charge
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#	Product	Tariff charge
1.	Meat and Poultry Products	35%
2.	Grain and Feed Products	35%
3.	Seafood	35%
4.	Condiments, sauces, jams & jellies	35%
5.	Snack foods	25%
6.	Non-alcoholic beverages	35%
7.	Alcoholic beverages	35%
8.	Food Preparations and Ingredients	25%
9.	Pasta and Processed Cereals	25%
10.	Other processed products	35%

**Attachments:**

No Attachments.