

Avocado Export Procedures Guide for SMEs in Kenya



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Acronyms

| | |
|--------------|---|
| AFA | Agricultural Food Authority |
| BRCGS | British Retail Consortium Global Standards |
| CA | Controlled Atmosphere |
| CAC | Codex Alimentarius Commission |
| CAPR | Corrective Action Plan |
| CBI | Centre for the Promotion of Imports from developing countries |
| CFS | Container Freight Station |
| EAC | East African Community |
| EAS | East African Standards |
| EASC | East African Standards Committee |
| EC | European Commission |
| ECS | Electronic Certification System |
| ENS | Entry Summary Declaration |
| EORI | Electronic Operator Registration Identification |
| ETA | Expected Time of Arrival |
| EU | European Union |
| EXS | Exit Summary Declaration |
| FAO | Food Agriculture Organization |
| FPEAK | Fresh Produce Exporters Association of Kenya |
| GAP | Good Agricultural Practices |
| GHP | Good Hygiene Practices |
| GLOBAL G.A.P | Global Good Agricultural Practices |
| GMP | Good Manufacturing Practices |
| GSP | Generalized System of Preferences |
| GSP | Good Storage Practices |
| HACCP | Hazard Analysis and Critical Control Point |
| HCD | Horticultural Crop Directorate |
| HCDA | Horticultural Crop Development Authority |
| HVO | Head Verification Officer |
| ICS | Import Control System |
| HS | Harmonized System |

| | |
|--------|---|
| IFPRI | International Food Policy Research Institute |
| ISO | International Organization for Standardization |
| ISPM | International Standards for Phytosanitary Measures |
| ITC | International Trade Centre |
| KEBS | Kenya Bureau of Standards |
| KEPHIS | Kenya Plant Health Inspectorate Service |
| KESWS | Kenya Electronic Single Window System |
| KIFWA | Kenya International Freight & Warehousing Association |
| KMA | Kenya Maritime Authority |
| KPA | Kenya Ports Authority |
| KRA | Kenya Revenue Authority |
| KWATOS | Kilindini Waterfront Automated Terminal Operations System |
| MARKUP | Market Access Upgrade Programme |
| MRL | Maximum Residue Limits |
| MS | Merchant Shipping |
| PCPB | Pest Control and Produce Board |
| RoO | Rules of Origin |
| SAD | Single Administrative Document |
| SCEA | Shippers Council of Eastern Africa |
| SPS | Sanitary and Phytosanitary |
| SME | Small and Medium-sized Enterprise |
| SMETA | Sedex Members Ethical Trade Audit |
| SQMT | Standardization, Quality Assurance, Metrology and Testing |
| TBT | Technical Barriers to Trade |
| TFA | Trade Facilitation Agreement |
| UCR | Unique Consignment Reference |
| UN | United Nations |
| UNECE | United Nations Economic Commission for Europe |
| VAT | Value Added Tax |
| VGM | Verified Gross Mass |
| WTO | World Trade Organization |
| WEDF | World Export Development Forum |

About This Guide

This *Avocado Export Procedures Guide for SMEs in Kenya* is prepared under the European Union – East African Community Market Access Upgrade Programme (EU-EAC MARKUP), a regional development initiative implemented by the International Trade Centre (ITC). The MARKUP Programmes aims to contribute to the economic growth of the EAC through supporting increased exports of agribusiness and horticultural products, promoting regional integration and access to the European market.

Avocado farming has grown to become the fourth most important export fruit in Kenya, contributing about 17% of all horticultural exports in the country¹. The demand for avocados has been increasing internationally, creating a niche which Kenya SMEs can take advantage of. Even though smallholder farmers produce 70% of all avocados in Kenya², SMEs are often constrained in exploiting such opportunities. By their very nature, SMEs often lack the technical knowledge, financial means and market information on export markets, opportunities in them and requirements and procedures necessary to support their exporting ventures. It is this last challenge that this Avocado Export Procedures Guide seeks to address.

Targeted at SMEs that are ready to export or already exporting, the overall objective of the Avocado Export Procedures Guide is to **build knowledge and awareness on export market opportunities for Kenya avocado, especially in relation to the EU; the quality-related requirements (SPS, TBT, standards, rules of origin) to access the EU market and the step-by-step procedures for exporting the avocados**. While a lot of the information contained in this Guide is available on various sources on the internet, the Guide goes a step further to provide avocado SMEs with a simplified and consolidated information pack. Besides the SME exporters, the Guide is also a useful tool for Trade Support Institutions (TSIs) Besides the SME exporters, the Guide is also a useful tool for Trade Support Institutions (TSIs) in Kenya, such as Business Membership Organisations (BMOs) and public sector bodies who may use the information herein to support SMEs to take advantage of identified opportunities, including through facilitating the exporting process.

In terms of structure, the Avocado Export Procedures Guide is divided into five chapters. Chapter 1 introduces Kenya's avocado trade, looking at its production, exports and imports. The Chapter also looks at Kenya in the context of EAC's imports and exports. The chapter delves deeper into the EU as an export destination, looking at trends and analysing the export potential in the EU. Chapter 2 looks at import market requirements that an SME must meet before they export their avocado, in general and with a with specific reference to the EU Market. In Chapter 3, the guide provides a summary as well as a step-by-step elaboration of the whole gamut of business processes and regulatory activities required to export avocados in Kenya for a first-time exporter – from registering as an exporter, going through the various state entities to obtain various certifications and approvals, to releasing the avocados at the port for shipment. Chapter 4 looks at those key processes, requirements and procedures for importing avocados into the EU. Since the importer in the EU takes a lead in most of the required action, the Chapter narrows down on those actions and requirements where the input of the exporter is critical. In Chapter 5, the guide provides information on where SMEs may find additional information and help to support their exporting ambitions.

1 ITC, 'Kenya Avocado', ITC, <https://www.intracen.org/itc/projects/ntf-3/KENYA-AVOCADO/>.

2 Ibid



Chapter 1: Kenya Avocado Trade

Overview and Objectives of Chapter 1:

This Chapter provides an overview of Kenya's avocado trade, looking at its production, exports and imports, both existing and potential. The Chapter delves deeper into the EU as an export destination, looking at the size of the market, the trends, the export potential as well as the trading regime between Kenya and the EU. Given the forthcoming African Continental Free Trade Area, the Chapter also elaborates the potential market for avocados across Africa.

The key objectives of this Chapter are:

- To build the knowledge and understanding of the Kenyan SME on the global, EU and African markets for avocados and the export opportunities in them.
- To provide the avocado sector SMEs in Kenya with a list of credible information and data sources on the avocado sector

Overview of the Avocado Sector in Kenya

Commercial production of avocados in Kenya is a 40-year-old enterprise and has since grown to become the 4th most important fruit crop in the country after bananas, mangoes and pineapples. Local avocado varieties dominate the Kenya avocado sector, with Hass and Fuerte (a green skin variety) accounting for 10% and 20% of avocados produce respectively.³ Other varieties grown for export are Pinkerton and Jumbo. While the Hass, Fuerte, Pinkerton and Jumbo varieties are all- grown for export, the export market, and particularly the EU has a strong preference for Hass avocados, while Fuerte avocados are mostly consumed locally.⁴ The demand for the Pinkerton variety peaks when the Hass variety is out of season. The jumbo variety, which is indigenous to Kenya has also found a niche market in the Middle East.⁵

The acreage of avocado farms has also been growing steadily over the last 20 years; from 4,120 hectares in 2000, to 10,320 hectares in 2010, before rising to 23,298 hectares in 2019, according to data from Food and Agricultural Organisation (FAO).⁶ Smallholder farmers with 5 to 20 trees per home account for 70% of all avocados produced in Kenya, while medium sized growers with up to 100 trees and large-scale growers with over 10 hectares account for 20% and 10% of avocados produced in Kenya respectively.⁷ Kenya is ranked as the third largest producer of avocados in the world after Mexico and Peru, and the largest producer in Africa according to FAO. According to the Horticultural Crops Directorate (HCD) in 2015, local varieties dominate Kenya's avocado production, comprising about 70% of total production, with Fuerte and Hass, which are mostly targeted to the export market, accounting for approximately 20% and 10 % respectively. For all types, production has grown steadily over the last three decades, rising from 22,980 tonnes in 1990, to 364,935 tonnes in 2019, a 1,488% increase. Table 1 below illustrates the cultivated area and the production over the last three decades.

3 Amare, Mariara, Oostendorp, and Pradhan. "The impact of smallholder farmers' participation in avocado export markets on the labor market, farm yields, sales prices, and incomes in Kenya." Land Use Policy 88, 2019.

4 ITC, "KENYA AVOCADO," ITC, <https://www.intracen.org/itc/projects/ntf-3/KENYA-AVOCADO/>.

5 Tridge, "Kenyan avocado production exports price and market prospects", <https://www.tridge.com/stories/tridge-market-update-kenyan-avocado-production-exports-price-and-market-prospects>

6 <http://www.fao.org/faostat/en/#search/Avocados> Accessed 15th January 2020

7 FPEAK Press Statement, November 2020. <https://fpeak.org/press-statement-on-the-avocado-market/>

Table 1, Avocado production (1990 - 2019)

| Year | Area Harvested in Ha | Production in Tonnes |
|------|----------------------|----------------------|
| 1990 | 1,559 | 22,980 |
| 2000 | 4,120 | 52,030 |
| 2010 | 10,320 | 202,294 |
| 2019 | 23,298 | 364,935 |

Source: FAOSTAT: Accessed: 19th January 2020

Given the country's equatorial climate, production of avocados requires little crop protection, making **Kenya's avocados mostly organically grown and produced**. In addition, the climate also allows the fruit to grow all year round. However, the **main season for Kenya's avocados is February to October**. The Fuerte is available from February, while Hass becomes available from March.⁸ Due to the fact that the Hass variety is the preferred type in the EU market, there is an increasing shift by farmers towards cultivation of the same. Its tree is also much more productive than the Fuerte one; has higher resistance to pests and diseases and conceals bruises better. Additionally, the Hass type has a higher oil content of 20%, compared to the Fuerte variety that has 16-18%. These advantages also means that the Hass variety fetches higher prices in the export markets.⁹

There are no specific regulatory bodies for the avocado sector in Kenya. **The sector falls under the broader horticultural sector, which is regulated by the Agricultural Food Authority (AFA) that falls under the Ministry of Agriculture**. The AFA, which was established in 2014 under the Crop Act 2013, was formed by merging several agricultural regulatory institutions, including the Horticultural Crop Development Authority (HCDA).

At the private sector level, there are various representative bodies for avocado producers and exporters, the main one being **Fresh Produce Exporters Association of Kenya (FPEAK)**. Established in 1975, FPEAK provides a focal and coordination point for the horticulture export industry. It supports growers and exporters by providing technical and marketing information and training; acts as an information centre and runs advocacy programmes to enhance the sector's competitiveness.¹⁰

There are also other key partners including:

- **The Avocado Smallholder Association of Kenya** whose members are smallholder avocado farmers, and main role is mapping of production, market development, information distribution and fair pricing.
- **The Kenya Agricultural & Livestock Research Institute** whose mandate is to conduct scientific research that will help farmers produce higher quality and quantities of avocado.
- Other private organisations such as the **Avocado Society of Kenya** and the **Mount Kenya Avocado Exporters and Suppliers Association**.

8 FPEAK Press Statement, November 2020. <https://fpeak.org/press-statement-on-the-avocado-market/>





9 Amare, Mariara, Oostendorp, and Pradhan. "The impact of smallholder farmers' participation in avocado export markets on the labor market, farm yields, sales prices, and incomes in Kenya." Land Use Policy 88, 2019.

10 <https://fpeak.org/about-us/>

Kenya's Export of Avocados

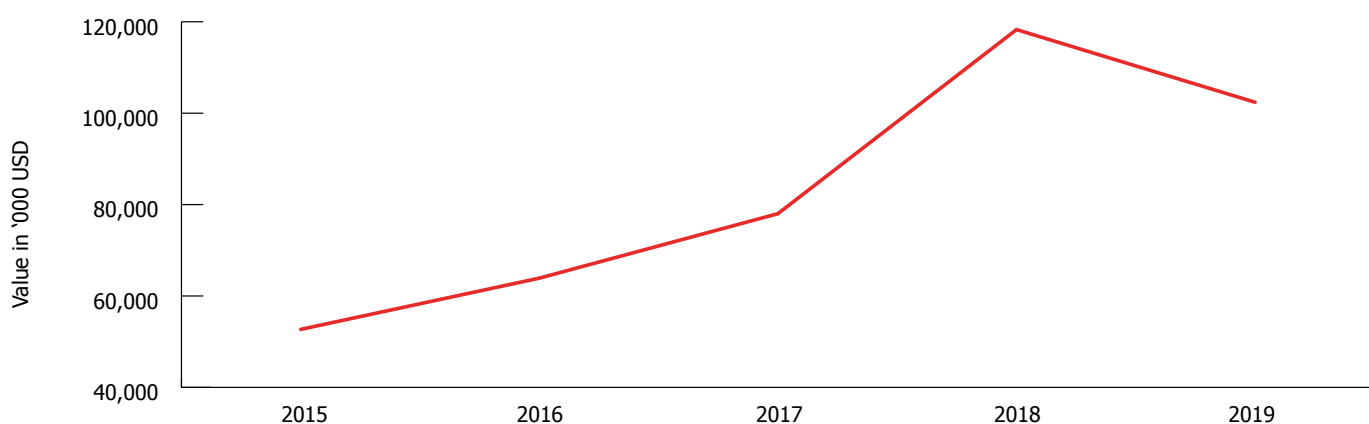
According to the ITC data, Kenya was ranked as the seventh largest exporter of avocados, commanding **1.2% of the global export market value for avocados in 2019**. The global value for exported avocados in 2019 was USD 6.3 billion, of which Kenya's exports were **valued at USD 102.4M**. Kenya's exports of avocado have registered a steady increase over the last five years, registering a **96.9% growth between 2015 and 2019**. There was however a 13.4% drop in value exported between 2018 and 2019. See table 2 and Figure 1 below

Table 2, List of Exporters of Fresh and Dried Avocados (2016 – 2019)

| Exporters | 2016 | 2017 | 2018 | 2019 |
|--------------------------|---|---|---|---|
| World | 4,207,097 | 5,653,458 | 5,677,462 | 6,317,509 |
| Mexico | 2,050,763 | 2,827,913 | 2,562,387 | 2,912,587 |
| Netherlands | 481,611 | 631,390 | 730,303 | 886,300 |
| Peru | 396,583 | 581,229 | 722,310 | 751,330 |
| Spain | 272,677 | 348,130 | 353,580 | 38,4646 |
| Chile | 297,326 | 391,115 | 273,628 | 300,699 |
| United States of America | 128,665 | 152,283 | 179,635 | 154,309 |
| Kenya | 63901  | 78011  | 118,289  | 102,397  |
| France | 58,280 | 70,921 | 61,602 | 91,569 |
| Colombia | 35,040 | 52,948 | 62,732 | 89,053 |
| Israel | 41,683 | 64,613 | 62,269 | 73,079 |

Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

Figure 1, Kenya's Exports of Avocado (2015 – 2019)



Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

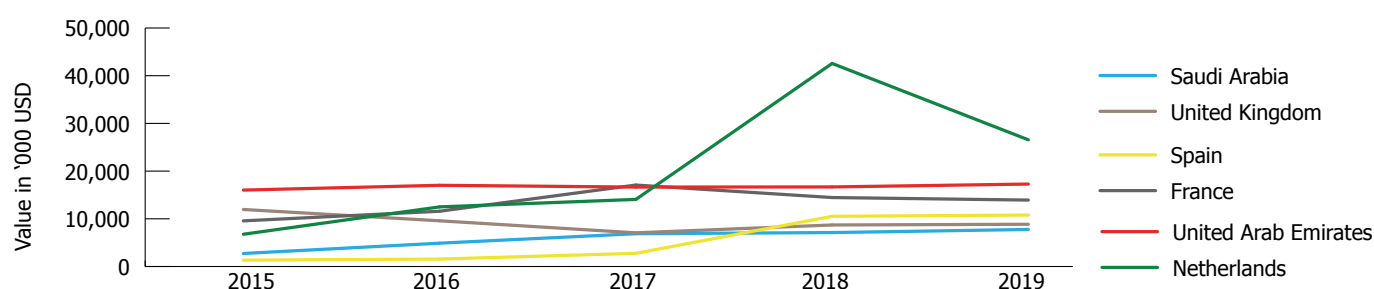
Looking at the destination for avocados exported by Kenya, the main importing markets in 2019 were as follows: **The Netherlands (25.8%) at USD 26.5M; United Arab Emirates (UAE) 16.8%) at USD 17.3M and France (13.5%) at USD 14M.** See Table 3 below. Exports to The Netherlands have been rather erratic, rising by more than **202% to USD 42.6M in 2018 (and thereby making it the main destination market) from USD 14.1% in 2017, before dropping by around USD 37.6M in 2019.** Exports to UAE have been steady over the period under review. See Figure 2 below.

Table 3, Kenya’s Top Importing Markets for Avocados (2015 – 2019), in ‘000 USD

| Importers | Exported value in US Dollar thousand | | | | |
|----------------------|--------------------------------------|--------|--------|---------|---------|
| | 2015 | 2016 | 2017 | 2018 | 2019 |
| World | 52,086 | 63,991 | 77,997 | 118,303 | 102,573 |
| Netherlands | 6,762 | 12,499 | 14,067 | 42,569 | 26,560 |
| United Arab Emirates | 16,020 | 17,025 | 16,650 | 16,682 | 17,284 |
| France | 9,568 | 11,586 | 17,077 | 14,458 | 13,926 |
| Spain | 1,325 | 1,560 | 2,765 | 10,522 | 10,785 |
| United Kingdom | 11,955 | 9,583 | 7,059 | 8,707 | 8,854 |
| Saudi Arabia | 2,730 | 4,888 | 6,874 | 7,115 | 7,766 |
| Russian Federation | 226 | 2,359 | 4,989 | 8,928 | 5,534 |
| Turkey | - | 94 | 193 | 1,180 | 2,513 |
| Egypt | 976 | 1,249 | 1,212 | 1,345 | 1,627 |
| Malaysia | 172 | 549 | 1,425 | 1,712 | 1,268 |
| Singapore | 631 | 520 | 961 | 1,251 | 1,038 |
| Belgium | 316 | 186 | 167 | 96 | 845 |
| Ukraine | - | 57 | 3 | 291 | 817 |
| Qatar | 288 | 248 | 405 | 653 | 611 |
| Oman | 8 | 1 | 288 | 609 | 567 |
| Bahrain | 207 | 247 | 347 | 288 | 330 |
| Hong Kong, China | 472 | 46 | 2,169 | 688 | 305 |
| Denmark | - | - | - | 300 | 291 |
| Jordan | - | - | - | - | 256 |
| Poland | - | - | - | 100 | 216 |

Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

Figure 2, Top Destination Markets for Kenya’s Avocado Exports (2015 – 2019), in ‘000 USD



Looking at selected trade indicators, Table 4 below shows that on average, Kenya receives USD 1,616 per tonne of its Avocado exports in the world. Specific markets however attract much higher prices, for example United Kingdom (USD 2,740), Malaysia (USD 2,657), Singapore (USD 2,336), Qatar (USD 2,318) and Hong Kong (USD 2,563).

In the period 2015-2019, exports grew highest in the following markets: Oman (345%), Russian Federation (116%), while those to the United Kingdom declined most (-7%). IN terms of applicable tariffs, most destination markets apply a zero rate to Kenyan Avocado, owing mostly to the preferential arrangements in place. However, Russian Federation applies a rate of 3.8%, Turkey 45% and Jordan 20%.

Table 4, Selected Trade Indicators for Kenya Exports of Avocado

| | Value Exported in 2019 (USD Thousand) | Share in Kenya's Exports (%) | Quantity Exported In 2019 (Tons) | Unit Value (USD/Unit) | Growth in Exported Value Between 2015-2019 (% P.A.) | Growth in Exported Quantity Between 2015-2019 (% P.A.) | Average Tariff (Estimated) Faced by Kenya (%) |
|-------------------------|---------------------------------------|------------------------------|----------------------------------|-----------------------|---|--|---|
| World | 102,397 | 100 | 63356 | 1,616 | 21 | 15 | |
| 1. Netherlands | 26,486 | 25.9 | 16713 | 1,585 | 48 | 38 | 0 |
| 2. United Arab Emirates | 17,296 | 16.9 | 11464 | 1,509 | 1 | -4 | 0 |
| 3. France | 13,927 | 13.6 | 8041 | 1,732 | 10 | -1 | 0 |
| 4. Spain | 10,730 | 10.5 | 6685 | 1,605 | 84 | 69 | 0 |
| 5. United Kingdom | 8,926 | 8.7 | 3258 | 2,740 | -7 | -15 | 0 |
| 6. Saudi Arabia | 7,753 | 7.6 | 5056 | 1,533 | 28 | 27 | 0 |
| 7. Russian Federation | 5,478 | 5.3 | 4135 | 1,325 | 116 | 80 | 3.8 |
| 8. Turkey | 2,483 | 2.4 | 2149 | 1,155 | | 243 | 45 |
| 9. Egypt | 1,621 | 1.6 | 1845 | 879 | 11 | 24 | 0 |
| 10. Malaysia | 1,262 | 1.2 | 475 | 2,657 | 67 | 59 | 5 |
| 11. Singapore | 1,035 | 1 | 443 | 2,336 | 21 | 26 | 0 |
| 12. Belgium | 839 | 0.8 | 537 | 1,562 | 14 | 9 | 0 |
| 13. Ukraine | 811 | 0.8 | 525 | 1,545 | | 216 | 3 |
| 14. Qatar | 612 | 0.6 | 264 | 2,318 | 28 | 20 | 0 |
| 15. Oman | 566 | 0.6 | 316 | 1,791 | 345 | 231 | 0 |
| 16. Bahrain | 330 | 0.3 | 176 | 1,875 | 11 | 16 | 0 |
| 17. Hong Kong, China | 305 | 0.3 | 119 | 2,563 | 21 | 17 | 0 |
| 18. Denmark | 287 | 0.3 | 181 | 1,586 | - | - | 0 |
| 19. Jordan | 254 | 0.2 | 171 | 1,485 | - | - | 20 |
| 20. Poland | 217 | 0.2 | 147 | 1,476 | - | - | 0 |

Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

With regard to imports of avocados, Table 5 shows that Kenya hardly imports avocado. The main imports are from Tanzania, worth USD 254,000 in 2017 and USD 61,000 in 2018. Imports from other markets are negligible as the table below shows.

Table 5, Kenya's imports of avocado

| Exporters | Imported Value in USD '000 | | | | |
|-----------|----------------------------|------|------------|-----------|----------|
| | 2015 | 2016 | 2017 | 2018 | 2019 |
| World | - | - | 254 | 65 | 9 |
| Rwanda | - | - | - | 3 | 9 |
| Egypt | - | - | - | 1 | - |
| Tanzania | - | - | 254 | 61 | - |

Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

Exploring Opportunities in the European Union (EU)

The EU and the UK (herein after EU+UK)¹¹ are an important market for all avocado exporting countries, Kenya included. In 2019, the EU+UK countries combined accounted for approximately 42% of the total global avocado imports worth USD 7.1 billion. Exports to the EU+UK have been on a steady increase during the period under review, rising from USD 1.3billion in 2015 to USD 3 billion in 2019, a 125% increase. See Table 6 below.

In terms of specific EU member countries, the main importing markets in 2019 were Netherlands (USD 818M); France (USD 520 M); Germany (USD 349M), UK (USD 343M) and Spain (USD 341M) as illustrated in the table below. Exports to these top markets have been on a steady increase (except for UK which registered a short drop between 2017/18), as can be seen in Figure 6 on the next page.

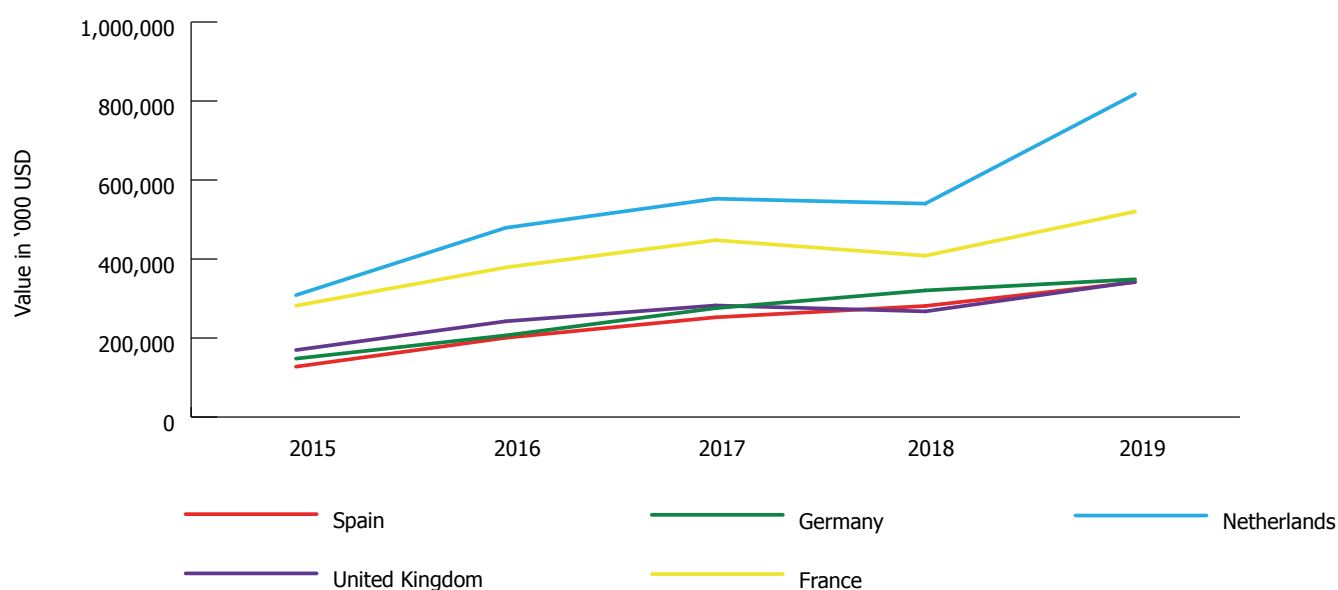
¹¹ The UK exited the EU from 1 January 2021. The EU data for the period under review covers the EU 28, including the UK.

Table 6, EU+UK Imports of Avocado (2015 – 2019), in '000 USD

| Importers | 2015 | 2016 | 2017 | 2018 | 2019 |
|------------------|-----------|-----------|-----------|-----------|-----------|
| World | 3,764,033 | 4,828,283 | 6,130,984 | 6,047,155 | 7,112,994 |
| EU+UK Aggregated | 1,326,200 | 1,893,264 | 2,285,248 | 2,342,398 | 2,985,140 |
| Netherlands | 308,534 | 479,047 | 552,680 | 540,220 | 817,596 |
| France | 281,828 | 378,742 | 447,673 | 408,383 | 520,249 |
| Germany | 147,892 | 206,613 | 275,557 | 320,473 | 348,635 |
| United Kingdom | 169,549 | 242,375 | 282,426 | 267,404 | 342,470 |
| Spain | 127,460 | 200,615 | 252,413 | 281,138 | 341,286 |
| Belgium | 44,015 | 70,940 | 82,356 | 78,453 | 96,664 |
| Italy | 27,137 | 39,358 | 50,100 | 54,128 | 80,172 |
| Poland | 22,571 | 27,204 | 40,774 | 52,384 | 72,045 |
| Sweden | 52,256 | 63,254 | 71,666 | 71,503 | 67,007 |
| Denmark | 43,058 | 46,031 | 51,783 | 62,927 | 65,820 |
| Austria | 17,612 | 26,799 | 31,794 | 37,716 | 40,263 |
| Finland | 21,720 | 26,271 | 30,193 | 28,856 | 28,421 |
| Romania | 7,326 | 9,929 | 15,941 | 20,691 | 23,339 |
| Ireland | 11,648 | 19,130 | 21,982 | 24,242 | 22,605 |
| Czech Republic | 6,666 | 10,807 | 13,146 | 18,432 | 18,189 |
| Portugal | 2,778 | 3,712 | 8,673 | 11,209 | 17,840 |
| Lithuania | 6,496 | 6,936 | 10,010 | 12,279 | 14,364 |
| Latvia | 5,148 | 5,870 | 7,360 | 8,340 | 9,862 |
| Hungary | 2,810 | 2,850 | 3,832 | 5,541 | 9,059 |
| Greece | 3,578 | 4,336 | 6,283 | 6,028 | 9,002 |
| Slovenia | 4,165 | 6,209 | 7,214 | 5,921 | 8,059 |
| Slovakia | 3,059 | 3,574 | 4,084 | 5,841 | 7,447 |
| Bulgaria | 1,813 | 2,877 | 4,552 | 5,398 | 6,410 |
| Luxembourg | 1,975 | 3,031 | 3,894 | 4,688 | 5,408 |
| Estonia | 2,464 | 3,329 | 4,124 | 4,453 | 5,381 |
| Croatia | 1,052 | 1,408 | 2,032 | 2,516 | 3,561 |
| Cyprus | 908 | 1,081 | 1,475 | 1,844 | 2,107 |
| Malta | 682 | 936 | 1,231 | 1,390 | 1,879 |

Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

Figure 3, Top EU+UK Importers of Avocados (2015 – 2019), Trends



Looking at the supplying markets for avocados imported by the EU+UK, the leading exporter has been Peru, with USD 629M worth of exports in 2019, or 21% of the EU+UK market. Other top supplying markets are Chile (USD 388.5M); Spain (USD 342M); Netherlands (USD 326M) and Mexico (USD 303.7M). Kenya is the 9th largest supplier of avocados to the EU+UK, with exports worth USD 98M in 2019. See Table 7 below.

Table 7, Top Supplying Markets for Avocados Imported by the EU+UK (2015 – 2019)

| Exporters | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------|---------|---------|---------|---------|---------|
| Peru | 291,352 | 424,083 | 533,453 | 583,929 | 629,172 |
| Chile | 153,631 | 298,341 | 326,914 | 232,615 | 388,480 |
| Spain | 197,326 | 230,219 | 302,169 | 315,264 | 341,940 |
| Netherlands | 171,577 | 220,108 | 256,368 | 288,804 | 326,071 |
| Mexico | 64,712 | 147,158 | 154,337 | 159,059 | 303,699 |
| Israel | 101,530 | 112,507 | 174,742 | 126,163 | 184,907 |
| South Africa | 117,391 | 135,080 | 119,922 | 160,399 | 148,044 |
| Colombia | 14,005 | 45,160 | 71,135 | 74,272 | 145,960 |
| Kenya | 45,712 | 63,454 | 72,951 | 89,082 | 97,961 |
| Germany | 35,568 | 46,960 | 65,140 | 66,965 | 93,392 |
| Morocco | 16,652 | 18,554 | 41,992 | 66,896 | 53,450 |

Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

Looking specifically at Kenya's avocado exports, Europe is an important market. In 2019, 60.4% (USD 61.9M) of Kenya's total exports of avocado went to the EU+UK. The main destinations were Netherlands (USD 26.5M) accounting for 43.1% of total EU exports; followed by France at USD 14M) or 22.5% and Spain (USD 10.7M) or 17.3%.

Table 8, Kenya's Export to EU+UK (2015 – 2019)

| Importers | 2015 | 2016 | 2017 | 2018 | 2019 |
|------------------|--------|--------|--------|---------|---------|
| World | 52,695 | 63,901 | 78,011 | 118,289 | 102,397 |
| EU+UK Aggregated | 30,546 | 36,050 | 41,889 | 77,077 | 61,850 |
| Netherlands | 6,845 | 12,469 | 14,069 | 42,564 | 26,486 |
| France | 9,661 | 11,561 | 17,085 | 14,456 | 13,927 |
| Spain | 1,324 | 15,55 | 2,763 | 10,521 | 10,730 |
| United Kingdom | 12,247 | 9,568 | 7,074 | 8,706 | 8,926 |
| Belgium | 320 | 186 | 167 | 96 | 839 |
| Denmark | 0 | 0 | 0 | 300 | 287 |
| Poland | 0 | 0 | 0 | 100 | 217 |
| Romania | 0 | 437 | 54 | 21 | 192 |
| Italy | 0 | 0 | 4 | 88 | 162 |
| Germany | 149 | 274 | 497 | 73 | 42 |
| Sweden | 0 | 0 | 0 | 1 | 27 |
| Greece | 0 | 0 | 108 | 0 | 15 |
| Lithuania | 0 | 0 | 68 | 151 | 0 |

Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

In other words, over **60% of Kenya's exports of avocados are destined for three markets, that account for 82.9% of exports to the EU**, pointing to unexploited potential in other EU markets. The data in the Table 9 below shows the existing and potential for trade in Avocado between Kenya and the EU+UK. While Kenya only exported avocado worth USD 61.9M to the EU in 2019, the demand for avocado in the EU was at USD 2.9 billion in the same year.

Table 9, Potential trade on avocado with the EU

| Kenya's exports to EU+UK | | | | | European Union imports from the World | | | | |
|-----------------------------|--------|--------|--------|--------|---------------------------------------|-----------|-----------|-----------|-----------|
| Value in US Dollar thousand | | | | | Value in US Dollar thousand | | | | |
| 2015 | 2016 | 2017 | 2018 | 2019 | 2015 | 2016 | 2017 | 2018 | 2019 |
| 30,072 | 36,127 | 41,866 | 77,086 | 61,911 | 1,326,249 | 1,895,256 | 2,285,806 | 2,345,672 | 2,970,225 |

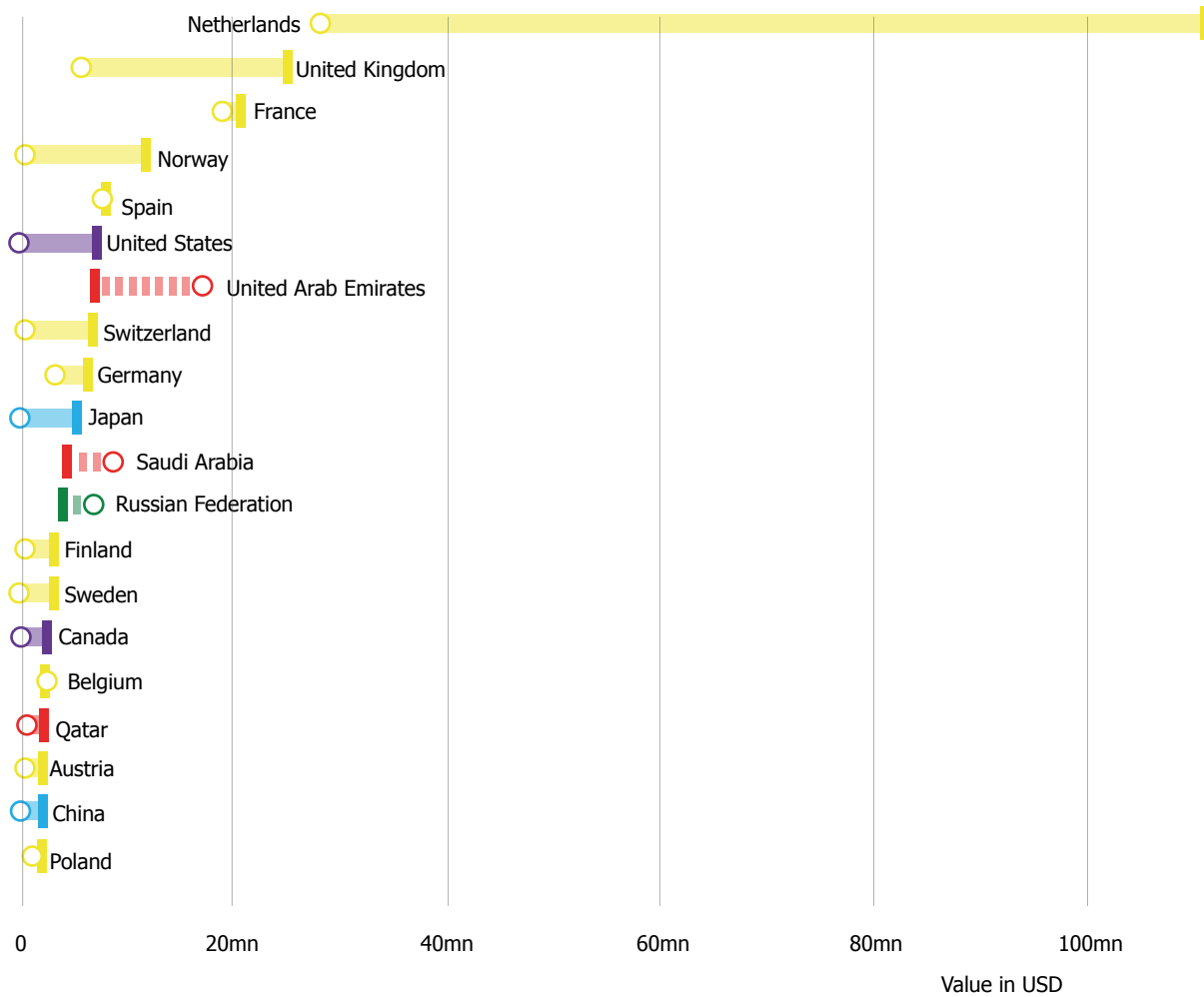
Source: ITC calculations based on UN COMTRADE statistics. Accessed: 19th January 2020

Furthermore, data from the ITC Export Potential tool reveals that the top 5 potential export markets for Kenya avocados are in the EU, with Netherlands, United Kingdom and France taking the lead. **Netherlands shows the largest absolute difference between potential and actual exports in value terms, leaving room to realize additional exports worth USD 79.2Million.** See Figure 4 below.

It is important however to note that tapping into this potential is subject to many factors, among them the market access requirements elaborated in Chapter 2 of this guide; the specific taste preferences of the EU consumers and Kenya's ability to keep pace with the constantly changing and improving sustainability requirements by leading destination markets.

Figure 4, Top 20 Potential Export Markets for Kenyan Avocados¹²

Markets with potential for Kenya's exports of Avocados, fresh or dried



Legend

- Export potential
- Actual exports
- Potential to actual exports gap
- EU & West Europe
- Middle East
- North America
- East Asia
- East Europe and Central Asia

Sources: <https://exportpotential.intracen.org/en/>

12 <https://exportpotential.intracen.org/en/markets/gap-chart?fromMarker=i&exporter=404&whatMarker=k&what=080440&toMarker=j>

Understanding the trading regime between the EU and Kenya

The EAC and the EU *agreed and initialed* an **Economic Partnership Agreement (EPA) on 16 October 2014**. The conclusion allowed the restoration of duty free, quota free access to the EU market for Kenyan products, which had ended on 1 October 2014, when the EU Regulation 527/2013 on Market Access expired. **Only Kenya, which does not enjoy the 'Everything But Arms' (EBA) preferential arrangement** was affected by this expiry. The EPA was expected to be signed by the EAC as a bloc by 30th September 2016, but due to differing opinions amongst partner states on the potential impact of the Agreement on EAC economies, it has not been signed and is therefore not in force.

To ensure continued access to the EU market, Kenya in its individual capacity signed the EPA on 1st September 2016 and had it ratified by the Parliament of Kenya on September 20, 2016. **This ratification allowed Kenya to continue to benefit from EC Market Access Regulation No 1528/2007** which governed the EU preferential market access regime for African, Caribbean and Pacific (ACP) countries that have negotiated EPAs with the EU. As of 28 July 2016, Regulation (EC) No 1528/2007 was repealed and replaced by **Regulation (EU) 2016/1076 of the European Parliament and of the Council of 8 June 2016**.

Under the EPA / Regulation (EU) 2016/1076 arrangements, **Kenya's avocados enter the EU on the following conditions:**

- **Duty free, quarter free (DFQF) basis:** meaning there are no duties paid, nor are there any quotas imposed.
- **Taxes:** under the MAR no. 1528/2007, no taxes are payable on avocados exported from Kenya to the EU
- **Proof of Origin:** The Avocado being exported needs to be accompanied by Proof of Origin – through a certificate of origin, currently issued by the Kenya Revenue Authority. Since 2017, the EU has been applying the Registered Exporter system (the REX system), a system of certification of origin of goods based on a principle of self-certification. Under this system, the origin of goods is declared by economic operators themselves through 'statements on origin'. To be entitled to make out a statement on origin, an economic operator has to be registered in a database by his/her competent authorities (in this case KRA). Exporters apply to become registered exporters by filling in an application form and by returning it to KRA. Once registered, the exporter has the obligation to communicate to his competent authorities all changes on his registered data. The competent authorities then perform the modifications in the REX system for the registered exporter. It is important to note that the rules for determining the origin of goods in the GSP scheme of the EU remain unchanged with the application of the REX system. Only the **method to certify the origin of goods** is changed. To be entitled to make out a statement on origin, an economic operator needs to be registered in the REX system and to have a valid registration, i.e. a registration which is not revoked. Kenya started implementing the REX system in 2017 and currently has 183 registered exporters.
- **For goods whose total value of the products does not exceed € 6,000:** a declaration on proof of origin can be given by an approved exporter or by any exporter, including those not registered on the REX system. The proof of origin is valid for ten months.
- **Exemption from proof of origin:** When the total value of the imported products does not exceed €500 in the case of small packages or €1,200 in the case of products forming part of personal luggage.

Continues>>

- **Determination of Origin:** For purposes of export, goods are originating in a country if a) they are wholly obtained in that country; b) they are not wholly obtained and they are sufficiently worked or processed products and c) the processing goes beyond a list of insufficient operations. Under the EU cumulation rules, Kenyan exporters may also export Avocado from other EAC Partner States, including if mixed with Kenyan Avocado as other Partner States benefit from DFQF access to the EU under EBA scheme
- **Transport Provisions:** the goods imported in the EU should be the same as the ones exported from the beneficiary country. This means that the goods should not be subject to operations others than the ones necessary to preserve the goods in good condition. Other allowed operations include Adding or affixing of marks, labels, seals or any other documentation to ensure compliance with specific domestic requirements applicable in the Union; storage of products in a country of transit if they remain under customs supervision, as well as splitting of consignments in a country of transit if carried out by the exporter or under his responsibility and if the goods concerned remain under customs supervision.

Specific requirements for Avocado exports are elaborated in Chapter 2 of this Guide.

Note: The 27 Members of the EU form a single territory for customs purposes. The United Kingdom withdrew from the EU and has been a third country as of 1 February 2020.

Exploring Opportunities under the African Continental Free Trade Area (AfCFTA)

Africa is not a very large market for exported avocados, which may be explained by the fact that many countries grow them locally, for local consumption only. **In 2019, Africa imported avocados worth USD 16.5M, or 0.2% of total world imports.**

Looking at the last five years, Africa's avocado imports have been on the increase, rising from USD 12.7M in 2015 to USD 20.5M in 2018, before dropping slightly to USD 16.6M in 2019. Looking at the specific countries, the values imported are sporadic, with only Egypt showing consistent growth amongst the three top importers. In 2019, the main importer of avocados in Africa was **Morocco, at USD 4.9M; following by Egypt with USD 3.7M; and South Africa with USD 3.6M.** See Table 10 below.

Table 10, Africa's Imports of Avocado (2015 – 2019)

| Importers | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------------|--------|--------|--------|--------|--------|
| Africa Aggregation | 12,666 | 12,517 | 16,228 | 20,472 | 16,592 |
| Morocco | 5060 | 5,561 | 5,197 | 8,711 | 4,908 |
| Egypt | 1,344 | 494 | 975 | 2,407 | 3,774 |
| South Africa | 4045 | 4,633 | 7,159 | 6,474 | 3,639 |
| Namibia | 903 | 825 | 1,308 | 1,145 | 1,589 |
| Botswana | 340 | 326 | 385 | 494 | 650 |
| Mauritius | 60 | 165 | 184 | 362 | 509 |
| Tanzania | 3 | 1 | 0 | 0 | 400 |
| Libya | - | 0 | - | 27 | 173 |
| Sudan | 0 | 1 | 1 | 0 | 163 |
| Seychelles | 30 | 55 | 84 | 82 | 111 |

Looking at supplying markets for avocados imported by Africa is **Spain, with USD 4M worth of exports in 2019, or 24% of total avocado imports by Africa. Kenya comes in second with USD 3.4M worth of exports (or 20.8% of total imports)**, followed by South Africa, with USD 3.1 million; Peru with USD 2.9M and Israel with USD 569,000. See Table 11 below. Although not a large import market, **it is instructive that over 44.8% of imported avocados come markets outside of Africa (Spain, Israel and Peru).**

Table 11, Top Supplying Markets for Avocados Imported by Africa (2015 – 2019))

| Exporters | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------|-------|-------|-------|-------|-------|
| Spain | 4,134 | 5,163 | 7,070 | 6,180 | 4,005 |
| Kenya | 1,424 | 456 | 1,333 | 3,097 | 3,449 |
| South Africa | 1,860 | 2,088 | 2484 | 2,873 | 3,106 |
| Peru | 3,767 | 3,078 | 2,738 | 5,772 | 2,853 |
| Israel | 1,087 | 765 | 1,400 | 1,160 | 569 |
| Lebanon | 6 | 0 | 0 | 183 | 406 |
| Burundi | - | - | - | - | 400 |
| Mozambique | 0 | 0 | 0 | 252 | 397 |
| Eswatini | 90 | 204 | 227 | 107 | 221 |
| Uganda | | 35 | 47 | 26 | 200 |
| Egypt | 985 | 1,248 | 1,212 | 1,345 | 1,621 |
| Libya | 0 | 0 | 13 | 20 | 165 |
| South Africa | 0 | 0 | 1 | 19 | 106 |
| Morocco | 0 | 47 | 0 | 69 | 37 |
| Ethiopia | 0 | 0 | 0 | 0 | 2 |

(Victoria – The data from Trade Map is not consistent. As seen from Table 10, it shows that Kenya exported avocados worth USD 3.4M. However, if we query the data specifically looking at markets that Kenya supplies to, the Africa aggregation changes).

Understanding the trading regime under the AfCFTA

The Agreement to establish the AfCFTA was signed by 44 Heads of State and Government of the 55 AU member states on 21 March 2018. **The AfCFTA entered into force on 30 May 2019 with 24 countries** having deposited their instruments of ratification, thereby fulfilling the Art. 2 of the AfCFTA Agreement that required 22 ratifications and deposits. **As at December 2020, 34 countries have both signed and ratified the AfCFTA Agreement. Of the 55 AU member states, only Eritrea has yet to sign.** AfCFTA Agreement provides the framework for detailed negotiations on Trade in Goods, Trade in Services (5 priority sectors identified), and Phase II on other issues like Competition Policy, IPR and Investment. The AfCFTA aims to doubling intra-African trade, which currently stands at 18% of total exports against 59% in Asia and 69% in Europe. It will cut tariffs on tariffs on 90% of goods traded within the continent as well as increase trade in more in value added products. Once operational, the AfCFTA will bring together the economies of **55 African states under a pan-African free trade area comprising 1.2 billion people, in a market with a combined GDP of about \$2.5 trillion to \$6.4 trillion** (UNECA, WB).

Trading under the AfCFTA Agreement **commenced on 1st January 2021**. Despite this commencement, **it is important to note that a number of key aspects of trading are yet to be concluded. These include the schedules of tariff concessions and rules of origin (RoO), which are both critical to the free movement of goods.** While RoO is not likely to be an issue for avocados as they are wholly produced in Kenya, the issue of tariff liberalization is important. Member states have agreed to liberalise 90% of tariff lines within 5 years, with least developed countries having 10 years. A further 7% of tariff lines, designated 'sensitive products' will be subject to a more gradual liberalization. 3% of tariff lines shall be excluded from liberalization.

For the avocado sector, Africa should be seen as a growing market, given the projected growth of population: **by 2050 Africa's population is projected to reach 2 billion, with a predominantly young population and a rising middle class, that is increasingly health conscious,** factors that auger well for avocado consumption.

Where to find additional / updated information

This Chapter has provided the Kenyan avocado sector SME with an overview the export market for Kenyan avocados, its size, the main buyers and the unexploited potential especially in Europe and Africa. Information on the latest developments in each of these markets can be found as follows:

- The AFA Horticulture website provides data on the horticultural sector as a whole and more specifically the fruit sector <https://horticulture.agricultureauthority.go.ke/>
- For information on the latest research on avocado farming, visit the Kenya Agricultural & Livestock Research Organization website here: <https://www.kalro.org/>
- For trade data to any market of interest as well as applicable tariffs and rules of origin, ITC Trade tools provide the most comprehensive data. Register on <https://www.trademap.org> to access TradeMap, Market Assess Map and other market tools.
- The Fresh Produce Exporters Association of Kenya website provides information on how to join, benefits of membership and useful resources on advocacy, capacity building, marketing and standards for fresh produce. <https://fpeak.org/>
- The Avocado Smallholders Association of Kenya website, whose members are smallholder avocado farmers, and main role is mapping of production; market development, information distribution and fair pricing. <https://avocado.or.ke/>



Chapter 2: Meeting EU Importing Market Requirements¹³

Overview and Objectives of Chapter 2:

This Chapter provides an overview of the requirements for avocado destined for the EU market. It thus elaborates the mandatory and voluntary quality, health and safety, labelling and packaging related requirements as well as various market preferences and trends that existing and aspiring avocado exporters to the EU should be aware of.

The key objectives of this Chapter are:

To provide the Kenyan avocado SME with a consolidated and simplified reference to the mandatory requirements for exporting avocado to the EU;

- To provide the Kenyan avocado SME with an overview of EU market preferences and trends that the SME may tap into;
- To provide Kenya's TSIs with a reference point for the requirement SMEs must fulfill in order to tap into the EU Market; and,
- To point the Kenyan avocado SMEs and TSIs to sources of credible information on requirements and market preferences for avocado exported to the EU.

Every importing market has in place mandatory (set in law) and voluntary requirements that all products wishing to enter and be sold in that market have to meet. These requirements serve many purposes: some of them are meant to protect the health and safety of the consumers in a given market, while others serve to ensure that they have all the necessary information about the products they are consuming, in a language they can understand. In addition, there may be other requirements that products that wish to target specific market segments (usually called niche markets) have to meet. These may be organic, fair-traded etc.

In the section that follows, we shall look at the key requirements for exports of avocado destined for the European Union.

Sanitary and Phytosanitary Requirements for Avocado

Among the mandatory requirements are those meant to ensure that consumers in any importing market are being supplied with avocados that is safe to consume, by the measures deemed appropriate by their governments; as well as to ensure that that these measures are not such that they became a barrier / hindrance to businesses wishing to export to these markets, the world relies on the World Trade Organisation (WTO) '*Agreement on the Application of Sanitary and Phytosanitary Measures – (SPS Agreement)*'. The Agreement sets out the basic rules for sanitary (human and animal health) and phytosanitary (plant health) measures and standards. It is important to note that these measures are not only targeted at imported products, but they also apply to domestically produced food or local animal and plant products.

The SPS Agreement allows countries to set their own SPS measures – meaning that countries may use different standards and different methods of inspecting products for them. Notably, these measures can take many forms, such as requiring products to come from a disease-free area, inspection of products, specific treatment or processing of products, setting of allowable maximum levels of pesticide residues or permitted use of only certain additives in food.

¹³ The bulk of this information is obtained from the EAC Quality Compass (<https://un-consulting.ch/eac/compass>); the EU Export Help Desk (<https://trade.ec.europa.eu/tradehelp/myexport/#?product=090200000&partner=KE&reporter=DE&tab=3>);

Given the possibility to use the agreement to favour or protect domestic producers or to protect against imports from some countries, the SPS Agreement provides checks for unjustified discrimination by requiring that these standards must be based on science; should be applied only to the extent necessary to protect human, animal or plant life or health and they should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail.¹⁴ Furthermore, member countries are encouraged to use international standards, guidelines and recommendations where they exist. However, members may use measures which result in higher standards if there is scientific justification. They can also set higher standards based on appropriate assessment of risks so long as the approach is consistent, not arbitrary. Sanitary (human and animal health) and phytosanitary (plant health) measures apply to domestically produced food or local animal and plant diseases, as well as to products coming from other countries.

The section that follows elaborates the **SPS requirements for avocados entering the EU market.**

Food Safety

Agricultural products such as fruits and vegetables are susceptible to biological, chemical and physical hazards known as contaminants, which may include pesticide residues, heavy metals, microbiological pathogens, naturally occurring toxic substances such as mycotoxins, among others. These substances often result from environmental exposure during production, post-harvest handling, manufacturing, processing, packaging, transport or storage. To protect consumers, the EU has two overarching laws, and others specific to types of contaminants, as follows:

For all applicable exports, the **EU General Food Law - Regulation (EC) No 178/2002** provides the foundational rules on the safety of food and feed in the EU and establishes the European Food Safety Authority (EFSA), which provides support for the testing and evaluation of food and feed. The Food Law provides that a) food shall not be placed on the market if it is unsafe and b) food shall be deemed to be unsafe if it is considered to be either injurious to health or unfit for human consumption.

Regulation (EC) No 852/2004 on the hygiene of foodstuffs sets out applicable hygiene requirements on imported food. This legislation, based on Hazard Analysis Critical Control Point (HACCP) methodology, is legally binding for food processors, and is recommended for those involved in primary production (farmers). Processors must have in place a food safety management system based on HACCP principles, to ensure that food remains safe through all stages of production, all the way to the end consumer.

For specific types of contaminants, the following apply:

- **Maximum Residue Limits (MRLs):** this is the highest level of a pesticide residue legally tolerated in or on food or feed when pesticides are applied correctly. This limit provides reasonable assurance that no negative effects on consumer health will result over a lifetime of dietary exposure. Within the EU, regulations regarding MRLs for different pesticides are contained in **Regulation (EC) No 396/2005**. **For avocado entering the EU, there are 515 potential substances are subject to MRLs.** A comprehensive list of these substances and their limits is available on <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/mrls/?event=search.pr>. (The reference number for **avocados is 0163010**). Any pesticide not listed on the site should NOT be used as it has not been approved by EU authorities. Such pesticides (that have not been approved) have a default value set at the 'limit of detection', which is 0.01 mg/kg. Avocados that exceed the MRL or have banned substances are not allowed on the European market, which may result in costly withdrawals from the market. Important to note is that some buyers and retailers have set MRLs that are stricter than those of EU regulations. It is therefore important to check with buyers to ensure that their requirements are met.

¹⁴ https://www.wto.org/english/tratop_e/sps_e/spsund_e.htm

- **Microbiological Contaminants: Commission Regulation (EC) No. 2073/2005:** establishes the microbiological criteria for food products. According to (EC) No. 2073/2005, testing fresh uncut unprocessed fruits for microbiological contamination is not useful unless the fruit is intended for a processor supplying the EU that is having microbial contamination challenges as a result of unprocessed fruit contamination.¹⁵
- **Heavy metals:** limits on heavy metal contaminants are set within **Commission Regulation (EC) 1881/2006** on setting maximum levels for certain contaminants in foodstuff, usually measured in milligrams per kilogram of weight (mg/kg) or parts per million (ppm). Based on this regulation, the maximum levels of lead in avocados should be below 0.10mg/kg while cadmium levels should be below 0.050mg/kg. It should be noted that the EU Food law mandates that all food products entering the EU market must be deemed safe and the presence of metal contaminants such as tin, lead, cadmium, arsenic and mercury at excessive levels renders food unsafe.
- **Mycotoxins:** this is a naturally occurring toxic substance for which limits exists as set in **Commission Regulation (EC) 1881/2006 on setting maximum levels for certain contaminants in foodstuffs**. Based on this regulation, **there are currently no established limits specifically for unprocessed fruits like avocados**.
- **Food Additives:** Regulation (EC) No 1333/2008 contains a list of food additives permitted for use in the European Union at certain levels and on certain foods. According to EU Law, food additives shall not be used in unprocessed food or food for young children. However, surface treatment of avocados with beeswax, carnauba wax, microcrystalline wax and shellac to delay ripening is allowed. The European Commission has created a Food Additives Database that provides detailed information on which additives can be used in different food categories, found on the following link: https://ec.europa.eu/food/safety/food_improvement_agents/additives_en

To avoid the above types of food safety issues in avocado products, SMEs must put in place policies and controls to prevent contamination in the first place. Good Agricultural Practices (GAP), Good Hygiene Practices (GHP) and Good Manufacturing Practices (GMP) must be adopted to minimize and mitigate related risks.

Plant Health

Plant-based food product consignments can introduce pests, weeds or diseases that could harm humans, plants, or animals in the importing country. Phytosanitary or plant health requirements are thus put in place to prevent the introduction and spread of harmful organisms, which can be introduced not only by the product itself, but also through any wood packaging that may accompany it. Therefore, all consignments must be verified free of bacteria, viruses, pests and diseases that can harm animals or plants in the country. The occurrence of pests can be minimized through using appropriate planting material, good growing practices, good sanitation practices, appropriate use of approved pesticides, and good practices in storage and transport.

An authorised official in the country of origin must issue the **phytosanitary certificate** guaranteeing that consignments are free from pests, weeds and disease, and that they meet the phytosanitary requirements of the EU market. In Kenya, the **Kenya Plant Health Inspectorate Service (KEPHIS)** is responsible for issuing phytosanitary certificates. If a phytosanitary certificate does not accompany a consignment, or if pests, weeds or diseases are detected during quarantine inspection, the consignment may be returned, destroyed or in some cases undergo treatment that renders it fit for release.

Hass avocados in Kenya are susceptible to **pests like mites, insect-borers, thrips, caterpillars and lace bugs. Avocados are also susceptible to plant diseases like bacterial soft rot, scab, avocado root rot, anthracnose and black streak.**

On 14 December 2019, new EU Plant Health Rules that seek to improve the protection of the EU territory and its plants came into force. According to **EU Regulation (EU) 2016/2031**, all plants (including living parts of plants) entering the EU must be accompanied by a phytosanitary certificate that certifies the consignment complies with the law's requirements, unless the product is listed in Commission Implementing Regulation (EU) 2018/2019 as exempt from this general requirement, which avocado is not.

The phytosanitary certificate must be issued by an authorized body in the country of origin **after a plant health inspection has taken place**. On the phytosanitary certificate, an Additional Declaration must be completed, which includes the **full wording of the treatment/systems approach used**.

In addition, **Commission Delegated Regulation (EU) 2019/1702** establishes a list of priority pests which constitute significant economic, environmental and social impact on EU territory. Currently the list is composed of 20 quarantine pests, including *Xylella fastidiosa*, false codling moth, the Japanese beetle, the Asian long-horned beetle, Citrus greening and Citrus Black Spot.

The format of a phytosanitary certificate must be in line with the International Standard for Phytosanitary Measures No. 12 (ISPM-12) guidelines. Exporters should ensure that any additional declarations required are reflected accurately on the phytosanitary certificate. Documents must be consistent and accurate, for example indicate the correct product, date, and quantities, and ensure the integrity of the consignment by sending what is indicated on the phytosanitary certificate. Specific conditions apply to the compilation of a phytosanitary certificate, and any violations will render the consignment unacceptable and processing will be rejected:

- The name and full address of the consignee must be clearly stated.
- The correct Botanical name of the genus and species must be declared in the appropriate box.
- Each shipment must be accompanied by a phytosanitary certificate.
- Inspection of the products referred to in the certificate and the signing of the certificate must have occurred no more than 14 days before dispatch.
- The certificates must be issued by the official plant protection service of the country.
- Provincial, regional, state or local government certificates are not acceptable.
- The certificates must be signed by an authorized officer of the plant protection service in the country of origin.
- Certificates issued in a language other than English **MUST** be accompanied by a translation signed by the authorized officer.

An export health certificate is required for the export of all commodities that are for human consumption. Issuance of the certificate is regulated by Port Health Services and is required for each consignment for export. In Kenya, the relevant authority is the **Port Health Services Kenya** under the Ministry of Health.

Traceability

Traceability refers to as the ability to follow the movement of a food through specific stages of production, processing and distribution (according to the Codex Alimentarius Commission). Also known as the 'one-step-back-one-step-forward' principle, traceability allows identification of the origin of food and feed ingredients and food sources, particularly when products are found to be faulty. Putting in place a traceability system allows a company to document and/or to locate a product through the stages and operations involved in the manufacture, processing, distribution and handling of feed and food, from primary production to consumption. In case of a health issue with a consignment, traceability provides for more rapid access to relevant and reliable information that helps determine the source of the outbreak as well as the location of implicated products.

In general, a food business should not receive any food or food ingredient unless it can identify the name of the food/ingredient and the name and contact information of the supplier. Traceability systems, already mandatory for food businesses operating in certain developed countries, are becoming increasingly common worldwide.

As per **Regulation (EC) No 178/2002, Article 18**, all food products must be traceable within the European Union. While exporters in trading partner countries cannot be legally required to fulfill traceability requirements imposed within the European Union, the requirement extends to the European importer who must be able to identify who in Kenya supplied the avocado to them. Thus, records must be kept of a) names and business addresses of anyone that supplies avocados and b) names and business addresses of anyone to whom avocados is sold.

Avocados should not be received or sold unless the name and business address of the supplier/buyer has been identified and recorded. Each lot/batch of avocados supplied should be associated with its supplier, and records should indicate/track this. A system should be in place whereby this information can be provided to authorities in the event it is requested. This record may be either electronic or hard copy, but it must be kept at each step (i.e. the farm, the packhouse, exporter). At the small-scale farmer's level, handwritten records may be used if resources do not allow for other forms of record keeping.

It is common practice for EU buyers to ask trading partners to meet the traceability requirements even beyond the one step back-one step forward principle. However, these requests are part of contractual arrangements and are not legally required.

Standards for Avocados

By nature, standards are voluntary. They provide rules, guidelines or specifications for activities or their results and may have one or more specific objectives. Compliance with standards can offer buyers and consumers across markets assurances that a product will meet or exceed their needs in terms of safety, fitness for purpose, compatibility or interchangeability. Standards can be public or private, national, regional or international in scope. In this way, standards are major facilitators of trade. Standards can benefit companies in many ways depending on their use including: increased market opportunities, competitive advantages, improved risk management and cost reduction. Applying standards can help to establish credibility and a good reputation in an industry.

Standards are also used as the **basis for technical regulations**. For example, when a standard is referenced by or incorporated into a country's food safety law it becomes a technical regulation and is no longer voluntary for that particular market. By making effective use of standards, it is possible to 'stay ahead of the curve' in terms of potential future regulations.

Some standards are specific to certain products and may cover the areas of food safety, product quality, labelling, packaging, etc., and may be regional, national or international in scope. Quality specifications are generally verified at the time of shipment with documentation provided by the supplier to verify that the product is in conformity with the specification. In order to meet the standard, the manufacturer or supplier must present a product in conformity with each of the characteristics laid down in the standard document. Each one can be tested and verified on delivery of the product.

It is important to note that many buyers have developed their own unique set of specifications for any avocados that they purchase. Often these requirements are set forth in a 'technical sheet' that describes chemical/physical analysis parameters, sensory characteristics, etc. Sometimes these buyer standards have higher quality requirements than those in national or international product-specific standards. They may also specify different testing methods for determining the quality parameters.

Below are some of the most common product standards for avocados relevant for the EU market:

International Avocado Standards

These are standards developed by the International Organization for Standardization (ISO – www.iso.org). For avocados, there is only one specific standard, while the rest are standards applying to fruits and vegetables. Point of Note: These standards are purchasable from the ISO.

| Title of Standard | Description of standard (via iso.org) |
|-------------------|---|
| ISO 2295:1974 | Avocado - Guide for storage and transport |
| ISO 3659:1977 | Fruits and vegetables — Ripening after cold storage |
| ISO 2169:1981 | Fruits and vegetables — Physical conditions in cold stores — Definitions and measurement |
| ISO 874:1980 | Fresh fruits and vegetables — Sampling |
| ISO 7563:1998 | Fresh fruits and vegetables — Vocabulary |
| ISO 6661:1983 | Fresh fruits and vegetables — Arrangement of parallelepipedic packages in land transport vehicles |

EAC Regional Avocado Standards

The EAC Treaty provides for cooperation in the areas of Standardization, Quality Assurance, Metrology and Testing (SQMT). Under this cooperation, the SQMT Act was enacted in 2006, which among others, sets out the objectives of harmonization of standards, including to protect and improve the health and safety of consumers; facilitate regional and international trade as well as increase opportunities for companies within the community to participate in international technology transfer. The East African Standards (EAS) EAC standards are developed by the East African Standards Committee (EASC), a policy organ established by the SQMT Act. Their aim is to harmonize quality requirements across the EAC in order to facilitate trade.

For avocados, the relevant standard is:

- EAS 19:2017- Fresh avocado – Specification:** This East African Standard specifies requirements and test methods for avocados (*Persea americana*, Gartner or *P. Grattisima* mill) fruits of the family Lauraceae to be supplied fresh to the consumer. This standard does not apply to avocados for industrial processing.

Kenya Avocado Standards

The following are the Kenyan Avocado Standards, which can be purchased from the Kenya Bureau of Standards (KEBS).

| Title of Standard | Description of Standard (via KEBS) |
|-------------------|---|
| KS EAS 19:2017 | Fresh avocado – Specification |
| KS ISO 2295:1974 | Avocados - Guide for storage and transport. |

Avocado Size and Product Quality

The EU has set minimum quality standards as per the United Nations Economic Commission for Europe (UNECE) standards for avocados. The minimum requirements may differ per country. The following are the minimum standards for avocados entering Europe:








- The avocados must be at a development stage that allows further ripening.
- The minimum dry matter for the Hass variety should be 23%.
- Avocados of all classes should be;
 - Intact
 - Sound; produce affected by rotting or deterioration such as to make it unfit for consumption is excluded
 - Clean, practically free of any visible foreign matter
 - Practically free from pests
 - Free from damage caused by pests affecting the flesh
 - Free from damage caused by low temperature
 - Have a stalk not more than 10 mm in length which must be cut off cleanly.
 - However, its absence is not considered a defect on condition that the place of the stalk attachment is dry and intact
 - Free of abnormal external moisture
 - Free of any foreign smell and/or taste.
 - The development and condition of the avocados must be such as to enable them:
 - To withstand transportation and handling
 - To arrive in satisfactory condition at the place of destination.
- Avocados should be at least of Class I quality to be accepted into the EU.









UNECE Avocado Classes

| Class | Defects Allowed |
|-------------|---|
| Extra Class | Free from all defects except slight superficial defects that do not affect quality, keeping quality and presentation in the package. If such a defect is present, the stalk must be intact. |
| Class I | These defects are allowed provided they do not affect the fruit flesh and do not affect quality, keeping quality and presentation in the package. Slight defect in shape Slight defects in coloring Slight skin defects (corkiness, healed lenticels) and sunburn, provided they are not progressive; the maximum total area should not exceed 4 cm ² The stalk, if present may be slightly damaged |
| Class II | These defects are allowed as long as the avocados retain their essential characteristics in regards to quality, keeping quality and presentation. Defects in shape Defects in coloring Skin defects (corkiness, healed lenticels) and sunburn, provided they are not progressive; the maximum total area should not exceed 6 cm ² The stalk, if present may be slightly damaged The defects must not affect the fruit flesh |

UNECE classifies avocados according to Size Codes 1 to 30, with a minimum weight of 123 grams. In the EU, the preferred size for Hass avocados is between 16 and 20, and between 14 and 16 for Fuerte.

Avocado Size Codes

| Size Code | 4 | 6 | 8 | 10 | 12 | 14 | 16 |
|------------------|---|---|---|---|--|---|---|
| Weight range (g) |  |  |  |  |  |  |  |
| | 781 to 1220 | 576 to 780 | 456 to 576 | 364 to 462 | 300 to 371 | 258 to 313 | 227 to 274 |

| Size Code | 18 | 20 | 22 | 24 | 26 | 28 | 30 | *S |
|------------------|---|---|---|---|--|---|---|---|
| Weight range (g) |  |  |  |  |  |  |  |  |
| | 781 to 1220 | 576 to 780 | 456 to 576 | 364 to 462 | 300 to 371 | 258 to 313 | 227 to 274 | Less than 123 |

The difference between the smallest and largest avocado in a package should not exceed 25g.

Packaging

Packaging is a vital component of export success and includes not only the materials used to package the product, but also all of the packaging-related processes along the supply chain. Packaging machines and equipment, transportation and storage, whether at a production centre, distribution centre or at the point of sale, all influence the success of a packaging system. Moreover, the disposal of packaging material after final use or consumption of the product must also be considered.

Packaging serves two main purposes – to ensure the integrity of the product until sale and to entice consumers to purchase the product over other options. Packaging protects its contents from external threats including spoilage, breakage and damage from external environmental conditions until the product reaches the end user. Non-compliance with regulations such as those pertaining to food contact materials can result in outright rejection of goods at the port of entry in the destination market.

There are generally three layers of packaging that need to be considered for most products: primary, secondary and tertiary:

- Primary packaging is that which comes into immediate contact with the product and is the smallest unit of distribution.
- Secondary packaging envelops the primary packages and serves as an added layer of protection, such as a case or carton.
- Tertiary packaging is the third layer of packaging, which is generally used during transportation or shipping, such as a palletized load of secondary packages.

Different importers/buyers will have different packaging requirements, depending on their point in the supply chain. The exporter must thus ensure that their packaging systems fit the market expectations and requirements.

For the avocado sector, no product-specific packaging requirements exist for avocados within EU regulations. Packaging should adhere to provisions designed to protect the environment, customer health and protect the product from contamination, leakage and dehydration. Different importers/buyers will have different requirements regarding what they expect in terms of packaging. The following should however be borne in mind:

- **Food contact materials:** Regulation (EC) No 1935/2004 lays out rules regarding materials that come into contact with food products, such as packaging. Thus, only materials which are suitable for contact with food are used and that they will not endanger human health, cause an unacceptable change in the composition of the food or cause deterioration in the sensory characteristics of the food. The packaging must be free from substances that could damage the food, fungal contamination, insect infestation and undesirable or bad odours.
- **Specific packaging:** requirements for avocados will vary depending on the target market. However, all packaging material must be new, clean and quality packaging to prevent damage. General characteristics of packaging are;
 - 4 kg cardboard boxes for wholesale
 - 10kg plastic or cardboard crates for importers to ripen and re-pack
- Transport from the port of Mombasa to Europe should be done in Controlled Atmosphere (CA) containers because avocados are perishable.

Labelling

Labelling is one of the main reasons that export food consignments are rejected at the point of entry. When the labelling does not comply with international requirements or requirements of the importing country, the goods may be rejected outrightly, or there may be delays in its release until corrective action is taken or new labelling is applied. In either case, trade is disrupted and could even lead to spoilage of the whole consignment if the conditions are not ideal, incurring significant financial losses. Most countries have laws stipulating how foods are to be labelled and what information labels must contain. It is therefore essential that exporters familiarize themselves with the food labelling requirements of importing countries.

The Codex Alimentarius Commission has deemed eight key elements as mandatory for consumer-ready packaged foods within Codex Standard 1-1985 (General Standard for the Labelling of Pre-packaged Foods). These elements serve as the basis for many national regulations on labelling; however, they are only a starting point, as there are many other factors to consider. For example, labels will differ for primary, secondary and tertiary packaging. There will also be different barcodes used for primary, secondary and tertiary packaging. Requirements will also vary from one region of the globe to another and will differ depending on if the product is to be sold in bulk or retail format.

Effective retail labelling goes beyond the mandatory particulars and also serves to differentiate a product and appeal to the customer. Its success depends on many other factors such as materials, design elements, different bar codes and QR codes that provide additional information to the consumer. As a rule of thumb, the labelling information must be easy to understand, easily visible, clearly legible and indelible, using a minimum font size. Labelling information must appear in the official language(s) of the Member State where the product is marketed. English is often used for transportation labels when shipping internationally. In addition, labels or any direct printing must not contain any toxic ink or glue. EU labelling legislation forbids misleading consumers with false claims about the product. This includes mandatory information as well as any voluntary information that is included on the label.

According to a CBI report, the labelling requirements for avocados are as follows:

- Trade packages and cartons of fresh fruit;
 - Name and address of the packer or dispatcher;
 - Name and variety of the produce (if the produce is not visible from the outside of the packaging);
 - Country of origin;
 - Class and size (referring to the marketing standards);
 - Lot number for traceability or GGN if certified GLOBALG.A.P. (recommended);
 - Official control mark to replace name and address of the packer (optional);
 - Post-harvest treatment; for example, anti-moulding agents added in a post-harvest treatment of citrus fruits must be mentioned on the trade package;
 - Organic certification, including name of inspection body and certification number (if applicable).
- Fruits processed or directly packed for consumption;
 - Name and address of the packer or dispatcher;
 - Name and variety of the produce (if the produce is not visible from the outside of the packaging);

- Country of origin;
 - Class and size (referring to the marketing standards);
 - Lot number for traceability or GGN if certified GLOBALG.A.P. (recommended);
 - Official control mark to replace name and address of the packer (optional);
 - Post-harvest treatment; for example, anti-moulding agents added in a post-harvest treatment of citrus fruits must be mentioned on the trade package;
 - Organic certification, including name of inspection body and certification number (if applicable).
- Labelling of food contact materials
According to Regulation (EC) No 1935/2004, articles intended to come into contact with foodstuffs, including packaging materials and containers shall be labelled 'for food contact' or shall bear the symbol with a glass and fork.
 - Labelling of food additives and flavourings
If food additives and/or flavourings are used in food products, they must always be labelled on the packaging by their category (anti-oxidant, preservative, colour, etc.) along with their name or E-number. Other provisions on labelling of additives sold as such to food producers and consumers are laid down in Regulation (EC) No 1333/2008 and Regulation (EC) No 1334/2008.

EU Market Preferences and Trends

According to various reports, there is a noticeable shift in fruits and vegetables consumption trends. The following are trends relevant to export of fresh avocados;

- There is an **increasing demand for convenience fruit**. This trend has been promoted by the sale of ready to eat avocados and frozen avocados. Such fruit has to be picked when mature but not ripe, with a dry matter not below 23% and uniform throughout the parcel. Customers are prepared to pay premium prices for the added value of taste and ripening fruit.
- The relationship between food and health has received more recognition in recent years, which has led to **an increase in the demand for healthy foods**. Avocados, which are rich in good fats, fiber, vitamins and minerals have grown in popularity as a result, leading to increased consumption throughout Europe.
- Due to the growing interest in **sustainable and ethical farming practices**, the demand for certified avocados has increased significantly in the EU market. For avocados, there have been concerns about excessive use of water in avocado farming in Africa, Peru and Chile and deforestation in Mexico. Certification schemes that adhere to the Global Social Compliance Programme (GSCP) are more likely to be accepted in retail stores like supermarkets.
- As a consequence of the increased demand for healthy foods, there is an **increase in the demand for organic avocados** in the EU market. The current supply does not meet the demand for organic avocados making this a niche that SMEs in Kenya can occupy. For avocados to be marketed as organic products in Europe, they must be produced using organic methods stipulated in European legislation and get certified by an accredited certifier. Information on the organic methods required is available here: <https://www.ifoam-eu.org/fr/organic-regulations/list-eu-organic-regulations>. It is important to note that the process of implementing organic requirements and getting certified can be expensive. A cost benefit analysis of organic certification should be done by SMEs as organic certification is not compulsory.

- In addition to the food safety requirements stipulated in EU legislation, buyers may require **additional guarantees of food safety**. The most common certification is the GLOBAL G.A.P which covers the entire agricultural process up to the final non-processed product. The GLOBAL G.A.P certification is especially important for exporters to Northern Europe as most supermarkets require it.
- The **Hass variety is currently the most sought after variety of avocados in Europe**. Green skin avocados are going down in demand but still have demand in some markets like in Italy because of their colour and low price. Pinkerton avocados (pseudo Hass) have timed demand because it is a late variety.

The section below highlights **the main certification schemes in Kenya**:

- **GLOBAL G.A.P:** This is the most common certificate required for avocados sold in EU supermarkets. GLOBAL.G.A.P sets to establish common Good Agricultural Practices (GAP) for agricultural products around the world, ensuring food safety, sustainability, environmental conservation, traceability and worker safety and welfare. It is a pre-farm-gate standard, which means it covers all stages of the agricultural production process, from planting to post-harvest handling, packing and storing of the unprocessed produce. The focus of this certification is food safety, environmental conservation, high product quality and good labour conditions.

There are over 100 GLOBAL G.A.P certification bodies around the world. The GLOBAL.G.A.P certification body in Kenya is AFRICERT Ltd: <https://africertlimited.co.ke/>. It is recommended to read the GLOBAL G.A.P general requirements available on their website (https://www.globalgap.org/uk_en/what-we-do/globalg.a.p.-certification/five-steps-to-get-certified/) before contacting a certification body.

- **Sedex Members Ethical Trade Audit (SMETA):** This certification helps SMEs adhere to ethical trading requirements through social audits to assess working conditions at the supplier site. An auditor goes to the workplace and assesses the health and safety of workers and adherence to international human rights like zero tolerance to child labour. Any issues found are addressed based on a Corrective Action Plan (CAPR). SMETA audits are conducted in Kenya by SGS Kenya: <https://www.sgs.co.ke/>

Key features of SMETA

- SMETA provides best practice guidance related to the number of auditor days, the audit timetable, number of workers' interviews depending on the size of company, training and experience requirements for auditors, pre-audit communication and detailed audit execution step-by-step.
- SMETA best practice guidance provides guidance for auditing against the Ethical Trade Initiative (ETI) Base Code and local laws.
- SMETA best practice guidance is not intended as a stand-alone description of how to conduct an audit. Instead, it sets out to establish a common set of criteria to supplement auditors' own systems.

Source: https://www.standardsmap.org/review-standards?short_list=128,60

- **British Retail Consortium Global Standards:** BRCGS for hygiene and food safety are required by almost all buyers of fresh fruit and vegetables in the North-Western Europe market. BRCGS consist of standards for the entire supply chain, covering food safety, packaging and packaging materials, storage and distribution, consumer products, agents and brokers, retail, gluten free, plant-based and ethical trading to assure customers of the safety, legality and quality of the products.

BRCGS audits and certification is done in Kenya by SGS Kenya: <https://www.sgs.co.ke/>

- **Organic Certification:** To become an organic farmer with certification to supply EU countries with organic avocados, you must be certified by an EU recognized control agency. The process of acquiring organic certification is long, taking 2 to 3 years, during which the farmer is expected to transition the farm into being fully organic. Organic farms are subjected to yearly inspections to check for compliance. It is recommended to make yourself familiar with EU legislation on organic farming before embarking on the process.

In Kenya, the organic farming control agency that can give EU organic farming certification is AfriCert: <https://africertlimited.co.ke/>

Where to find additional / updated information

Additional information on the requirements to export to the EU or to any other market, can be found from the following organisations:

- The AFA Horticulture website provides data on the horticultural sector as a whole and more specifically the fruit sector <https://horticulture.agricultureauthority.go.ke/>
- Pest Control and Produce Board (PCPB): monitors the pesticides being used in the country, as well as informing avocado farmers and stakeholders about banned ones. <http://www.pcpb.go.ke/> Add website www.pcpb.go.ke
- KEPHIS: responsible for all matters SPS, KEPHIS also inspects premises and issues the sanitary and phytosanitary certificate. <https://www.kephis.org/>
- EU Pesticide Database: the database contains details of all allowed pesticides, as well as those that are banned. <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=homepage&language=EN>
- The Codex Alimentarius Commission (CAC): also maintains a pesticide database that outlines MRLs for different foods and food categories. Countries sometimes refer to this database in lieu of establishing their own MRLs within food safety regulations.
- ITC Quality Compass: provides comprehensive and very detailed requirements about the quality requirements for exporting avocados to the EU, both mandatory and voluntary.
- EU Export Health Desk: provides product specific requirements, as well as import related procedures.
- For a comprehensive list of certifications that may be required for exporting avocados to the EU, visit the ITC Standards Map here: https://www.standardsmap.org/standards_intro
- To learn more about the certification schemes in Kenya, visit their official websites below:
 - GLOBAL G.A.P- https://www.globalgap.org/uk_en/what-we-do/globalg.a.p.-certification/five-steps-to-get-certified/
 - SMETA- <https://www.sedex.com/our-services/smeta-audit/>
 - BRCGS - <https://www.brcgs.com/>
 - Organic certificate- https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/organics-glance_en



Chapter 3: Step By Step Procedures For Exporting Avocados In Kenya

Overview and Objectives of Chapter 3:

This Chapter presents the whole gamut of business processes and regulatory activities required to export avocados in Kenya for a first time exporter – from registering as an exporter, going through the various state entities to obtain various certifications and approvals, to releasing the avocados at the port for shipment.

Several important points to note in reading this chapter:

- As part of implementing the WTO Trade Facilitation Agreement (WTO-TFA), these measures have been mapped and documented as part of the EAC Regional Information Trade Portal, which brings together National Trade Portals. The information in the chapter is drawn from the Kenya Trade Portal (<https://kenya.tradeportal.org>)
- As part of implementing the WTO TFA, which calls for simplifications of trade procedures, as well as other measures meant to regulate the sector, these procedures may change from time to time. It is therefore important that exporters regularly check the Kenya Trade Portal to ensure they are well acquainted with the current procedures at the time of exporting.
- The chapter currently maps procedures as at 10th July 2020. It presents ALL the procedures a first-time exporter would go through, meaning that for SMEs that are already established, some of the steps may not be necessary.

The key objectives of this Chapter are:

- To provide the Kenya avocado SME with both a summary and an elaboration of the whole avocado export process in Kenya; from the document requirements, involved institutions, the costs and the time to meet all the requirements.
- To provide Kenya TSIs with an understanding of the overall regulatory burden for avocado exporters
- To point the Kenya avocado SMEs and TSIs to sources of credible information on the avocado

Summary of Procedures for Avocado Exports from Kenya through the Port of Mombasa:

The export of avocados in Kenya through the Port of Mombasa involves 50 different steps, that fall into 13 broad procedures. Overall, 42 documents are required at various parts of the export process, which are obtained from 19 institutions. To complete all the procedures, a first-time exporter would require about 26 to 78 days to complete the entire process. The cost of all the government processes (meaning excluding those offered by private sector like freight clearing / forwarding or carriage by ship) is about KES 38,829.28.

Figure 5, Summary of procedures and required documents, institutions, time and cost to export avocados in Kenya

| | |
|--------------------------------|--|
| Overall number of Tasks | 13 overall Procedures, comprising 50 different steps |
| Documents Required | 42 documents required |
| Institutions Involved | 19 insitutions |
| Legislations | 20 laws |
| Estimated time | 26 days minimum to 78 days minimum |
| Estimated Cost | KES 38,829.28 |

The figure below summarises the 13 procedures that a trader must complete to export avocados.

Figure 6, Number of Procedures required to export avocado



Step by Step Procedure for Avocado Exports from Kenya through the Port of Mombasa

Procedure 1: Obtain farm inspection report

| | |
|--|--|
| What are the steps involved | There are 2 steps required to obtain farm inspection report , as follows: <ol style="list-style-type: none"> 1. Request for farm inspection 2. Farm inspection |
| Which Institutions do you go to | AFA Horticultural Crops Directorate (HCD) Mazao Road, P.O. Box 00100-42601, Nairobi Tel: +254 202 088 469 / +254 202 131 560 Email: directorhcd@agricultureauthority.go.ke info@agricultureauthority.go.ke Website: http://www.agricultureauthority.go.ke/ |
| Which documents are needed | To request for farm inspection: <ul style="list-style-type: none"> ■ Request for farm inspection <p><i>For farm inspection:</i> For all exporters,</p> <ul style="list-style-type: none"> ■ Farm inspection checklist. The farmer will be expected to meet and fulfill the requirements outlined in the checklist. ■ Collection shed. Should be secure, hygienic, have availability of good grading facility, storage area, plastic crates and pallets, be accessible, have a working space away from the produce handling area, tables should be made of impervious, non-toxic material that is easy to clean and disinfect and should be well ventilated and have a waste disposal facility. ■ Farm ■ Physical presence of the farmer. <p><i>For exporters buying produce from a farmer:</i></p> <ul style="list-style-type: none"> ■ PS II form (copy). Providing details of the farm, crop production and other details. ■ Contract (copy). If the exporter is purchasing produce from a grower then a contract must be witnessed by a HCD officer. It can be authenticated during the farm inspection or the packhouse inspection or upon request. |
| What is the legal basis for these requirements | <ul style="list-style-type: none"> ■ The Agricultural Produce (Export) (Horticultural Produce) (General) Rules articles 4 - 24 ■ Agricultural Food Authority Act (2013) Section 4 1st Schedule ■ Horticultural Crop Directorate Order (2011) Sections 25, 27, 28, 29, 30, 31, 33 5th Schedule ■ Crops Act (2013) Sections 27, 28, 29, 32 3rd Schedule |
| Fees | None |
| Processing time for full task | Min. 1 day – Max. 2 days |
| Contact info | AFA Horticultural Crops Directorate (HCD) Mazao Road, P.O. Box 00100-42601 , Nairobi Tel: +254 202 088 469 / +254 202 131 560 Email: directorhcd@agricultureauthority.go.ke , info@agricultureauthority.go.ke Website: http://www.agricultureauthority.go.ke/ |
| What document do you receive | After request for farm inspection: <ul style="list-style-type: none"> ■ None. Just appointment <p>After farm inspection:</p> <ul style="list-style-type: none"> ■ Farm inspection report |
| Additional information | The request for farm inspection can made physically, via phone call or e-mail. |

Procedure 2: Obtain packhouse inspection report

| | |
|--|---|
| What are the steps involved | <p>There are 2 steps required to obtain a packhouse inspection report, as follows:</p> <ol style="list-style-type: none"> 3. Request for packhouse inspection 4. Packhouse inspection |
| Which Institutions do you go to | <ul style="list-style-type: none"> ■ AFA Horticultural Crops Directorate (HCD) Mazao Road, P.O. Box 00100-42601 , Nairobi Tel: +254 202 088 469 / +254 202 131 560 Email: directorhcd@agricultureauthority.go.ke, info@agricultureauthority.go.ke Website: http://www.agricultureauthority.go.ke/ |
| Which documents are needed | <p>To request for packhouse inspection:</p> <ul style="list-style-type: none"> ■ Request for packhouse inspection <p>For packhouse inspection:</p> <p>For all</p> <ul style="list-style-type: none"> ■ Packhouse inspection checklist. The facility operator is expected to meet and fulfil the requirements as outlined in the checklist. ■ List of produce handling staff (copy) ■ Traceability procedure (copy). Should contain farm codes, produce collection notes and produce codes. ■ Stock records (copy). Should be following first in first out policy (FIFO). ■ Protective clothing and equipment. For personnel handling the produce. ■ Packing facility. Should be safe, free of waste materials, have adequate ventilation, temperature control, lighting, be designed to prevent entry of animals, pests, insects and dust, tables should be made of stainless steel and easy to clean. ■ Sanitation. The facility and personnel should be clean and hygienic. ■ Signs. Safety hazard signs forbidding smoking, eating or drinking should be displayed within the facility. ■ Physical presence of the facility operator. <p>For exporters and consolidators who lease/contract a packhouse facility</p> <ul style="list-style-type: none"> ■ Lease agreement (copy). If the packhouse has been contracted by the exporter. For more information on the requirements, click here: https://www.agricultureauthority.go.ke/horticulture-licensing-forms/ |
| What is the legal basis for these requirements | <ul style="list-style-type: none"> ■ Horticultural Crop Directorate Order (2011) Sections 25, 27, 28, 29, 30, 31, 33 3rd 4th 5th Schedule ■ Agricultural Food Authority Act (2013) ■ Crops Act (2013) ■ The Agricultural Produce (Export) (Horticultural Produce) (General) Rules articles 4 - 24 ■ Public Health Act CAP 242. Section 127 |
| Fees | None |
| Processing time for full task | Min. 1 day – Max. 2 days |
| Contact info | <p>AFA Horticultural Crops Directorate (HCD) Mazao Road, P.O. Box 00100-42601 , Nairobi Tel: +254 202 088 469 / +254 202 131 560 Email: directorhcd@agricultureauthority.go.ke, info@agricultureauthority.go.ke Website: http://www.agricultureauthority.go.ke/</p> |
| What document do you receive | <p>After request for packhouse inspection:</p> <ul style="list-style-type: none"> ■ None. Just appointment <p>After packhouse inspection:</p> <ul style="list-style-type: none"> ■ Packhouse inspection report |
| Additional information | The request for farm inspection can made physically, via phone call or e-mail. |

Procedure 3: Obtain export license

| | |
|--|--|
| What are the steps involved | <p>There are 4 steps required to obtain an export license, as follows:</p> <ol style="list-style-type: none"> 5. Submit application for export license 6. Obtain notification of approval 7. Pay for export license and cess fee 8. Obtain export license |
| Which Institutions do you go to | <ul style="list-style-type: none"> ■ AFA Horticultural Crops Directorate (HCD) Mazao Road, P.O. Box 00100-42601 , Nairobi Tel: +254 202 088 469 / +254 202 131 560 Email: directorhcd@agricultureauthority.go.ke info@agricultureauthority.go.ke Website: http://www.agricultureauthority.go.ke/ ■ To pay for export license and cess fee: Mobile money platform |
| Which documents are needed | <p><i>To submit application for export license:</i></p> <ul style="list-style-type: none"> ■ List of shareholders (Form CR-12) (copy). Certified copy for limited companies. ■ Certificate of incorporation (copy) for local companies or Certificate of compliance (copy) for a branch of a foreign company. ■ Company PIN certificate (copy) ■ Valid tax compliance certificate (copy). This is obtained online via the Kenya Revenue Authority (KRA) website. ■ Valid business permit (copy) or Valid work permit (copy) of the directors if they are foreigners. ■ Information details of the intended produce for export, packhouse details, as well as details of transportation of the consignment. <p>Additionally, for exporters buying produce from a farmer</p> <ul style="list-style-type: none"> ■ Contract (copy). If the exporter is purchasing produce from a grower, then a contract must be witnessed by a HCD officer. It can be authenticated during the farm inspection or the packhouse inspection or upon request. <p><i>To obtain notification of approval:</i></p> <ul style="list-style-type: none"> ■ Tracking number <p><i>To pay for export license and cess fee:</i></p> <ul style="list-style-type: none"> ■ Approved application for export license (original) <p><i>To obtain export license:</i></p> <ul style="list-style-type: none"> ■ HCD payment receipt (original) |
| What is the legal basis for these requirements | <ul style="list-style-type: none"> ■ KEBS Standards on Horticultural Products (KS 1758:2016) ■ Agricultural Food Authority Act (2013). Section 4 1st Schedule ■ Horticultural Crop Directorate Order (2011) Sections 25 - 33 5th Schedule ■ Crops Act (2013) Sections 6, 8, 13, 16, 18, 20, 26, 27, 28, 29, 32, 40, 41 3rd Schedule ■ HCD Exporter Registration Checklist |
| Fees | <p>KES 10,000 in total</p> <ul style="list-style-type: none"> ■ KES 5,000 For export licence fee. ■ KES 5,000 For advance cess fee which is a form of levy imposed on all horticultural crops for export. ■ Upon exhaustion of the KES 5,000 AFA HCD will invoice the exporter based on the quantities to be exported. |
| Processing time for full task | Min. 7 days – Max. 15 days |

Continues>>

| | |
|------------------------------|---|
| Contact info | <p>AFA Horticultural Crops Directorate (HCD) Mazao Road, P.O. Box 00100-42601 , Nairobi Tel: +254 202 088 469 / +254 202 131 560 Email: directorhcd@agricultureauthority.go.ke, info@agricultureauthority.go.ke Website: http://www.agricultureauthority.go.ke/</p> |
| What document do you receive | <p>After submitting application for export license:</p> <ul style="list-style-type: none"> ■ Tracking number <p>After obtaining notification of approval:</p> <ul style="list-style-type: none"> ■ Approved application for export license <p>After paying for export license and cess fee:</p> <ul style="list-style-type: none"> ■ MPESA confirmation message ■ HCD payment receipt <p>After completing procedure:</p> <ul style="list-style-type: none"> ■ AFA HCD export license |
| Additional information | <ul style="list-style-type: none"> ■ The applicant must call HCD to track their application which must be approved by the AFA Board. The Board usually meets once a week or after every two weeks depending on the number of applications. The KEBS Standards on Horticultural Products (KS 1758:2016) is not a public document but can be purchased from the government press. ■ Pursuant to the Crops Act section 20(6), for all new applications, AFA HCD will grant a notice of intention to issue a license for at least 30 days through a Kenya Gazette notice. Applicants are therefore advised not to proceed with the technical aspects of the requirements i.e., contractual agreements and planting of fast growing/maturing crops like herbs and leguminous plants, without consulting the Directorate. Due to this requirement, it is expected that new applications will take at least 50 days to be processed. ■ For new applications, a minimum of a 50% score on the vetting forms is required, while applications for renewals will require a minimum of an 80% score for approvals for licensing from the AFA Board. The notification of approval is given via phone call or sent via e-mail. ■ For payments made via MPESA. 1. Login to the System 2. Go to 'License Payment & Appeal' menu 3. Open 'License Payment' window. 4. Click Pay Now. 5. You will receive an MPESA prompt via the phone number provided during registration. For payments made via the bank, through direct deposit/RTGS/Cheques, applicants will be required to upload the reference document on the System. |

Procedure 4: Register as an Exporter

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| <p>What are the steps involved</p> | <p>There are 5 steps required to register as an exporter, as follows:</p> <ol style="list-style-type: none"> 9. Apply to be an exporter 10. Pay prescribed fees <ul style="list-style-type: none"> ■ Pay prescribed fees (for payments made physically) 11. Field audit 12. Training on electronic certification system 13. Obtain user credentials and ECS user rights letter |
| <p>Which Institutions do you go to</p> | <ul style="list-style-type: none"> ■ Kenya Plant Health Inspectorate Service (KEPHIS) P.O. Box 00100-49592 , Nairobi Tel: +254 709 891 000 / +254 206 618 000 Email: director@kephis.org, kephisinfo@kephis.org Website: www.kephis.org ■ To pay prescribed fees: Mobile money platform ■ For training on electronic certification system: Kenya Plant Health Inspectorate Service (KEPHIS) Plant Inspection Unit (JKIA) Airport South Rd, Hewa Lane. P.O. Box 00501-19164 , Nairobi Tel: +254 203 597 206/7 / +254 722 209 504 |
| <p>Which documents are needed</p> | <p><i>To apply to be an exporter:</i></p> <ul style="list-style-type: none"> ■ Exporter registration form (original). To be filled by the owner of the company. ■ Contract (copy). If the exporter is purchasing produce from a grower. ■ AFA HCD export licence (copy). Issued by AFA Horticultural Crops Directorate. For more information on how to obtain the HCD export licence, click here: https://infotradekenya.go.ke/procedure/1025?!=en&includeSearch=true <p><i>For field audit:</i></p> <p>For all exporters</p> <ul style="list-style-type: none"> ■ Physical presence of the owner or appointed technical personnel. ■ KEPHIS inspection checklist (copy). Traders are expected to comply with the requirements, and meet the standards in the checklist. <p>Additionally, for fresh produce</p> <ul style="list-style-type: none"> ■ KEPHIS inspection checklist for flowers (copy). Traders are expected to comply with the requirements, and meet the standards in the checklist. ■ Or KEPHIS inspection checklist for basil (copy) Traders are expected to comply with the requirements, and meet the standards in the checklist. ■ Or KEPHIS inspection checklist for chillies (copy) Traders are expected to comply with the requirements, and meet the standards in the checklist. ■ Farm <p>Additionally, for dry commodities</p> <ul style="list-style-type: none"> ■ KEPHIS inspection checklist for facilities (copy). Traders are expected to comply with the requirements, and meet the standards in the checklist. ■ Godown facility ■ Dry produce. E.g., tea, Avocado, maize, sisal, cotton etc. <p><i>For ECS training:</i></p> <ul style="list-style-type: none"> ■ AFA HCD export licence (copy) To be attached on the ECS system during user registration. ■ Or Valid business permit (copy) To be attached on the ECS system during user registration. |

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| What is the legal basis for these requirements | <ul style="list-style-type: none"> ■ Procedure for Registration as an Exporter of Agricultural Produce ■ Kenya Plant Health Inspectorate Service Act No. 54 of 2012, Section 5 ■ Agricultural Food Authority Act (2013) Section 4 First Schedule ■ Crops Act (2013) Sections 16, 40 ■ Legal Notice 48 (The Plant Protection Fees & Charges) Rules (2009) ■ Kenya Plant Health Inspectorate Service Act No. 54 of 2012 Sections 3(d), 7(2) ■ Crops Act (2013) Section 6, 8, 26, 27, 28, 29, 30,40 ■ KEPHIS Notice ■ The Agricultural Produce (Export) Act 319 Sections 3, 4 |
| Fees | KES 21,000 |
| Processing time for full task | Min. 11 days – Max. 18 days |
| Contact info | <p>Kenya Plant Health Inspectorate Service (KEPHIS) P.O. Box 00100-49592 , Nairobi Tel: +254 709 891 000 / +254 206 618 000 Email: director@kephis.org, kephisinfo@kephis.org Website: www.kephis.org</p> |
| What document do you receive | <p>After applying to be an exporter:</p> <ul style="list-style-type: none"> ■ None. Just appointment <p>After paying prescribed fees:</p> <ul style="list-style-type: none"> ■ KEPHIS payment receipt <p>After field audit:</p> <ul style="list-style-type: none"> ■ Inspection feedback <p>After training on ECS:</p> <ul style="list-style-type: none"> ■ Training feedback <p>After obtaining user credentials and ECS user rights letter:</p> <ul style="list-style-type: none"> ■ Export authorization letter ■ User credentials |
| Additional information | <ul style="list-style-type: none"> ■ The application can be submitted physically or sent via e-mail to the headquarters or regional offices. However, applications submitted to regional offices take longer to process as they are forwarded to the headquarters. ■ The acknowledgement letter is sent via post mail or e-mail within 2-4 days. Upon submission of the application, the applicant is advised to liaise with the Plant Inspection Unit to organize for training on the Electronic Certification System (ECS) for both their management and staff. ■ Field audits are mandatory for all fresh produce exporters. However, flowers to Australia and very high-risk flowers e.g., roses to EU and summer flowers will require quarterly inspections. Failure to meet standards can lead to loss of pest-free area status. The farm owner or their representative must be present during the audits. ■ Intense audits are done on the following; vegetables (chillies, basil, and Asian vegetables), flowers (gypsophila, eryngium, statice, solidago, hypericum, and carnations (dianthus)) and plants for propagation (rooted and unrooted, herbaceous and non-herbaceous). ■ Risk profiling requirements are specific to the importing market requirements, according to type of pests and destinations, number of notifications and number of rejections/interceptions. The inspection can be done by one or two inspectors depending on the size the farm or go-down facility. Consolidators of flowers will not undergo the step of audit if the farms they are sourcing from have been audited by KEPHIS. ■ Training is scheduled every Monday from 9:00 a.m. - 11:00 a.m. except on public holidays. Training can be requested physically, via phone call or sent via e-mail, and booked for other working days depending on the availability of training officers. Traders outside of Nairobi will be trained at the KEPHIS' regional offices as per the list attached in contact information. Registration on the ECS system will be done during training. ■ The user credentials and ECS user rights will be sent to the applicant via e-mail. However, they may not be sent at the same time. The authorization letter gives the exporter clearance to export to the specified market during application. If the exporter desires to switch markets or crops, KEPHIS will initiate another audit prior to giving new clearance and authorization. |

Procedure 5: Register with KESWS

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| What are the steps involved | There are 4 steps required to register with KESWS , as follows: 14. Submit request for company registration 15. Obtain registration notification 16. User registration 17. Obtain user credentials |
| Which Institutions do you go to | <ul style="list-style-type: none"> ■ P.O. Box 00200-36943, Longonot Road, Upper Hill, Embankment Plaza , Nairobi\ Tel: +254 204 965 000 / +254 709 950 000 Email: contactcentre@kentrade.go.ke, complaints@kentrade.go.ke Website: kentrade.go.ke ■ For user registration: Kenya Electronic Single Window System: KESWS Tel: +254 (20) 4965000 / 0709950000 Website: https://kenyatradenet.go.ke/keswsoga/TraderLogin.do |
| Which documents are needed | <p>To submit request for company registration:</p> <ul style="list-style-type: none"> ■ Request for company registration ■ Contact details <p>For user registration:</p> <ul style="list-style-type: none"> ■ Company PIN (copy) ■ Contact details ■ Individual PIN number of the trader. ■ E-mail address of the trainee’s supervisor. |
| What is the legal basis for these requirements | |
| Fees | Negotiations of the rates and charges are between the trader and the clearing agent. |
| Processing time for full task | Min. 1 day - Max. 3 days |
| Contact info | Kenya Trade Network Agency (KenTrade) P.O. Box 00200-36943, Longonot Road, Upper Hill, Embankment Plaza , Nairobi Tel: +254 204 965 000 / +254 709 950 000 Email: contactcentre@kentrade.go.ke , complaints@kentrade.go.ke |
| What document do you receive | <p>After submitting request for company registration:</p> <ul style="list-style-type: none"> ■ Submission notification <p>After obtaining registration notification:</p> <ul style="list-style-type: none"> ■ Registration notification <p>After user registration:</p> <ul style="list-style-type: none"> ■ Submission notification <p>After obtaining user credentials:</p> <ul style="list-style-type: none"> ■ User credentials ■ KESWS access notification |
| Additional information | <ul style="list-style-type: none"> ■ For companies, the user is required to request for registration via contactcenter@kentrade.go.ke. ■ The registration notification is sent via e-mail. ■ The user credentials are sent via e-mail. |

Procedure 6: Obtain registration letter

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| What are the steps involved | <p>There are 3 steps registration letter, as follows:</p> <ol style="list-style-type: none"> 18. Submit application for registration 19. Verification of the origin of goods 20. Obtain registration letter |
| Which Institutions do you go to | <ul style="list-style-type: none"> ■ Kenya Revenue Authority (KRA) (Rules of Origin Section) P.O. Box 00100-18013 Sameer Business Park, Mombasa Road , Nairobi Tel: +254 770 319 912 ■ For verification of origin of goods: Warehouse |
| Which documents are needed | <p>To submit application for registration:</p> <ul style="list-style-type: none"> ■ Rules of origin exporter registration form (original) ■ Certificate of incorporation (original) ■ Sector specific license (original). The license depends on the commodity of export <p>For verification of the origin of goods:</p> <ul style="list-style-type: none"> ■ None. Just the consignment to be exported |
| What is the legal basis for these requirements | The Cotonou Agreement |
| Fees | None |
| Processing time for full task | Min. 7 days – Max. 30 days |
| Contact info | <p>Kenya Revenue Authority (KRA) (Rules of Origin Section) P.O. Box 00100-18013 Sameer Business Park, Mombasa Road , Nairobi Tel: +254 770 319 912</p> |
| What document do you receive | <p>After submitting application for registration:</p> <ul style="list-style-type: none"> ■ None. Just appointment <p>After verification of origin of goods:</p> <ul style="list-style-type: none"> ■ Verification feedback <p>After finishing procedure:</p> <ul style="list-style-type: none"> ■ Registration letter |
| Additional information | <ul style="list-style-type: none"> ■ If the applicant is not the manufacturer, the applicant is required to provide details of the supplier(s) who will supply the goods for export and attach copies of supplier/producer's declarations. ■ The exporter is advised to follow up with the department to expedite the verification of the origin of their goods. ■ Once the origin of the goods has been verified, the KRA officer will prepare a registration letter that allows the trader to apply for the certificate of origin. ■ The letter contains registration details and a registration number unique to the exporter |

Procedure 7: Pre-clearance Documentation

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| What are the steps involved | There are 2 steps required to obtain Pre-clearance documentation , as follows: 21. Contract a clearing agent 22. Book shipping space with shipping agent |
| Which Institutions do you go to | <ul style="list-style-type: none"> ■ Clearing agent. The list of licenced clearing agents is available here: https://infotradekenya.go.ke/media/List%20of%20licenced%20clearing%20agents%20(January%202018)_11.pdf ■ Shipping agent. The list of licensed shipping agents is available here: https://infotradekenya.go.ke/media/Shipping%20agents%20list_1.xlsx |
| Which documents are needed | <p><i>To Contract a Clearing agent:</i></p> <ul style="list-style-type: none"> ■ Certificate of incorporation (copy) ■ Company PIN certificate (copy) ■ Proforma invoice (copy) of the consignment to be exported. ■ Identity card (copy) of the trader. ■ Contract (copy) between the exporter and the importer. <p><i>To Book Shipping Space with a Shipping agent:</i></p> <ul style="list-style-type: none"> ■ Certificate of incorporation (copy) ■ Individual PIN Certificate (copy) |
| What is the legal basis for these requirements | East African Community Customs Management Act (2004) Sections 145, 146, 187, 188, 189 |
| Fees | Negotiations of the rates and charges are between the trader and the clearing agent. |
| Processing time for full task | Max. 1 hr |
| Contact info | <ul style="list-style-type: none"> ■ Contact details of licensed clearing agents available here: https://infotradekenya.go.ke/media/List%20of%20licenced%20clearing%20agents%20(January%202018)_11.pdf ■ Kenya International Freight & Warehousing Association (KIFWA) P.O. Box 00200-57969, Nairobi Email: info@kifwa.co.ke Website: http://www.kifwa.co.ke ■ Shippers Council of Eastern Africa (SCEA) 9 The Crescent, off Parklands Road (After Kalson Towers) Westlands, Nairobi 00606 Tel: +254 773 829 547/8 / +254 733 888 540 Email: info@shipperscouncillea.org Website: http://www.shipperscouncillea.org/ |
| What document do you receive | <p>After contracting Clearing agent:</p> <ul style="list-style-type: none"> ■ Contract <p>After booking shipping space with a shipping agent:</p> <ul style="list-style-type: none"> ■ Shipping order |
| Additional information | <p>Contact Kenya Revenue Authority (KRA) for the updated list of licensed clearing agents. Complaints and queries can also be directed to the KRA Headquarters addressed to the Office of the Commissioner of Customs and Border Control. P.O. Box 48240 - 00100 GPO, Times Tower, 12th Floor Nairobi, and to Kenya International Freight Warehousing Association (KIFWA) P.O. Box 57969,00200, Nairobi or email: info@kifwa.co.ke</p> <ul style="list-style-type: none"> ■ The clearing agent will identify an appropriate shipping line depending on the point of destination and proceed to book space with the shipping agent. |

Procedure 8: Obtain passed clearance entry

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| What are the steps involved | <p>There are 3 steps required to obtain passed clearance entry, as follows:</p> <ol style="list-style-type: none"> 23. Lodge a customs entry 24. Pay merchant shipping (MS) levy 25. Obtain passed clearance entry |
| Which Institutions do you go to | <p>To pay merchant shipping levy: The bank. The list of KRA agent banks & accounts is available here: https://infotradekenya.go.ke/media/KRA%20Agent%20Bank%20Accounts_2.pdf</p> |
| Which documents are needed | <p>To lodge a customs entry:</p> <ul style="list-style-type: none"> ■ Unique consignment reference (UCR) ■ Invoice (copy) <p>To pay merchant shipping levy:</p> <ul style="list-style-type: none"> ■ KRA e-slip |
| What is the legal basis for these requirements | <ul style="list-style-type: none"> ■ East African Community Customs Management Act (2004) Sections 34, 35, 36, 41, 82, 123 ■ 2.East African Community Customs Management Regulations (2010) Sections 39- 49 ■ Merchant Shipping (Fees) Regulation, 2011 Gazette Notice CXIV - No. 1 |
| Fees | <ul style="list-style-type: none"> ■ USD 0 - USD 0.75 per ton of avocado for merchant shipping levy. <p>Payment methods: cash, cheque The cheque(s) should be drawn to: Commissioner of Customs and Border Control</p> |
| Processing time for full task | <p>Min. 1 day – Max. 2 days</p> |
| Contact info | <ul style="list-style-type: none"> ■ Kenya Revenue Authority (KRA), Customs & Border Control, Mombasa P.O. Box 85745, Mombasa Tel: +254 (041) 313639 Website: www.kra.go.ke ■ Bank. The contact details of KRA agent banks are available here: https://infotradekenya.go.ke/media/KRA%20Agent%20Bank%20Accounts_2.pdf ■ East African Community Customs Management Act (2004) Section 34 |
| What document do you receive | <p>After lodging a customs entry:</p> <ul style="list-style-type: none"> ■ Clearance entry ■ KRA e-slip <p>After paying merchant shipping levy:</p> <ul style="list-style-type: none"> ■ KRA receipt <p>After passing clearance entry:</p> <ul style="list-style-type: none"> ■ None. Passed clearance entry |
| Additional information | <ul style="list-style-type: none"> ■ The clearing agent must have user credentials to access Integrated Customs Management System - iCMS. Inquiries can be sent to icms@kra.go.ke. ■ Inquiries on passing clearance entry can also be forwarded to the nearest regional office depending on the clearing agent's location. |

Procedure 9: Obtain EU Certificate of Origin

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| What are the steps involved | <p>There are 5 steps to obtain EU certificate or origin, as follows:</p> <ol style="list-style-type: none"> 26. Request for certificate of origin 27. Pay for certificate of origin 28. Obtain certificate of origin form 29. Typesetting of the certificate of origin 30. Submit certificate of origin for signing |
| Which Institutions do you go to | <p>Kenya Revenue Authority (KRA) (Rules of Origin Section) P.O. Box 00100-18013 Sameer Business Park, Mombasa Road , Nairobi Tel: +254 770 319 912</p> <p><i>To pay for certificate of origin:</i> Bank</p> |
| Which documents are needed | <p>To request for certificate of origin:</p> <ul style="list-style-type: none"> ■ Company PIN certificate (copy) or Individual PIN Certificate (copy) ■ Unique registration number found on the registration letter. <p>To pay for certificate of origin:</p> <ul style="list-style-type: none"> ■ KRA payment authorization slip (original) <p>To obtain certificate of origin form:</p> <ul style="list-style-type: none"> ■ Bank deposit slip (original) <p>To typeset certificate of origin:</p> <ul style="list-style-type: none"> ■ EU certificate of origin form (original) ■ Invoice (original) <p>To submit EU certificate of origin for signing:</p> <ul style="list-style-type: none"> ■ KRA payment authorization slip (original) ■ Typed certificate of origin form (original) ■ Passed clearance entry (copy) ■ Bank deposit slip (original) ■ Invoice (original) |
| What is the legal basis for these requirements | The Cotonou Agreement |
| Fees | <ul style="list-style-type: none"> ■ USD 3 for issuance of certificate of origin Payment methods: Mobile money platforms For payments via MPESA, MPESA Paybill No: 572572, and the A/C name will be the F147 number. Clients who pay using mobile money platforms, will use the transaction code as proof of payment, which will be written on the F147 form, along with the number of certificates issued to the client. ■ Charges for typesetting vary with different service providers |
| Processing time for full task | Min. 35 min – Max. 1 h 40 min |
| Contact info | <p>Kenya Revenue Authority (KRA) (Rules of Origin Section) P.O. Box 00100-18013 Sameer Business Park, Mombasa Road , Nairobi Tel: +254 770 319 912</p> |

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| <p>What document do you receive</p> | <p>After requesting for certificate of origin:</p> <ul style="list-style-type: none"> ■ KRA payment authorization slip <p>After paying for certificate of origin:</p> <ul style="list-style-type: none"> ■ Bank deposit slip <p>After obtaining certificate of origin form:</p> <ul style="list-style-type: none"> ■ EU certificate of origin form <p>After typesetting of the certificate of origin:</p> <ul style="list-style-type: none"> ■ Typed certificate of origin form <p>After submitting certificate of origin for signing:</p> <ul style="list-style-type: none"> ■ Authenticated EU certificate of origin |
| <p>Additional information</p> | <ul style="list-style-type: none"> ■ During application for the certificate of origin, applicants are required to provide the unique registration number provided in the registration letter. ■ For more information on how to obtain a registration letter, click here: https://infotradekenya.go.ke/procedure/1808?l=en&includeSearch=true ■ Payment can be made in Kenya Shillings at the prevailing exchange rate of the day payment is made. ■ The certificate of origin must be typed and not handwritten |

Procedure 10: Obtain KEPHIS release

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| What are the steps involved | <p>There are 6 steps required to obtain KEPHIS release, as follows:</p> <ol style="list-style-type: none"> 31. Request for KEPHIS inspection 32. Submit documents for verification 33. Pay for KEPHIS inspection 34. KEPHIS inspection 35. Obtain phytosanitary certificate |
| Which Institutions do you go to | <p>Kenya Plant Health Inspectorate Service (KEPHIS) (Kilindini) P.O. Box 80100-80126, Mombasa Tel: + 254 722 209 501/4 / + 254 734 330 018 Email: kephis_mombasa@kephis.org Website: www.kephis.org</p> |
| Which documents are needed | <p>To request for KEPHIS inspection:</p> <ul style="list-style-type: none"> ■ Invoice (copy) ■ Request for inspection ■ Contact details of the consignor and consignee. <p>Documents for verification:</p> <ul style="list-style-type: none"> ■ Passed clearance entry (copy) ■ Plant import permit (copy) from the country of destination, where applicable. ■ Invoice (copy) ■ Request for inspection <p>To pay for KEPHIS inspection:</p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped stop by KEPHIS (copy) <p>For KEPHIS inspection:</p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped stop by KEPHIS (copy) ■ KEPHIS payment receipt (original) ■ Consignment <p>To obtain phytosanitary certificate:</p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped release by KEPHIS (copy) ■ KEPHIS payment receipt (original) |
| What is the legal basis for these requirements | <ul style="list-style-type: none"> ■ Kenya Plant Health Inspectorate Service Act No. 54 of 2012 Section 5, 7(2) ■ Legal Notice 48 (The Plant Protection Fees & Charges) Rules (2009) ■ The Agricultural Produce (Export) Act 319 Sections 3, 4 ■ The Agricultural Produce (Export) (Horticultural Produce) (General) Rules, Section 16 ■ Horticultural Crop Directorate Order (2011) Section 16 |
| Fees | <p>KSH 6,000 for KEPHIS inspection Payment methods: Bankers cheque, mobile money platforms MPESA paybill number 570563. Account number will be the service paid for e.g., "Phytosanitary Certificate".</p> |
| Processing time for full task | <p>Min. 2 hrs – Max. 0.5 days</p> |
| Contact info | <p>Kenya Plant Health Inspectorate Service (KEPHIS) (Kilindini) P.O. Box 80100-80126, Mombasa Tel: + 254 722 209 501/4 / + 254 734 330 018 Email: kephis_mombasa@kephis.org Website: www.kephis.org</p> |

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| <p>What document do you receive</p> | <p>After submitting documents for verification:</p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped stop by KEPHIS <p>After paying for KEPHIS inspection:</p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped by KEPHIS Accounts Office ■ KEPHIS payment receipt <p>After KEPHIS inspection:</p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped release by KEPHIS ■ Go ahead to obtain phytosanitary certificate <p>After obtaining phytosanitary certificate:</p> <ul style="list-style-type: none"> ■ Phytosanitary certificate ■ Conformity certificate |
| <p>Additional information</p> | <ul style="list-style-type: none"> ■ The request for inspection can be made physically or via phone call. On Sundays, the KEPHIS inspectors operate from Kenya Ports Authority (KPA) terminal 1. ■ After the consignment has been inspected, KEPHIS will stamp on the passed clearance entry and give a go ahead to obtain the phytosanitary certificate. ■ While the certificate of conformity is not a mandatory requirement, it may be required by some markets such as the European Union (EU), and is therefore only issued upon the request of the applicant(s). |

Procedure 11: Obtain export health certificate

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| What are the steps involved | <p>There are 4 steps required to obtain an export health certificate, as follows:</p> <ol style="list-style-type: none"> 36. Apply for export health certificate and generate an e-slip 37. Pay for export health certificate 38. Verification of consignment 39. Obtain export health certificate |
| Which Institutions do you go to | <p><i>To apply for export health certificate and generate an e-slip, to obtain export health certificate:</i> Kenya Electronic Single Window System: KESWS Tel: +254 (20) 4965000 / 0709950000 Website: https://kenyatradenet.go.ke/keswsoga/TraderLogin.do</p> <p><i>To pay for export health certificate:</i> Bank</p> <p><i>To verify the consignment:</i> Port Health Services Kenya (Kilindini) P.O. Box 80100-90027, Mombasa 80100 Tel: +254 412 223 209</p> |
| Which documents are needed | <p><i>To apply for export health certificate and generate an e-slip:</i> For all</p> <ul style="list-style-type: none"> ■ Unique consignment reference (UCR) ■ Invoice (copy) ■ Public health recommendation (copy) ■ Food hygiene licence (copy). For more information on how to obtain a food hygiene licence, click here: http://infotradekenya.go.ke/procedure/13?!=en <p><i>Additionally, for fresh produce</i></p> <ul style="list-style-type: none"> ■ Phytosanitary certificate (copy) <p><i>For verification of the consignment:</i></p> <ul style="list-style-type: none"> ■ None. Just the consignment to be exported and the physical presence of the clearing agent |
| What is the legal basis for these requirements | <ul style="list-style-type: none"> ■ Food, Drugs and Chemical Substances (General) Regulations, 1978 Section 10 ■ Public Health Act CAP 242 Public Health (Fees) Rules Section 2 |
| Fees | <ul style="list-style-type: none"> ■ KES 1,500 for issuance of export health certificate <p>The account details are provided on the E-slip generated from Kenya TradeNet System.</p> |
| Processing time for full task | Approx. 2hrs |
| Contact info | <p><i>Paying for export health certificate:</i> Kenya Trade Network Agency (KenTrade) P.O. Box 00200-36943, Longonot Road, Upper Hill, Embankment Plaza, Nairobi Tel: +254 204 965 000 / +254 709 950 000 Email: contactcentre@kentrade.go.ke, complaints@kentrade.go.ke Website: kentrade.go.ke</p> <p><i>Verification of the consignment, receiving export health certificate:</i> Port Health Services Kenya (Kilindini) P.O. Box 80100-90027, Mombasa 80100 Tel: +254 412 223 209</p> |

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| <p>What document do you receive</p> | <p>After applying for export health certificate:</p> <ul style="list-style-type: none"> ■ KESWS submission notification ■ Submitted export health certificate ■ Valid e-slip <p>After paying for export health certificate:</p> <ul style="list-style-type: none"> ■ Bank deposit slip <p>After verification of the consignment:</p> <ul style="list-style-type: none"> ■ Go ahead to obtain release <p>After completion of process:</p> <ul style="list-style-type: none"> ■ Approved export health certificate |
| <p>Additional information</p> | <ul style="list-style-type: none"> ■ The trader needs to apply for a unique consignment reference before applying for the export health certificate ■ Prior to the inspection and sampling of the consignment, the Port Health inspector will physically verify the consignment against what is declared in the customs entry. The verification is carried out at the exporter's warehouse/godown. |

Procedure 12: Obtain KRA and KPA release

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| <p>What are the steps involved</p> | <p>There are 10 steps required to obtain KRA release, as follows:</p> <ol style="list-style-type: none"> 40. Submit clearance documents for verification 41. Physical verification of cargo by Customs & Border Control (KRA) 42. Weighing the container 43. Lodge a pre-advice 44. Obtain KPA invoice and receipt 45. Enter the Port 46. Obtain position slip 47. Scanning of the container 48. Obtain KRA release on KWATOS 49. Loading of the container to the vessel |
| <p>Which Institutions do you go to</p> | <p><i>To submit clearance documents for verification:17, 21, 23, 24</i> Kenya Revenue Authority (KRA), Customs & Border Control, Mombasa P.O. Box 85745, Mombasa Tel: +254 (041) 313639 Website: www.kra.go.ke</p> <p><i>To weigh the container:</i> Warehouse</p> <p>To lodge a pre-advice, Obtain KPA invoice and receipt, 22: Kenya Ports Authority (KPA) Online Portal Tel: +254 412 112 999 (Ext. 3930) Email:customerfeedback@kpa.co.ke, CustomerCareContaineroperations@kpa.co.ke Website: https://www.kwatos.kpa.co.ke</p> |
| <p>Which documents are needed</p> | <p><i>Clearance documents for verification:</i></p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped release by Port Health (copy) ■ Phytosanitary certificate (copy) obtained from KEPHIS. ■ Packing list (copy) ■ Invoice (copy) ■ Information. The clearing agent is required to provide information on the location of the consignment. <p><i>For physical verification of cargo by Customs & Border Control (KRA):</i></p> <ul style="list-style-type: none"> ■ None. Just physical presence of the clearing agent, facility operator and the truck driver and consignment to be exported. <p><i>For weighing the container:</i></p> <ul style="list-style-type: none"> ■ None. Just the sealed container <p><i>To lodge pre-advice:</i></p> <ul style="list-style-type: none"> ■ 1.Shipping order. Providing consignee details, gross weight (tare, packaging and cargo). The weight of the container must be provided by a company certified by Kenya Maritime Authority (KMA). <p><i>To obtaining KPA invoice and KPA receipt:</i></p> <ul style="list-style-type: none"> ■ Bankers cheque (original). Written to Kenya Ports Authority for the correct amount of charges. <p><i>To enter the port:</i></p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped release by Port Health (copy) <p><i>To obtain position slip:</i></p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped release by AFA (copy) ■ Shipping order (copy). The ship booking number should be valid. ■ KPA invoice <p><i>For scanning the container:</i></p> <ul style="list-style-type: none"> ■ Consignment <p><i>To obtain KRA release on KWATOS:</i></p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped release by AFA Tea Directorate and Port Health Services (copy) ■ Signed witnessing form (copy) ■ Form A - Release order (copy) ■ Invoice (copy) <p><i>To loading of the container to the vessel:</i></p> <ul style="list-style-type: none"> ■ Position slip stamped by KRA (copy) |

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| <p>What is the legal basis for these requirements</p> | <ul style="list-style-type: none"> ■ East African Community Customs Management Act (2004) Section 73,75, 195 ■ East African Community Customs Management Regulations (2010) Section 89 ■ KPA tariff book |
| <p>Fees</p> | <p>The charges and fees for obtaining a KPA invoice and KPA receipt are available on the KPA tariff book here: http://www.kpa.co.ke/InforCenter/Documents/Tariff%202012%20Book%20for%20Website.pdf</p> |
| <p>Processing time for full task</p> | |
| <p>Contact info</p> | <p>Kenya Revenue Authority (KRA), Customs & Border Control, Mombasa P.O. Box 85745, Mombasa Tel: +254 (041) 313639 Website: www.kra.go.ke</p> <p>Weighing the container: Kenya Maritime Authority (KMA) P.O. Box 80100-95076, Mombasa Tel: +254 041 231 839 8/9 / +254 724 319 344 Email: info@kma.go.ke Website: http://www.kma.go.ke/ Directions: Google maps</p> <p>Lodging pre-advice, Obtain KPA invoice and receipt, obtain position slip, Loading of the container to the vessel: Kenya Ports Authority (KPA) P.O. Box 959009-80104, Mombasa Tel: +254 412 112 999 (Ext. 3930) Email: customerfeedback@kpa.co.ke, CustomerCareContaineroperations@kpa.co.ke Website: www.kpa.co.ke</p> |
| <p>What document do you receive</p> | <p>After submitting clearance documents for verification:</p> <ul style="list-style-type: none"> ■ Passed clearance entry stamped by KRA's receiving officer and allocation of a verification officer <p>After physical verification of cargo by Customs & Border Control (KRA):</p> <ul style="list-style-type: none"> ■ Signed witnessing form ■ Stuffed custom sealed container <p>After weighing the container:</p> <ul style="list-style-type: none"> ■ Information <p>After lodging pre-advice:</p> <ul style="list-style-type: none"> ■ Pre-advice ■ KPA invoice <p>After obtaining KPA invoice and KPA receipt:</p> <ul style="list-style-type: none"> ■ KPA invoice ■ KPA receipt <p>After entering the port:</p> <ul style="list-style-type: none"> ■ Information <p>After obtaining position slip:</p> <ul style="list-style-type: none"> ■ Position slip <p>After scanning the container:</p> <ul style="list-style-type: none"> ■ Position slip stamped by KRA <p>After obtaining KRA release on KWATOS:</p> <ul style="list-style-type: none"> ■ Information <p>Loading of the container to the vessel:</p> <ul style="list-style-type: none"> ■ Position slip signed by KPA |

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| <p>Additional information</p> | <ul style="list-style-type: none"> ■ The clearance entry is stamped at the back by the head verification officer (HVO) to indicate allocation for verification. ■ The verification officer will witness the stuffing (loading) of the container. Upon successful verification, a customs seal is used to lock the container and the verification officer will give the consignment an online release on KRA's SIMBA system. The sealing of the container must be witnessed by the clearing agent, facility operator (representative/owner) and the truck driver. The stuffing facility must be approved by the Commissioner of Customs. ■ The container must be weighed to get the gross weight (tare, packaging and cargo) of the container. The weight of the container must be provided by a company certified by Kenya Maritime Authority (KMA). ■ The clearing agent is required to indicate the verified gross mass (VGM) application number of the weighing company. The cargo should be delivered within the opening and closing of the yard. This is usually 7 days before the expected time of arrival (ETA) of the vessel. Containers that arrive beyond the closing of the yard will be subject to approval by the shipping line and Kenya Ports Authority (KPA), who will also impose a late acceptance/ documentation fee of USD 100 per container. ■ There are different entry points (gates) into the Port. The Customs gate clerk will confirm the Customs seal and container details physically and online and send a message to the KPA gate clerk via an e-mail system. ■ Depending on the results of the scan, the consignment will either undergo further verification or be directed to the offloading yard. ■ The release on the entry is confirmed online. The verification officer will then give a final export release through KPA's KWATOS system. ■ Confirmation of the loaded containers is done by KPA officers on KWATOS. |
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Procedure 13: Obtain export certificate

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| What are the steps involved | There is 1 step required to obtain export certificate , as follows: 50. Obtain certificate of export number |
| Which Institutions do you go to | <ul style="list-style-type: none"> ■ Kenya Revenue Authority (KRA) Customs & Border Control (Kilindini Shed 5 Station) |
| Which documents are needed | <ul style="list-style-type: none"> ■ Passed clearance entry stamped release by Port Health (copy) ■ Bill of lading (original) or Certified true copy of the bill of lading (original) |
| What is the legal basis for these requirements | <ul style="list-style-type: none"> ■ N/A |
| Fees | None |
| Processing time for full task | 15 min |
| Contact info | Kenya Revenue Authority (KRA) (Rules of Origin Section) P.O. Box 00100-18013 Sameer Business Park, Mombasa Road, Nairobi Tel: +254 770 319 912 |
| What document do you receive | <ul style="list-style-type: none"> ■ Certificate of export |
| Additional information | None |



Chapter 4: Avocado Import Procedures In The EU

Overview and Objectives of Chapter 4:

This chapter discusses some of the import procedures in the European Union. While the importer in the EU member country is ultimately responsible for ensuring that the importing requirements have been met, in this Chapter we shall discuss some of the key procedures and requirements where the exporter has a role to play.

Several important points to note in reading this chapter:

- The Chapter assumes that the importing company is already registered in the given EU Member country and has the 'Economic Operator Registration and Identification (EORI) number that required by the Customs Authority in the EU to among others, lodge a customs declaration and make an entry summary declaration (ENS) and an exit summary declaration (EXS)
- The information in the chapter is mainly drawn from the EU Help Desk <https://trade.ec.europa.eu/tradehelp/myexport#?product=0902000000&partner=KE&reporter=DE>
- The chapter contains information that is valid as at 20 August 2020. Procedures and requirements however change. As a rule of thumb, the exporting SME should always check with the importer what the current requirements are before any shipment is done

The **key objectives** of this Chapter are:

- To provide the Kenyan avocado SME with a consolidated and simplified reference to the mandatory requirements for exporting avocados to the EU;
- To provide the Kenyan avocado SME with an overview of EU avocado market preferences and trends that the SME may tap into;
- To provide Kenya's TSIs with a reference point for the requirement SMEs must fulfill in order to tap into the EU Market; and,
- To point the Kenyan avocado SMEs and TSIs to sources of credible information on requirements and market preferences for avocado exported to the EU.

Summary of Procedures for Avocado Imports into the EU from Kenya:

The figure below depicts the procedures for importing goods into the EU.



Below we elaborate the steps further:

Step 1: Entry Summary Declaration (ENS)

The ENS is lodged by the carrier of goods entering the customs territory of the EU, in advance of the goods arriving in the EU. For container marine cargo, the ENS should be launched 24 hours before commencement of loading in the foreign load port, while for bulk marine cargo, at least 4 hours before arrival. The ENS can also be lodged by the importer -consignee or a representative of the carrier or importer.

Part of the information that the carrier must include in the ENS **comes from documents originated by the exporter: bill of lading and commercial invoices, so it is crucial that these reach the party responsible for the lodging of the ENS in a timely and accurate manner. As earlier noted the statement of origin must be indicated on the commercial invoice**, as well as the delivery note, a packing list, or any other commercial document allowing to identify the goods and the exporter.

The ENS declaration falls within the scope of the Import Control System (ICS) which became fully operational on 1 January 2011, as part of the Security Amendment laid down by Regulation (EC) No 648/2005 of the European Parliament and of the Council.

Step 2: Customs declaration - SAD (Single Administrative Document)

The placing of the goods under any customs approved treatment or use is done using the Single Administrative Document (SAD), which is a common form for all the EU Member States according to the Union Customs Code and the Transitional Delegated Act (Commission Regulation (EU) 2016/341) whereas a fully electronic customs environment is created.

The SAD can be presented to the customs authorities by the importer or his representative. The representation may be direct, where the representatives act in the name of, and on behalf of, another person; or indirect, where representatives act in their own name but on behalf of another person.

The SAD may be presented either by electronic means directly linked to the customs authorities (each Member State may have its own system); or by lodging it with the designated customs office premises. The declaration must be drawn up in one of the official languages of the EU, which is acceptable to the customs authorities of the Member State where the formalities are carried out.

The main information that shall be declared is:

- Identifying data of the parties involved in the operation (importer, exporter, representative, etc.)
- Custom approved treatment (release for free circulation, release for consumption, temporary importation, transit, etc.)
- Identifying data of the goods (Taric code, weight, units), location and packaging
- Information referred to the means of transport
- Data about country of origin, country of export and destination
- Commercial and financial information (Incoterms, invoice value, invoice currency, exchange rate, insurance etc.)
- List of documents associated to the SAD (Import licenses, inspection certificates, document of origin, transport document, commercial invoice etc.)
- Declaration and method of payment of import taxes (tariff duties, VAT, Excises, etc)

The SAD set consists of eight copies; the operator completes all or part of the sheets depending on the type of operation. In the case of importation generally three copies shall be used: one is to be retained by the authorities of the Member State in which arrival formalities are completed, other is used for statistical purposes by the Member State of destination and the last one is returned to the consignee after being stamped by the customs authority.

Documents associated to the SAD

For avocados, the documents that need to be presented together with the SAD are include:

- Documentary proof of origin (Through the certificate of origin)
- Certificate confirming the special nature of the product
- Transport Document
- Commercial Invoice
- Customs Value Declaration
- Inspections Certificates (Health, Plant Health certificates)
- Import Licenses (if applicable)

Step 3: Goods are placed under temporary storage situation

Goods imported into the EU customs territory must be accompanied by a summary declaration, which is presented to the customs authorities of the place where they are to be unloaded. Goods are then placed under the temporary storage situation (not exceeding 90 days in any case), which means that they are stored under customs supervision until they are placed under any of the following customs procedures or re-exported:

Release for free circulation

Goods are 'released for free circulation' when the conditions relating to importation into the EU have been duly fulfilled (payment of tariff duties and other charges, as appropriate, application of non-tariff commercial policy measures and completion of the other formalities related the import of the goods). Release for free circulation confers on non-Union goods the customs status of 'Union goods'.

Once the mentioned duties as well as the value added tax (VAT) and any applicable excise duties have been paid, goods are 'released for consumption', as they have satisfied the conditions for consumption in the Member State of destination.

Special procedures

Goods may be placed under any of the following categories of special procedures:

- Transit, which comprises external and internal transit:
 - External transit: non-Union goods may be moved from one point to another within the customs territory of the Union without being subject to import duties, other charges related to the import of the goods (i.e. internal taxes) and commercial policy measures, thereby transferring customs clearance formalities to the customs office of destination.
 - Internal transit: Union goods may be moved from one point to another within the customs territory of the Union, passing through a country or territory outside that customs territory, without any change in their customs status.

- Storage, which comprises customs warehousing and free zones:
 - Customs warehousing: non-Union goods may be stored in premises or any other location authorised by the customs authorities and under customs supervision ('customs warehouses') without being subject to import duties, other charges related to the import of the goods and commercial policy measures.
 - Free zones: Member States may designate parts of the customs territory of the Union as free zones. They are special areas within the customs territory of the Union where goods can be introduced free of import duties, other charges (i.e. internal taxes) and commercial policy measures, until they are either assigned another approved customs procedure or re-exported. Goods may also undergo simple operations such as processing and re-packing.
- Specific use, which comprises temporary admission and end-use:
 - Temporary admission: non-Union goods intended for re-export may be subject to specific use in the customs territory of the Union, with total or partial relief from import duty, and without being subject to other charges like internal taxes and commercial policy measures. This procedure may only be used provided that the goods are not intended to undergo any change. The maximum period during which goods may remain under this procedure is 2 years.
 - End-use: goods may be released for free circulation under a duty exemption or at a reduced rate of duty on account of their specific use.
- Processing, which comprises inward and outward processing:
 - Inward processing: goods are imported into the Union in order to be used in the customs territory of the Union in one or more processing operations, without being subject to import duties, taxes and commercial policy measures. The customs authorities shall specify the period within which the inward processing procedure is to be discharged. Where finished products are not finally exported, these shall be subject to the appropriate duties and measures
 - Outward processing: Union goods may be temporarily exported from the customs territory of the Union in order to undergo processing operations. The processed products resulting from those goods may be released for free circulation with total or partial relief from import duties.

Step 4: Inspection of goods under Temporary Storage:

This is a control measure at the point of entry. In addition to undergoing inspections prior to export in the origin country, according to **Regulation (EU) 2017/625**, food imported into the European Union is subject to potential controls at points of entry. These are performed to ensure that all food introduced into the EU market is safe and complies with all regulations. There are different types of official controls:

- Documentary controls: These are geared towards verifying that all the required documents (Health Certificate, bill of lading, etc.) are present. In terms of frequency, this is always done, for all consignments.
- Identity controls: undertaken to verify that the content and labelling of the consignment tally with the documents presented. In terms of frequency, this is systematic for plant health and random for food safety (except in case of increased controls)

Physical controls: undertaken to verify that the imported goods are meeting the applicable requirements of the EU food legislation and may include inspections of packaging or sampling the product for laboratory analysis. In terms of frequency, they are systematic for plant health and random for food safety (except in case of increased controls).

These controls may happen at EU borders or even once on the market, but most frequently occur at the point of entry. The laboratory analyses may target pesticide residues, heavy metals or other contaminants. If a shipment is refused for non-compliance with EU legislation, the responsible party of the shipment has three options: a) Destroy the products in question; b) Re-dispatch these products to a non-EU country; or c) Return the products to the originating country. The latter 2 must happen within 60 days. Where the non-compliance implies a food safety concern, a RASFF notification must be issued. Where the non-compliance implies a plant health concern, a Europhyt notification must be issued.

In certain situation, there may be a temporary increase of import control may be necessary for the following reasons:

- due to a known or emerging risk (e.g. high number of RASFF alerts),
- or because there is evidence of widespread serious non-compliance with the EU agri-food chain legislation (e.g. as highlighted in an audit report from DG SANTE-F) concerning certain goods, from certain non-EU countries, and in relation to a specific risk (hazard).

The temporary increases are laid down in Annex I of Regulation EU 2019/1793 and they concern the identity checks, and the physical checks.

Emergency control measures may also be applied as laid out under Annex II of Regulation EU 2019/1793 that lays down special conditions governing the entry of such goods in the EU. These may include certain food, originating from certain non-EU countries may present a high risk for human health because of:

- contamination by mycotoxins, in particular aflatoxins, and OTA
- contamination by pesticide residues, contamination by pentachlorophenol and dioxins, or
- microbiological contamination from Salmonella.

In cases of emergency control, each consignment of the food under emergency control must be accompanied by an additional form that gives that consignment an identification code, accompanied by the **results of sampling and analyses performed by the relevant competent authorities, and an official certificate.**

Documents for Customs Clearance

Commercial Invoice:

The commercial invoice is a record or evidence of the transaction between the exporter and the importer. Once the goods are available, the exporter issues a commercial invoice to the importer in order to charge him for the goods. The commercial invoice contains the basic information on the transaction and it is always required for customs clearance.

Although some entries specific to the export-import trade are added, it is similar to an ordinary sales invoice. The minimum data generally included are the following:

- Information on the exporter and the importer (name and address)
- Date of issue
- Invoice number
- Description of the goods (name, quality, etc.)
- Unit of measure

- Quantity of goods
- Unit value
- Total item value
- Total invoice value and currency of payment. The equivalent amount must be indicated in a currency freely convertible to Euro or other legal tender in the importing Member State
- The terms of payment (method and date of payment, discounts, etc.)
- The terms of delivery according to the appropriate Incoterm
- Means of transport

No specific form is required. **The commercial invoice is prepared by the exporter according to standard business practice and it must be submitted in the original along with at least one copy.** In general, there is no need for the invoice to be signed. In practice, both the original and the copy of the commercial invoice are often signed. The commercial invoice may be prepared in any language. However, a translation into English is recommended.

Customs Value Declaration

The Customs Value Declaration is a document, which must be presented to the customs authorities where the value of the imported goods exceeds EUR 20 000. This form must be presented with the Single Administrative Document (SAD). The main purpose of this requirement is to assess the value of the transaction in order to fix the customs value (taxable value) to apply the tariff duties.

The customs value corresponds to the value of the goods including all the costs incurred (e.g.: commercial price, transport, insurance) until the first point of entry in the European Union. The usual method to establish the Customs value is using the transaction value (the price paid or payable for the imported goods).

In certain cases, the transaction value of the imported goods may be subject to an adjustment, which involves additions or deductions. For instance, the internal transport (from the entry point to the final destination in the Community Customs Territory) must be deducted. The customs authorities shall waive the requirement of all or part of the customs value declaration where:

- the customs value of the imported goods in a consignment does not exceed EUR 20 000, provided that they do not constitute split or multiple consignments from the same consignor to the same consignee, or
- the importations involved are of a non-commercial nature; or
- the submission of the particulars in question is not necessary for the application of the Customs Tariff of the European Communities or where the customs duties provided for in the Tariff are not chargeable pursuant to specific customs provisions.

Freight Documents (Transport Documentation)

Depending on the means of transport used, transport documents are filled in and presented to the customs authorities of the importing European Union (EU) Member State upon importation in order for the goods to be cleared.

For goods transported by sea, the transport document is the Bill of Lading, which is a document issued by the shipping company to the operating shipper, which acknowledges that the goods have been received on board. In this way the Bill of Lading serves **as proof of receipt of the goods by the carrier obliging him to deliver the goods to the consignee**. It contains the details of the goods, the vessel and the port of destination. It **evidences the contract** of carriage and conveys **title to the goods**, meaning that the bearer of the Bill of Lading is the owner of the goods.

Freight Insurance

The insurance is an agreement by which the insured is indemnified in the event of damages caused by a risk covered in the policy. Insurance is all-important in the transport of goods because of their exposure to more common risks during handling, storing, loading or transporting cargo, but also to other rare risks, such as riots, strikes or terrorism.

There is a difference between the goods transport insurance and the carrier's responsibility insurance. The covered risks, fixed compensation and indemnity of the contract of transport insurance are left to the holder's choice. Nevertheless, the hauler's responsibility insurance is determined by different regulations. Depending on the means of transport, indemnity is limited by the weight and value of the goods and is only given in case the transporter has been unable to evade responsibility.

The insurance invoice is required for customs clearance only when the relevant data do not appear in the commercial invoice indicating the premium paid to insure the merchandise.

Packing List

The packing list (P/L) is a commercial document accompanying the commercial invoice and the transport documents. It provides information on the imported items and the packaging details of each shipment (weight, dimensions, handling issues, etc.) It is required for customs clearance as an inventory of the incoming cargo. The generally included data are:

- Information on the exporter, the importer and the transport company
- Date of issue
- Number of the freight invoice
- Type of packaging (drum, crate, carton, box, barrel, bag, etc.)
- Number of packages
- Content of each package (description of the goods and number of items per package)
- Marks and numbers
- Net weight, gross weight and measurement of the packages

No specific form is required. The packing list is to be **prepared by the exporter according to standard business practice and the original along with at least one copy must be submitted**. Generally, there is no need to be signed. However, in practice, the original and the copy of the packing list are often signed. The packing list may be prepared in any language. However, a translation into English is recommended.



Chapter 5: Export Support Facilities

The Kenyan government is committed to increasing exports from Kenya as an avenue to attain the goals of Vision 2030. Several organisations play various role in actualising this goal. In this Chapter, we shall list organisations in Kenya, as well as those outside of Kenya that may be of interest to an SME.

Key Export Support facilities in Kenya:

- **Kenya Export Promotion & Branding Agency (KEPROBA):** an agency under the State Department for Trade, Ministry of Industry, Trade and Enterprise Development, KEPROBA's role includes providing market intelligence on various export markets, as well as capacity building for SMES. <https://brand.ke/>
- **AFA Horticulture Directorate** – is the regulatory body for the horticultural sector and officially the lead on all matters horticulture. <https://horticulture.agricultureauthority.go.ke/index.php/sectors/overview>
- **Pest Control and Produce Board (PCPB):** monitors the pesticides being used in the country, as well as informs farmers and stakeholders about banned ones. <http://www.pcpb.go.ke/>
- **KEPHIS:** responsible for all matters SPS, KEPHIS also inspects premises and issues the sanitary and phytosanitary certificate. <https://www.kephis.org/>
- **ITC Quality Compass** – provides comprehensive and very detailed requirements about the quality requirements for exporting avocados to the EU, both mandatory and voluntary. <https://www.intracen.org/news/Trade-Compass-Moroccans-model-good-trade/>
- **SGS Kenya:** the recognized certifier in Kenya for BRCGS and SMETA: <https://www.sgs.co.ke/>
- **Africert:** the recognized certifier in Kenya for organic certification and GLOBALG.A.P: <https://africertlimited.co.ke/>
- **Fresh Produce Exporters Association of Kenya:** an agency that represents growers, exporters and service providers within the horticultural industry and supports them with technical and market information. <https://fpeak.org/about-us/>
- **Avocado Society of Kenya:** this is the largest registered private association of avocado growers and exporters to promote sustainable and profitable avocado farming. <https://kenyaavocados.co.ke/index.php/about-us>

Key Support facilities in Importing Markets

- **International Trade Centre** – a UN agency dedicated to supporting SMEs to export, the ITC provides market analysis tools; builds capacity of SMEs and supports policy advocacy among a host of other SME focused services. ITC also runs several programmes that SMES may be interested in joining, among them SheTrades and WEDF. <https://www.intracen.org/>
- **CBI** - the Centre for the Promotion of Imports from developing countries, is part of the Netherlands Enterprise Agency and is funded by the Netherlands Ministry of Foreign Affairs dedicated to increasing exports to the EU. CBI produces regular market reports on specific markets in the EU and specific products. CBI also works with trade promotion organisations. <https://www.cbi.eu/>
- **EU Pesticide Database:** the database contains details of all allowed pesticides, as well as those that are banned. <https://ec.europa.eu/food/plant/pesticides/eu-pesticides-database/public/?event=homepage&language=EN>
- The Codex Alimentarius Commission (CAC) also maintains a pesticide database that outlines MRLs for

different foods and food categories. Countries sometimes refer to this database in lieu of establishing their own MRLs within food safety regulations.

- EU Export Health Desk – provides product specific requirements, as well as import related procedures. https://trade.ec.europa.eu/doclib/docs/2016/september/tradoc_154923.pdf
- For additional EU certification standards:
 - GLOBALG.A.P- https://www.globalgap.org/uk_en/what-we-do/globalg.a.p.-certification/five-steps-to-get-certified/
 - SMETA- <https://www.sedex.com/our-services/smeta-audit/>
 - BRCGS - <https://www.brcgs.com/>