



CONSULTATION PAPER ON THE PROPOSED INTRODUCTION OF PERMIT PROCESSING FEE ON THE NATIONAL ELECTRONIC SINGLE WINDOW SYSTEM (NESWS)

1. Introduction

The Communications Authority of Kenya (CA) is the regulatory agency for the ICT sector in Kenya, with responsibilities in telecommunications, cybersecurity, e-commerce, broadcasting, and postal/courier services. The Authority is also mandated to manage the country's numbering and frequency spectrum resources, administer the Universal Service Fund (USF), and safeguard the interests of users of ICT services.

2. Background

The Authority is mandated to ensure that all communications equipment used within the country complies with established national and international standards. Compliance with these standards is achieved through the equipment Type Approval process.

The Type Approval process involves an evaluation of submitted technical specifications and laboratory test reports. Where applicable, samples are also submitted for physical examination and feature testing.

This process is undertaken to safeguard the public in matters relating to health and safety, electromagnetic compatibility (EMC), Electromagnetic Field (EMF) radiation exposure, and environmental sustainability.

Once the equipment has undergone the type process, equipment vendors and users can then import the product/equipment through the National Electronic Single Window System (NESWS) for sale/use in the country.

3. National Electronic Single Window System (NESWS)

The National Electronic Single Window System (NESWS), also known as TradeNet System, is an online platform that enables businesses to electronically submit documentation and information for imports, exports, and transit consignments. The system is managed by the Kenya Trade Network Agency (KenTrade), a State Corporation under the National Treasury.

As per the government circular OP/CAB9/83A, dated 4th June 2019, the Authority was incorporated into NESWS in October 2019, thereby participating in the issuance of import permits for all ICT equipment meant for sale/use in the country.

The permit issuance process entails the checking stage, which countercheck whether the equipment is type approved, the verification stage, which confirms the licensing status of the consignee and other regulatory requirements as set by the Authority and the final inspection stage which authenticates the quantities and the make and model of the equipment as detailed in the import declaration form.

The entire process from checking to final inspection is required to be completed within the shortest possible time to avoid demurrage costs to importers. This, therefore, requires substantial resources to sustain efficient operations.

This poses challenges, noting that the Authority does not currently charge for the permit processing. It is on this basis, and the need to sustain efficient operations, that the Authority proposes to introduce permit processing fees.

6. The Proposed Fees

The proposed fees are categorized based on whether the equipment is meant for commercial or non-commercial usage. The proposed applicable fee, therefore are;

- **KES 15,000** per permit for commercial use; and
- **KES 5,000** per permit for non-commercial use (personal use).

David Mugonyi, EBS
Director General/CEO

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