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KENYA
ACCREDITATION
SERVICE

ACC-PR-01-02

Procedure for Seeking Exemption from KENAS Accreditation by Foreign Accredited CABs

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1 Background Information

1.1 Purpose

This procedure outlines the steps that Conformity Assessment Bodies (CABs), which are accredited by foreign Accreditation Bodies (ABs), shall follow to seek exemption from KENAS accreditation. This is pursuant to the provisions of Section 10A(2), 10A(3), and 10A(4) of the Kenya Accreditation Service Act, as amended by Section 25 of the Business Laws (Amendment) Act 2024.

1.2 Scope

This procedure covers the following categories of CABs:

a) Operating in Kenya (local or foreign) accredited by foreign ABs.
b) Established in Kenya seeking accreditation by foreign ABs.

1.3 Roles and Responsibilities

Role	Responsibility
Scheme Managers	Process owner
Scheme Managers	Reviewer
Chief Executive Officer	Recommender
Board of Directors	Approval
All Foreign Accredited CABs	Compliance

2 Terms and Definition

2.1 Acronyms and Abbreviations

AB	Accreditation Body
CABs	Conformity Assessment Bodies
KENAS	Kenya Accreditation Service

2.2 Terms and Definitions

2.2.1 Accreditation

Third-party attestation related to a conformity assessment body conveying formal demonstration of its competence to carry out specific conformity assessment tasks.

2.2.2 Conformity assessment Bodies

Bodies that performs conformity assessment activities and that can be the object of accreditation

2.2.3 CAB operating in Kenya

A Conformity Assessment body carrying out any Conformity Assessment Activity within the geographical precincts of Kenya.

2.2.4 CAB established in Kenya

A conformity assessment body registered (or established otherwise) in Kenya.

2.2.5 Exemption

The action of being free from accreditation by KENAS.

2.2.6 Foreign CABs

A conformity assessment body registered (or established otherwise) in another country/jurisdiction other than Kenya.

2.2.7 Foreign AB

An Accreditation Body registered (or established otherwise) in another Country/Jurisdiction.

3 Process Detail

3.1 Application for Exemption

When a Conformity Assessment Body (CAB) expresses the need for exemption from KENAS accreditation, they shall complete and submit the Exemption Application Form (ACC-FM-60) and a KENAS Accreditation Exemption Agreement (AG-02) to the Office of the Chief Executive Officer physically or on email at ceo@kenas.go.ke. These templates are also readily available for download from the KENAS website (www.kenas.go.ke).

3.2 Submission of the Completed Exemption Application Form

3.2.1 The Conformity Assessment Body (CAB) shall complete, sign and submit the Exemption Application Form (ACC-FM-60) and the KENAS Accreditation Exemption Agreement (AG-02).

3.2.2 The following documents shall accompany the application:

a) Legal Instrument or Registration Documents
b) The Scope/Schedule of accreditation.
c) Duly executed Exemption Agreement
d) Receipt or proof of payment of Application Fees
e) Any other relevant supporting documents.

3.2.3 The applicant shall be informed that their application has been received within 1 day.

3.3 Review of the Application for exemption

3.3.1 Upon receipt by KENAS, if the application is adequate, the respective Scheme Manager shall sign it off, allowing the application to progress to the next stage.

3.4 Due Diligence Process

3.4.1 Conducting a Background Check

Compliance with Legal and Regulatory Requirements: Ensure that the applicant complies with all relevant legal and regulatory requirements, confirming their adherence to necessary standards and regulations. This includes checking for any legal obligations that the CAB must fulfill.

3.4.2 Comprehensive Risk Assessment

3.4.2.1 **Identification of Potential Risks**: Identify potential risks associated with accrediting the applicant, such as financial instability, lack of resources, or non-compliance with standards, which could impact their ability to maintain accreditation. This step helps in foreseeing any challenges that may arise.

3.4.2.2 **Development of a Risk Mitigation Plan**: Develop a comprehensive risk mitigation plan to address identified risks and ensure the applicant can meet accreditation requirements, thereby minimizing potential issues. This plan should outline strategies to manage and mitigate risks effectively.

3.5 Detailed Review of the Application

3.5.1 Technical Review of the Application

3.5.1.1 **Determination of Accreditation Scopes**: Identify the scopes of accreditation that KENAS can assess and those that it cannot, based on the CAB's operations and capabilities, ensuring clarity on the areas of assessment. This helps in defining the boundaries of the assessment.

3.5.1.2 **Review of Submitted Documents for Accuracy**: Verify the accuracy and completeness of the documents submitted by the CAB, including certificates, licenses, and previous assessment reports, ensuring all information is correct and up-to-date. This helps in maintaining the integrity of the application process.

3.5.1.3 **Verification of Legal Status and Accreditation History**: This step involves verifying the legal status, accreditation history, and financial stability of the applicant. This includes checking for any past sanctions or legal issues that may affect the applicant's eligibility for exemption. It is essential to ensure that the CAB has a clean and credible history.

3.5.1.4 **Authenticity Check of Records**: Verify the authenticity of documents submitted by the applicant, such as certificates, licenses, and previous assessment reports, to ensure they are genuine and valid. This step helps in confirming the credibility of the documentation provided.

3.5.1.5 **Review of the basis for exemption**: Verify the reasons provided by the CAB in the application form as the basis for applying for exemption from KENAS accreditation.

3.6 Internal Peer Review Mechanism for Recommending Decision Making

3.6.1 Formation of a Peer Review Panel

3.6.1.1 Composition of the Peer Review Panel: Form a peer review panel consisting of experienced KENAS assessors and technical experts, ensuring a diverse and knowledgeable team. The panel should include members with expertise relevant to the CAB's operations.

3.6.1.2 Ensuring No Conflict of Interest: Ensure that panel members do not have any conflicts of interest with the CAB under review, maintaining impartiality and objectivity. This step is crucial to ensure an unbiased review process.

3.6.2 Conducting the Peer Review Process

3.6.2.1 Organizing a Review Meeting: Conduct a review meeting where the peer review panel discusses the findings from the due diligence and technical review, ensuring a thorough evaluation.

3.6.2.2 Evaluation of Due Diligence Findings: Evaluate the findings from the due diligence, including background checks, and document verification, ensuring all aspects are considered.

3.6.2.3 Analysis of Potential Risks and Mitigation Plans: Analyze potential risks identified during the due diligence and review the mitigation plan proposed by the CAB, ensuring all risks are addressed.

3.6.3 Formulating a Recommendation

3.6.3.1 Building Consensus Among Panel Members: The peer review panel reaches a consensus on whether to recommend the CAB for exemption based on the assessment findings, ensuring a collective decision. This step ensures that the recommendation is well-considered and agreed upon by all panel members.

3.6.3.2 Documenting the Recommendation and Rationale: Document the panel's recommendation, including the rationale for the decision, and prepare a detailed report for submission to the KENAS CEO, ensuring transparency and accountability. The report should provide a clear justification for the recommendation.

3.7 Final Decision by the CEO of KENAS

3.7.1 Review of the Peer Review Panel's Recommendation

3.7.1.1 CEO's Review of the Recommendation Report: The CEO of KENAS reviews the recommendation report submitted by the peer review panel, ensuring a final evaluation. The CEO should consider all aspects of the recommendation.

3.7.1.2 Making the Final Decision on the Exemption Application: The CEO makes the final decision on the exemption application based on the panel's recommendation and the overall assessment, ensuring a well-informed decision. The decision should be based on a thorough review of all findings.

3.7.1.3 The exemption agreement shall be signed by the CEO of KENAS or an authorized representative, and a copy will be returned to the CAB. In the event that the application form does not contain adequate information, the CAB shall be informed and requested to provide the necessary information before the application can progress.

3.7.2 Communication of the Final Decision to the CAB

3.7.2.1 Timely Notification of the Decision: KENAS communicates the decision to the CAB within 30 days of receiving the application, ensuring timely communication. The notification should include all relevant details of the decision.

3.7.2.2 Informing the CAB of the Exemption Fee: If approved, the CAB is notified of the exemption and the applicable exemption fee, ensuring clarity on the next steps. The notification should provide details on how to proceed with the exemption process.

4 Associated Documents

Ref	Document Identifier	Document Title
1.	AG-02	KENAS Accreditation Exemption Agreement
2.	PL-02	Policy on Exemption from KENAS Accreditation

5 Revision/Amendment Records

Date	Version	Revised by	Reason for Revision
05/03/2025	01	LCS	Newly developed document
30/06/2025	02	QRM	Systematic Review of QMS Documentation