LEGAL NOTICE NO. 16

THE CUSTOMS AND EXCISE ACT

(Cap.472)

MUTUAL TARIFF CONCESSIONS-COMMON MARKET FOR
EASTERN AND SOUTHERN AFRICA (COMESA)

IN EXERCISE of the powers conferred by section 118 of the
Customs and Excise Act, the Minister for Finance declares that the duty
payable on wheat flour of tariff number 1101.00.00 and refined, raw
and mill white sugar, imported from Member States of the Common
Market for Eastern and Southern Africa (COMESA) shall be charged
as shown in the Schedule:

SCHEDULE

1. To qualify for the reduction of the duty under this Legal
Notice, both the wheat flour and the sugar shall meet the
requirements of the Rules of Origin, as set out in the Protocol
on the Rules of Origin for the products to be traded between
the Member States of the COMESA.

2. In case of wheat flour from Egypt and Mauritius, duty rates
shall be reduced by hundred per centum provided that the
reduction shall —

(a) in respect of the allocation for the year 2008 -

(i) in case of Egypt, apply to the importation of up to 16,
200 metric tones of wheat flour;

(ii) in case of Mauritius, apply to the importation of up to
1,183 metric tones of wheat flour;

(b) in respect of the allocation for the year 2007 -

(i) in case of Egypt, apply to the importation of up to
32,400 metric tones of wheat flour;
(ii) in case of Mauritius, apply to the importation of up to 2,366 metric tones of wheat flour.

The respective quantities of wheat flour to be imported by each importer under the provisions of this paragraph (except item 2(b)) shall be determined, prior to importation, in accordance with a non-discriminatory auction system, as may be prescribed by the Minister responsible for agriculture.

This Legal Notice shall not apply to wheat flour imported from the other COMESA Member States which shall attract the East African Community Common External Tariff rates.

3. In the case of refined, raw and mill white sugar, the total amount imported into Kenya per annum effective 1st March, 2008 from any or all of the Member States, and any quantities imported in excess of that amount shall be charged as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Quota in metric tones that duty rates shall be reduced by hundred per centum</th>
<th>Tariff rate on import above the quota in per centum</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/2009</td>
<td>220,000</td>
<td>100</td>
</tr>
<tr>
<td>2009/2010</td>
<td>260,000</td>
<td>70</td>
</tr>
<tr>
<td>2010/2011</td>
<td>300,000</td>
<td>40</td>
</tr>
<tr>
<td>2011/2012</td>
<td>340,000</td>
<td>10</td>
</tr>
<tr>
<td>1st March, 2012</td>
<td>No quota</td>
<td>0</td>
</tr>
</tbody>
</table>

4. The provisions of this Legal Notice shall expire –
   (a) by the end of December, 2008, in case of item 2(a);
   (b) by the end of March, 2008, in case of item 2(b); and
   (c) by the end of February, 2012, in case of item 3.

5. Legal Notice No. 157 of 2007 is revoked.

Dated the 11th February, 2008.

AMOS KIMUNYA,
Minister for Finance.