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**THE TEA BOARD OF KENYA**



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**THE MECHANISM FOR APPLICATION OF THE MARK OF ORIGIN**

**1 THE MARK OF ORIGIN**

- 1.1 The mark of origin will be used as a certification mark of guarantee of quality of Kenya tea.
- 1.2 The Tea Board of Kenya will be the legitimate owner of the mark of origin for Kenya tea.
- 1.3 The Tea Board will have the absolute discretion to enact, update, or modify the terms and condition for use of the mark of origin.

**2 APPLICATION OF THE MARK OF ORIGIN**

- 2.1 The use of the mark of origin shall be granted solely by TBK upon satisfying the requirements as per the management system of certification (*SOP to be developed*).
- 2.2 The consumer tea packets and containers bearing the mark must contain 100% tea produced in Kenya.
- 2.3 The Kenya tea branded with the mark of origin must be manufactured according to the Tea Industry Code of Practice (KS 2128). Exceptions may be made for tea grades necessary for production of tea bags or meeting specific market demand. However in all cases, item 2.2 MUST apply.
- 2.4 The Tea Packets and Containers using this mark shall be of the quantity specified in the Tea Regulations 2008 of the Tea Act.
- 2.5 The tea packets and containers bearing the mark must conform to the standards for packets and containers for respective markets and where the standard is not specified, Kenya standard for tea packets and containers (KS 1927:2005) shall apply.

- 2.6 The mark may be used for promotion in such a way that denotes product conformity to the TBK requirements.
- 2.7 The packets and containers bearing the mark of origin must be packed in premises registered by the Tea Board of Kenya.
- 2.8 Overseas Importers/packers will not use the mark of origin on their tea packs even if the packs contain pure Kenya tea.
- 2.9 The Tea Board of Kenya may appoint an agent to undertake part or the whole process of certification.

### **3 SUSPENSION OF CERTIFICATION**

- 3.1 The use of the mark of origin shall be discontinued if applied in a manner that would bring disrepute to the certification system. Conditions that may lead to suspension of this certification shall include:
- i) Persistent or serious failure to meet certification requirements.
  - ii) Denial of entry for purposes of surveillance or re-certification at the required frequencies by Tea Board of Kenya or appointed agents.
  - iii) A formal request is made for suspension by the user.
- 3.2 When under suspension, the certification shall temporarily be invalid and the tea trader shall cease further promotion or make reference to imply previous certification and shall discontinue use of all advertising matter that contains reference to certification.
- 3.3 TBK shall make the suspended status of the certification publicly available and shall take actions it shall deem appropriate.
- 3.4 The suspension shall be reviewed where the issues resulting in the suspension are fully addressed by the user.
- 3.5 In any case suspension shall not last for more than six months.
- 3.6 Where the suspension lasts beyond six months, TBK shall serve the user with notice of withdrawal of certification and seek for the discontinuation by the client the use of all advertising and other material containing any reference to certification.
- 3.7 Failure to resolve the issues that resulted in the suspension in the time determined by TBK shall lead to withdrawal of the certification.

### **4 WITHDRAWAL OF CERTIFICATION.**

- 4.1 TBK shall revoke this certification where the user fails to abide by the terms and condition of its issue. Where the certification is revoked, the onus of returning the certificate to TBK shall lie with the user.

- 4.2 TBK shall make the withdrawal status of the certification publicly available and shall take actions it shall deem appropriate.
- 4.3 Where the withdrawal of the certificate comes into question, the notice period prior to withdrawal shall, depending on the reason for the withdrawal, be as specified herein below:

SITUATION	DAYS OF NOTICE
TBK determines that the tea products are hazardous.	Nil
Persistent and serious violation of of requirement of the mark of origin contained in this document for reasons other than safety.	30 days
Non-payment of charges for the use of the Mark of origin.	30 days
Mandatory conformity with new requirements in relation to revision of a standard.	As determined TBK

## **5 COMPLAINTS**

- 5.1 The user shall keep records on all complaints regarding aspects of products covered by this certification and shall upon request by TBK provide the records.

## **6 SPECIAL AUDITS**

- 6.1 Short notice audits shall be conducted to investigate complaints or in response to changes of the quality system or as follow up to suspension.

## **7 RE-CERTIFICATION**

- 7.1 The re-certification and renewal of the certification may be done after two years and shall be preceded by a full audit to be conducted at least three month before the expiry date. Surveillance shall be undertaken annually.

## **8 DISPUTE RESOLUTION**

- 8.1 Any dispute arising out of this grant, which cannot be amicably settled between the parties, shall be referred to arbitration in accordance with the laws of Kenya. The parties shall agree on a single arbitrator, each party shall appoint its own arbitrator and the two arbitrators so appointed shall at their first meeting to be held not later than twenty one (21) days from date of their appointment appoint a third arbitrator. The arbitrator's decision shall be final.