



**anti  
counterfeit  
authority**

*Promoting Genuine*

# ANNUAL REPORT AND FINANCIAL STATEMENTS

**2016  
2017**

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**anti  
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**ANTI-COUNTERFEIT AUTHORITY**

**ANNUAL REPORT AND FINANCIAL STATEMENTS**

**For the Financial Year Ended  
June 30, 2017**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 18 FEB 2020	
DAY: TUESDAY	
TABLED BY:	Hon. Busie Aden Leader of Majority Party
CLERK AT THE TABLE:	Lemuna Mose

Prepared in accordance with the Accrual Basis of Accounting Method under the International Public Sector Accounting Standards (IPSAS)

## I. TABLE OF CONTENTS

I.	KEY AGENCY INFORMATION AND MANAGEMENT .....	ii
II.	THE BOARD OF DIRECTORS .....	v
III.	MANAGEMENT TEAM .....	ix
IV.	CHAIRMAN'S STATEMENT .....	xi
V.	REPORT OF THE CHIEF EXECUTIVE OFFICER .....	xiii
VI.	CORPORATE GOVERNANCE STATEMENT .....	xvi
VII.	CORPORATE SOCIAL RESPONSIBILITY STATEMENT .....	xix
VIII.	REPORT OF THE DIRECTORS .....	xxii
IX.	STATEMENT OF DIRECTORS' RESPONSIBILITIES .....	xxiii
X.	REPORT OF THE INDEPENDENT AUDITORS ON THE ANTI-COUNTERFEIT AGENCY .....	xxvi
XI.	STATEMENT OF FINANCIAL PERFORMANCE .....	1
XII.	STATEMENT OF FINANCIAL POSITION.....	2
XIII.	STATEMENT OF CHANGES IN NET ASSETS .....	3
XIV.	STATEMENT OF CASHFLOWS .....	4
XV.	STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS .....	5
XVI.	NOTES TO THE FINANCIAL STATEMENTS .....	6
XVII.	PROGRESS ON FOLLOW UP OF AUDITOR RECOMMENDATIONS .....	23
XVIII.	Appendix 1: STATUS OF PERFORMANCE .....	24
XIX.	Appendix 2: INTER-ENTITY TRANSFERS .....	36

## I. KEY AUTHORITY INFORMATION AND MANAGEMENT

### (a) Background Information

The Anti-Counterfeit Authority was established under Section 3 of the Anti-Counterfeit Act, No. 13 of 2008 as a corporate body under the State Corporations Act, CAP 446 of the Laws of Kenya.

The Authority falls within the Ministry of Industry, Trade and Cooperatives that is mandated to provide a policy framework and an enabling environment for industrialisation, trade and cooperative development in Kenya. The Ministry is expected to play a key role in the realisation of Kenya Vision 2030 whose goal is to make Kenya a newly-industrialised, middle-income economy by the year 2030. To achieve this goal, the economy is expected to grow at 10% per annum for the next two decades. Six economic sectors have been identified to generate this growth. These are tourism, agriculture, manufacturing, wholesale and retail trade, business process outsourcing and financial services.

### (b) Principal Activities

The principal activity/mission of the Authority is to enlighten and inform the public on matters relating to counterfeiting; combat counterfeiting, trade and other dealings in counterfeit goods in Kenya in accordance with the Anti-Counterfeit Act, 2008 or any other written law; devise and promote training programs to combat counterfeiting; and co-ordinate with national, regional or international organisations involved in combating counterfeiting.

### (c) Key Management

The Authority's day-to-day management is under the following key organs:

No.	Designation	Name
[1].	Executive Director	Mr. Elema Halake
[2].	Deputy Director Enforcement and Legal Services	Mr. Johnson Adera
[3].	Deputy Director Research, Awareness, Policy and Quality Assurance	Dr. John Akoten
[4].	Deputy Director Corporate Services	Ms. Fridah Kaberia

### (d) Fiduciary Management

The key management personnel who held office during the financial year ended 30<sup>th</sup> June 2017 and who had direct fiduciary responsibility were:

No.	Designation	Name
[1].	Ag. Executive Director	Dr. John Akoten
[2].	Deputy Director Enforcement and Legal Services	Mr. Johnson Adera
[3].	Ag. Deputy Director Research and Awareness	Mrs. Agnes Karingu
[4].	Deputy Director Corporate Services	Ms. Fridah Kaberia

**(e) Fiduciary Oversight Arrangements**

The Authority’s board is established under section 6 of the Anti-Counterfeit Act, 2008 and comprises of nine (9) members. The chairperson is appointed by the Cabinet Secretary Ministry of Industry, Trade and Cooperatives from amongst the two independent members experienced in matters relating to Intellectual property rights; consumer protection, or trade; the Principal Secretary in the ministry for the time being responsible for matters relating to Industrialisation or his or her representative; the Principal Secretary in the ministry for the time being responsible for matters relating to finance or his or her representative; the Executive Director appointed by the Board; the Commissioner-General of the Kenya Revenue Authority, who may be represented by the Commissioner of Customs; the Attorney General or his representative, the Managing Director of the Kenya Bureau of Standards; the Chief Executive of the Kenya Association of Manufacturers or a representative and two members appointed by the Cabinet Secretary, not being public officers who have experience in matters relating to Intellectual property rights; consumer protection, or trade.

The Board is expected to meet quarterly and has a formal schedule of matters reserved to it. Board papers are generally circulated well in advance of the Board meetings by the Executive Director. Directors are required to disclose all areas of conflict of interest to the Board and are excluded from voting on such areas. The key function of the Board is to guide and control the performance and management of the affairs of the Authority.

This includes the duty to ensure that the functions of the Authority are carried out in an efficient, transparent and ethical manner and that no particular person or body is given undue preference or subjected to any undue disadvantage. The Board considers and approves general performance targets, both strategic and business, and the annual budgets of the Authority.

In order to fulfil its Fiduciary Oversight Arrangements, the Board has set up 3 (three) principal Committees which sets forth the purposes, goals and responsibilities of the committees as well as qualifications for committee membership, procedure for appointment and removal and committee reporting to the Board. This is intended to facilitate efficient decision making of the Board in discharging its duties and responsibilities.

These are:

Name of the Committee	Members
Audit and Risk Committee	Stephen Mutoro Charles Mahinda Emmanuel Bitta Martin Gumo
Technical Committee	Charles Ongwae Phyllis Wakiaga Martin Gumo Col. (Rtd.) James Kariuki
Finance, Human Resource and General Purpose Committee	Phyllis Wakiaga Emmanuel Bitta Charles Mahinda Stephen Mutoro

### **Headquarters**

Anti Counterfeit Authority,  
P.O. Box 47771 - 00100,  
National Water Conservation and Pipeline Corporation Building, 3<sup>rd</sup> Floor,  
National Water and Corporation Pipeline C,  
Dunga Road,  
Nairobi, Kenya

### **Contacts**

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E-mail: info@aca.go.ke  
Website: www.aca.go.ke

### **Bankers**

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Kipande House Branch,  
P.O. Box 30012 – 00100,  
Nairobi – Kenya

### **Independent Auditors**

Auditor General  
Kenya National Audit Office,  
Anniversary Towers, University Way,  
P.O.Box 30084-00100,  
Nairobi, Kenya.

### **Principal Legal Adviser**

The Attorney General  
State Law Office,  
Harambee Avenue,  
P.O. Box 40112,  
City Square 00200,  
Nairobi, Kenya.