

**Law n.º 68/2005**

**of October 31**

The present diploma intends to adapt the current Juridical Regime of the approved External Trade for the Law 51/2003, of November 24 to the agreements and norms of the World Trade Organization (WTO), as regards to simplification of the procedures and register circuits and licensing of the operations of the external trade, in the frame of the adhesion of Cape Verde to the World Trade Organization.

Proposes equally the elimination of the Title of the External Trade (TET) and its substitution by the Unique Custom Declaration (UCD), being the requests introduced and authorized directly in the customs, with evident advantages for the economic operators.

The Bank of Cape Verde, the business associations of the sector and the General Directorate of Customs, were heard.

In the use of the faculty checked by the paragraph a) of n.º 2 of the article 203rd of the Constitution, the Government decrees the following:

**CHAPTER I**

**General dispositions**

**Article 1st**

## **Extent and definitions**

1. The export and import operations, definitive or temporary, of re-export and of re-import of goods are subject to the established regimes in the present law and its regulating diplomas.
2. For effects of the present diploma it is understood by:
  - a) "Definitive export", the customs regime applicable to the goods in free circulation that leave the customs territory and that are destined to stay definitively out of the referred territory or for assimilated destinies;
  - b) "Import", the introduction of a merchandise in the national customs territory;
  - c) "Import for consumption", the customs regime that allows to the imported goods be put in free circulation in the customs territory for occasion of the payment of the rights and taxes in the import eventually demandable and the execution of all of the necessary formalities;
  - d) "Temporary import", the economic customs regime that allows, in certain conditions, to import with total or partial exemption of rights, goods destined to stay temporarily in the customs territory and be re-exported after a certain period;
  - e) "Re-export", the operation of a territory customs officer's exit of goods that entered it in regime of temporary or definitive import or that in him they stayed, from its arrival to its exit, under custom surveillance, in storage and custom bonded areas or in bonded warehouse of storage under customs house regime;
  - f) "Re-import in the state", the customs house regime that allows to introduce in the consumption, with franchise of rights and taxes in the import, goods that were exported, on the condition that they have not suffered any transformation, elaboration or repairing abroad and in the condition that all the demandable sums in reason of a reimbursement, of a remittance or of a suspension of rights and taxes or of all subsidy or other agreed amount for occasion of the export, be paid;
  - g) "Active Improvement", the customs house regime that allows to receive in a

territory customs house, with suspension of rights and taxes in the import, certain goods destined to suffer a transformation, an elaboration, a complement of manufacture or a repairing and to be exported later on under form of compensatory products;

- h) "Compensatory products", the resulting products of the transformation, of the elaboration, of the complement of manufacture or of the repairing of goods for which the use of the regime of active improvement was authorized;
- i) "Passive improvement", the customs house regime that allows to export goods temporarily that are in free circulation in the territory customs house with the goal of suffering a transformation, an elaboration or a repairing abroad and of their re-import, soon afterwards, with total or partial exemption of rights and taxes in the import;
- j) "Free-trade zones", a part of the national territory in which the goods are introduced are considered usually as not being in the territory customs house for effects of application of the rights and taxes in the import;
- k) "Restrictive regimes", the regimes that impose restrictions to the freedom of the external Trade, as such obligatorily defined by law, and that they submit to the obtaining of previous license, the accomplishment of operations in another way prohibited, conditioned or contingent;
- l) "Technical Control ", verification of the technical specifications and of the "standard" qualities of the goods, in agreement with legal or contractual criteria, national or international, and the usual practices of the trade;
- m) " Sanitary Control ", controls relative to the people's health, animals and plants;
- n) "Safety Control", controls relative to the national security- weapons, ammunitions and explosives.

3. Are considered assimilated destinies to an export the following operations:

- a) Supply of goods for provisioning of ships destined to the marine navigation and of

the aircrafts that make services in the international lines;

b) Supplies of goods to the international organizations established in Cape Verde.

4. Are considered assimilated destinies to an import, exclusively for statistical ends, the granted donations to the public and private national entities, in the frame of the bilateral and multilateral helps, and the entrance in the national territory of goods or services in the extent of operations of external financing.

## Article 2nd

### **General principles**

1. The import and export operations are free for the importers and exporters, accredited in the terms of the law.
2. The singular people can only import goods in amounts that don't reveal trade practice, in the terms to regulate.
3. The collective people that don't have in their social object the import trade; will only be able to import goods in the terms of the respective applicable sector legislation.

## CHAPTER II

### **Licensing of imports**

## Article 3rd

### **Administrative system**

The administrative system of the imports, comprehends the following modalities:

- a) Imports free of licensing;
- b) Imports subject to the automatic licensing;
- c) Imports subject to no automatic licensing;

#### Article 4th

#### **Licensing exemptions**

Are free of licensing:

- a) The import of goods without commercial value, in the terms that will come to be defined in ruling of the responsible Government's member for the area of external trade;
- b) The operations of active and passive improvement, of temporary import, re-import in the state, re-export and of transfer;
- c) The imports of goods subject to the regimes special customs houses in the modalities of free-zone shop, deposit warrantee, free-zone deposit and custom special deposit;
- d) The industrialized goods, destined to consumption in the enclosed space of Congresses, fairs and international exhibitions and assimilated events;
- e) The import of goods that are destined to the provisioning of ships and aircrafts, in the terms of the legislation that it is to them applicable;
- f) The apprehended goods, abandoned, discovered in the sea or by it bold or saved of shipwreck and sold in auction; and
- g) The import of goods without expenditure of exchange value, aerial or marine property of shipping lines, and destined to its exclusive use.

Article 5th  
**Licensing of the imports**

1. All of the goods are subject to the automatic licensing, except the defined ones in the number 2 of this article.
2. The goods subject to the no automatic licensing are:
  - a) The goods subject to sanitary, phytosanitary and safety controls;
  - b) The goods subject to restrictions, obligatorily, defined by law.
3. The import request of the goods to which refers the previous number, it should be accompanied of conformity certificate emitted by the competent entities.

Article 6th  
**Act of rendering Effective**

1. The automatic licensing will be effective by the presentation of the custom's declaration in the Customs.
2. The no automatic licensing will be effective in a maximum period of 21 days, starting from the date of presentation of the custom's declaration in the Customs.

CHAPTER III  
**Import and export procedures**

Article 7th  
**Declaration**

1. The customs declarations for import and export are made by the importers and exporters or by their official dispatchers, directly in the customs.
2. By regulating decree will be defined the procedures to adopt in the process of external trade, among the several intervening government and private entities.

Article 8th  
**Competence**

1. The licensing of the import and export operations is of the competence of the responsible Ministry for the area of trade.
2. In the case of no automatic licensing, the respective competent authorities should grant their previous authorization.

CÁPITULO IV

**Clearance sale of the operations of external trade**

Article 9th

**Bank intermediation**

The clearance sale of the operations of external trade is performed in the terms of the exchange law.

CHAPTER V

**Regime customs officer of the external trade**

Article 10th

**Dispatch from the customs house**

All of the goods subject to dispatch from the customs house, they should adjust to the customs laws and regulations of Cape Verde.

## **CAPITULATE VI**

### **Final and transitory dispositions**

#### **Article 11th**

##### **Title of the External Trade (TET)**

The Titles of the External Trade, emitted under the law n.º 51/2003, of November 24, will continue in force till the term of its validity.

#### **Article 12th**

##### **Infractions and penalties**

1- Safe if the fact be foreseen in legal type of crime or misdemeanor, the violation of the determination in the present diploma, it constitutes against-ordination punishable in the terms of the Legislative Decree n.º 9/95, of October 27.

2- The negligence is always punished.

#### **Article 13th**

##### **Revoked legislation**

Are revoked the Ordinance Law n.º 51/2003, of November 24 and the decrees nºs 3 and 13/2004, of January 26 and June 14, respectively.



Article 14th

**Entrance in force**

The present diploma enters into force 30 days after its publication in the Official Bulletin.

Seen and approved in Council of Ministers

José Maria Pereira Neves - João Pereira Silva

Promulgated on October 18 of 2005

Be published

The President,

Pedro Verona Rodrigues Pires

Countersigned on October 20 of 2005

The Prime minister, José Maria Pereira Neves