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**Working Party on the
Accession of Cape Verde**

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ACCESSION OF CAPE VERDE

Action Plan on the Implementation of the Agreement on Sanitary and Phytosanitary (SPS) Measures

Revision

The following submission, dated 1 June 2005, is being circulated at the request of the Delegation of the Republic of Cape Verde.

Action Plan

It is the policy of the Government of Cape Verde to take all necessary and appropriate measures to ensure that products of Cape Verde origin which are intended for human consumption do not harm the health or economic well being of those who consume them. These measures will as far as possible comprise of a system of checks and controls on the conditions of supply of products.

Accordingly the SPS Agreement Article 7 and Annex B Members of the WTO shall notify to other Members SPS measures which are not substantially the same as the content of an international standard, guideline and recommendation and if the regulation has a significant impact on trade.

The major markets mainly EU and US applies different SPS measures related to food safety from fishery products.

By this producers as well government agencies operate in compliance with Cape Verde measures they will at the same time be in compliance also with the requirements of major markets

The SPS measures applied in Cape Verde applied in the fish sector to protection of human health from risks arising from additives, contaminants, toxins and disease causing organism in fishery products from Cape Verde. The Cape Verde Government established a general policy on product quality that include food safety assurance for products of Cape Verde origin intended to human consumption.

By this Cape Verde fishery products shall fulfil the food safety requirements and give economic integrity for all consumers.

1. SPS measures related to disease causing organisms in fishery products from Cape Verde. Disease causing organisms defined as bacteria, viruses and parasites are controlled by application of HACCP and HACCP related measures. By disease causing organisms are understood also such bacteria which during growth may produce substances that may compromise human health (e.g. histamine). HACCP is recognized worldwide as fundamental tool for ensuring the safety of food stuff.
2. SPS measures related to contaminants in fishery products from Cape Verde. Potential contaminants of risk to human health have been identified as to be heavy metals, pesticides, antibiotic residues and toxins from fungi. Appropriate control measures are combinations of monitoring, area classification and regulations on use of pesticides and antibiotics and residue monitoring program is in place.

Existing and ongoing programmes

The government has evaluated the constraints and needs in the different sectors: Plant Health, Animal Health and Food Safety by a consultant who evaluated the different sectors.

By this assessment report the technical assistance in the form of a strategy development could be developed more detailed and effective.

The previous checklist has been revised to indicate where Cape Verde is at present.

The previous Regulation of Decree Law 63/89 of 14 September 1989 has been revised. This law constitutes the base legislation on livestock. The following articles have been incorporated. This law is in progress of further evaluation and then sent to parliament for approval. Some technical issues can be incorporated with the help of technical assistance

BASIC JURIDICAL REGIME RELATING TO LIVESTOCKS AND OTHER ANIMALS

CHAPTER I: GENERAL PROVISIONS

Article 1 (Purpose)

Article 2 Legal Definitions

- a) Central veterinary authority;
- b) Animal;
- c) Domestic animal;
- d) Reproduction or production animal;
- e) Animal for slaughter;
- f) Zootechnical disease;
- g) Zoonosis;
- h) Contagious disease;
- i) Infected animal;
- j) Food of animal origin;
- k) Product of animal origin;
- l) Animal feed;
- m) Bed;
- n) Means of containment;
- o) Entry location;
- p) Quarantine;
- q) Sanitary certificate;
- r) Veterinary medicine;
- s) Veterinary medication; and
- t) Prophylaxis action.

Article 3 Attributions and competences of the Central Veterinary Authority

CHAPTER II: THE PRODUCTION OF DOMESTIC ANIMALS

Article 4 Zoo-technical Stations

Article 5 Reproducers, Embryos and Semen

Article 6 Public use of the Zoo-technical Stations

Article 7 Data Relative to Animal Reproduction

CHAPTER III: THE IMPORTATIONS

Article 8 Prior Authorization

Article 9 Entry Locations

Article 10 Sanitary Certificate

Article 11 Exclusion

Article 12 Importation Interdiction

Article 13 Limitation of Importation

CHAPTER IV: THE EXPORTATIONS

Article 14 Prohibition of Exportation

Article 15 Conditions for Exportation

Article 16 Exportation Sanitary Certificates

Article 17 Exportation Locations

CHAPTER V: THE FIGHT AGAINST CONTAGIOUS AND ZOOTECHNICAL DISEASES

SECTION I: THE SANITARY POLICY MEASURES

Article 18	Sanitary Policy Measures
Article 19	Dangerous Diseases
Article 20	Materialization and Execution of the Sanitary Policy Measures
Article 21	Collective Prophylactic Action
Article 22	Obligation of the Prophylactic Plans
Article 23	Duty to Communicate
Article 24	Prescription of Veterinary Drugs
Article 25	Of the Inventory of Veterinary Drugs

SECTION II: THE QUARANTINE

Article 26	Of the Quarantine Station
Article 27	Form of Treatment
Article 28	Expenses and Charges
Article 29	Exclusive to the State
Article 30	Oversight
Article 31	(No Title)

CHAPTER VI: THE GUARANTEES AGAINST HIDDEN DEFECTS

Article 32	Guarantee
Article 33	Annulment of the Contract
Article 34	List of Hidden Defects

CHAPTER VII: THE SAFEKEEP OF THE ANIMALS

Article 35	Right to Pasture
Article 36	Duty to Guard
Article 37	(Responsibility of the Animal Owner)
Article 38	Dangerous Animals
Article 39	Carnivorous Animals
Article 40	Stray Animals

CHAPTER VIII: THE DESTINATION TO BE GIVEN TO DEAD ANIMALS

Article 41	Absolute Prohibition
Article 42	Prohibition of Consumption
Article 43	Consumption of Parts of Dead Animals
Article 44	Duty to Communicate

CHAPTER IX: THE CIRCULATION OF ANIMAL MEAT

Article 45	Requisites for Circulation
Article 46	Use of Dead Animals' Meat
Article 47	Conditions of Sale
Article 48	Exception
Article 49	Prohibition of Circulation

CHAPTER X: THE TAXES AND CHARGES

Article 50 Contents

CHAPTER XI: PENAL INFRACTIONS

Article 51 Lack of Prior Authorization
Article 52 Illicit Importation and Exportation
Article 53 Aggravation
Article 54 Privileging
Article 55 Importation from Certain Countries and Regions
Article 56 Exposition or Illicit Supply for Sale
Article 57 Loss to the State
Article 58 Other Accessory Penalties
Article 59 Scaling the Penalty or Fine
Article 60 Repeated Offences

CHAPTER XII: CONTRA-ORDINATIONS

Article 61 Omission of the Duty to Denounce
Article 62 Lack of Communication
Article 63 Omission of the Duty to Safeguard Dangerous Animals
Article 64 Circulation of Carnivorous Animals
Article 65 Launching of Animals in the Public Way
Article 66 Slaughtering of Animals Outside the Approved Locations
Article 67 Illicit Sale of Animal Meat
Article 68 Accessory Penalties
Article 69 Oversight, Processing and Operation
Article 70 Subsidiary Law

CHAPTER XII: APPEALS

Article 71 General Provision
Article 72 Deadline to File Appeals
Article 73 Litigious Appeal
Article 74 Death of the Animal

CHAPTER XIII: FINAL DISPOSITIONS

Article 75 Regulation
Article 76 Doubts and Omitted Cases
Article 77 Revocation

Decree No. 63/89, of 14 September and all Contrary Legislation are hereby revoked.

The following Decree Laws will be evaluated by a team of experts to be nominated by each responsible Minister related to this law with dead line set and technical assistance will be asked in evaluating the laws by international experts.

This must be seen in the outdated laws and incorporated will be the guidelines for EU Food Law and the changes to come to a comprehensive Hygiene Law group as to be implemented in 2006 by the EU:

- Decree Law No. 9/2002 of 11 March related to Hygiene sanitary controls on fish products;
- Ministerial Decree No. 6/2001 related to hygiene, salubrity and sanitary inspection norms for fishery products destined for human consumption;
- Decree Law 89/92 general basis for quality control of national produced, imported or exported food products;
- Ministerial Decree 55/97 of 9 September related to ports and airport through which import and export of vegetables, etc. are introduced; and
- Decree Law 26/97 of 20 May related to phytosanitary products.

In light of these developments it is requested that the working party grant a transitional period from the date of its accession until 2010 for the implementation of the WTO Agreement on Sanitary and Phytosanitary Measure to allow Cape Verde to obtain and utilize technical assistance to fully implement the obligations of the Agreement.

The Government would ensure that any changes made in its laws, regulations and practice during the transition period would not result in a lesser degree of consistency with the provisions of the Agreement than existed on the date of accession.

Technical regulations and other measures adopted during this period would be developed in conformity with the provisions of the Agreement.

We have clarified in the same assessment project the function of the veterinarian and his function in Cape Verde. Together with the veterinary association the government guidelines will set up for the curriculum.

Priority would be given to the establishment of a functioning enquiry point and notification of all of Cape Verde measures to the Committee on Sanitary and Phytosanitary Measures.

The approved status in parliament for the erecting a separate Agency which will be the independent Agency following the trend in many other countries.

Technical assistance specific under Article 9 of SPS Agreement was needed to ensure that its capacity to fully implement the SPS Agreement upon expiration of the transition period is assured.

- (a) Food products testing methods (chemical and microbiological) especially for residue of pesticides, heavy metals, aflatoxin, antibiotics etc. Organizing study tours to EU/USA laboratories.

Training and coordinating training of operative laboratory staff and on job training and advice on the organizational aspects involved in the implementation of upgraded capacity e.g. overall managements systems and networking. Details for future commitment of trained staff is essential.

Selection of Candidates will be assessed for technical knowledge and the selected candidates should be trained to act as professional management capable of undertaking the design, implementation and evaluation of any management system and the study tours will be specific and the attendees should be able to write all the various types of documents relating to managements systems i.e. manuals, procedures, work instructions specifications and methods;

- (b) Implementation of quality management systems as per ISO 17020 and ISO / IEC Guide 62/65 for inspection and certification activities with a view to seeking accreditation (general criteria for operation of various types of bodies performing inspection.)
- (c) Procurement of food product testing equipment after first a proposal (in-depth analysis of existing situation) for upgrading the Cape Verde Laboratories
- (d) Accreditation of inspection bodies. Analysis and assessment of the present accreditations, if any, system so that a credible system of accreditation of inspection bodies in Cape Verde based on international standards is established and thus acceptable in world market.

Experts should provide analysis and technical advice in this regard and in addition to guarantee sustainability Cape Verde staff will be closely involved in this process including the necessary steps for international accreditation and the developing of training modules for industry. See also point (a).

One national accreditation body (national and international recognized) should be developed and which can provide accreditation of private and public laboratories.

With this accreditation a key objective of reducing the transaction period for inspection, test and analysis as expected by trading partners in business sector;

- (e) Systems for control use of antibiotics plus standards development for veterinary medicine;
- (f) Computerization of systems of rules of origin and issuance of certificates of origin. Study tours;
- (g) Implementation of Food Safety Management, e.g. Hazards Analysis and Critical Control points (HACCP), Good Manufacturing Practices (GMP) and Good Hygiene Practices (GHP), Good Agriculture Practices (GAP) and management systems based on international standards like ISO 9000 , ISO 14000 and ISO 18000 in general. The project will develop EU/US accredited training manuals for certification of process based control and train Cape Verde trainers to transmit their knowledge to Cape Verde entrepreneurs in the various sectors.

Study visits for technical personnel to learn implementation and assessment and consequent training and seminars of industry staff by them with assistance of project commitment is secured.

This applies from farm to fork approach;

- (h) Setting up and accreditation of organic food certification systems if any;

- (i) Setting up an infrastructure for CE marketing if any, in order to facilitate the free flow perhaps of trade within the European single market the EC introduced the so called New Approach Directives that were designed to harmonize health, safety and environmental requirements for categories of products. The directives cover a variety of industrial products from gas burning appliances for medical devices and toys and they set standards for exporting to EU market. Proof of compliance may be provided either by the manufactures technical documentation through a third party or a combination of both. The compliance is in the form of what is called the CE Mark. Most products covered by the Directives can be self certified by the manufacture there are products however which must be subjected to an examination by what is called a notified body, an independent laboratory or product certification body with the necessary qualifications to meet the requirements set forth in the Directives as well as EN 45000 series of standards for operation of conformity assessment bodies. Cape Verde lacks such an infrastructure however the industry is not well developed but awareness could be useful for future;
- (j) Giving training and organizing study visits and seminars in the above fields and provide relevant subject matters inputs in the areas of Sanitary and Phytosanitary measures, Technical Barriers to Trade, relevant EU directives related to fish and fishery products-dairy products-egg products and honey, relevant US codes, Organic certification, CE marking, Codex Alimentarius Standards, quality Management systems, Good Laboratory Practices etc.;
- (k) Establishing SPS/TBT notification authority and enquiry point. Study visits and training in WTO matters so that regulatory staff and exporters are familiar with SPS and TBT Agreement and implications;
- (l) In depth assessment on the technical capacities to implement harmonized regulations in the field of agriculture and fisheries;
- (m) Fisheries: training to improve the understanding on international technical, quality and conformity practices as well as the protection of the geographical indications;
- (n) In depth assessment on the technical capacity to adopt /implement harmonized regulations especially in drug related areas;
- (o) updating laws (legislative component) related to food and animal health and plant health to international standards and developing regulations and standards to be implemented;
- (p) Starting a Food Safety and Quality Strategy with the aim to erect a single Food Safety Authority and function (integrated food control system). With this overlapping and duplication of control responsibilities are eliminated and placing more emphasis on risk prevention through risk assessment, management and communication along farm to fork continuum;
- (q) WTO capacity building component activities as selection of group senior officials, training group of trainers, developing information and communication plan including news letter and website;

Also information and awareness programs aimed at government officials and economic operators;

- (r) Organizing twinning programs with EU laboratory counterparts on testing procedures and development of mutual agreement and bilateral co operation;
- (s) Strengthening Veterinary Services-livestock production and trade, improving animal health surveillance and control programs and veterinary border inspection, development of food safety and thus consumer protection and surveillance of food of animal origin, drug and residue surveillance and control of food imports. Included animal identification program included cattle holding house holds and livestock farms and awareness programs amongst animal holders. Accreditation of semen import and distribution companies and starting with livestock data record; and
- (t) Training in English language and computer training;
- (u) Market access development for industry;
- (v) Further development curriculum Veterinarian and assessment of present structure.

Results to be achieved

1. The designated testing facilities are upgrade in terms of equipment, human resources, Quality Management Systems and information systems to testing food products for their compliance with specific international requirements including EU and US;
2. The capacity of the technical staff of Ministries and Institutions to implement and certify Food Safety Management systems is according to standards of international accreditation and campaign to increase awareness about these among Cape Verde entrepreneurs has been carried out;
3. The scheme for recognition of inspection agencies is established and running in accordance with relevant international standards ISO 17020;
4. The responsible Ministry is able to create a database of regulatory requirements of EC and USA in particular and its other trading partners in general relating to standards and conformity assessments in easy to understand form for dissemination among the exporters, Ministries and other interested bodies;
5. The responsible Ministry is able to serve as a well functioning designated WTO TBT/SPS Enquiry Point collecting and disseminating relevant, accurate and up dated information;
6. A system of analysis and control to the use of antibiotics and other veterinary medicines;
7. Testing and accreditation infrastructure for CE marketing in place both in terms of human and technical resources; and
8. A system for the computerized issuance of Certificate of Origin is in Place and contacts with relevant European and American Authorities are established.

Time frames

1. Establishment and operation of a single Contact point for information: 1 January 2006;
2. Active membership in OIE, FAO, WHO codex activities and dissemination of information including website : 1 January 2006;

3. Establishment of Law and Regulations related to Food Safety, Plant Health and Animal health and updating existing laws : 1 January 2007;
 4. Acquisition of laboratory equipment and upgrading of laboratory infrastructure, international accreditation of lab with international standards related to the different requirements included tenders etc: 1 January 2008 final implementation; and
 5. Upgrading and strengthening of quality control, quarantine system and proper border inspection posts, functional Food Authority related to the three areas including proper staffing and training and full compliance and implementation of the WTO Agreement on Sanitary and Phytosanitary measures: 1 January 2010.
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