

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/CPV/24
16 May 2007

(07-2016)

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

Original: English

ACCESSION OF CAPE VERDE

Additional Questions and Replies

The following submission, dated 11 May 2007, is being circulated at the request of the Delegation of the Republic of Cape Verde.

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II. ECONOMIC POLICIES

- Foreign Exchange and Payments

Question 1

Paragraph 15 of document WT/ACC/SPEC/CPV/5: We welcome the news that Cape Verde is in the process of adopting the obligations of IMF Article VIII, Sections 2(a), 3, and 4. When will this process be completed?

Answer:

Cape Verde is grateful for the comments *vis-à-vis* IMF Article VIII, Sections 2(a), 3 and 4.

The Bank of Cape Verde continues to work on the implementation of the IMF Agreement (Article VIII). It is envisaged that the process will be completed in mid 2008.

Question 2

Paragraph 18: We appreciate this clarification including Cape Verde's statement that this measure was intended to safeguard Cape Verde's balance of payments in exceptional circumstances of grave concern. We would appreciate Cape Verde's clarification as to whether its authorities would seek the guidance of the IMF and the WTO Balance of Payments committee regarding its balance of payments situation before invoking this measure.

Answer:

In the case of exceptional circumstances the Bank of Cape Verde would consult with the IMF and the WTO Balance of Payments Committee before invoking this measure.

Question 3

Please clarify in the Working Party Report text that there are no requirements or restrictions on the acquisition of foreign exchange for payments made in connection with the supply of foreign services or of investments.

Answer:

Cape Verde confirms that there are no requirements or restrictions on the acquisition of foreign exchange for payment in connection with the supply of foreign services or of foreign investments.

Question 4

As regards paragraph 16, could Cape Verde explain the reasons for requiring Bank of Cape Verde (BCV) authorization for:

- obtaining currency to import merchandise above CVE 5,000,000; and
- invisible operations falling under "private unilateral transfers" for amounts exceeding CVE 1,000,000 and for transfers exceeding CVE 5,000,000 as payment for goods and services.

Answer:

Cape Verde confirms that currently authorization from the Bank of Cape Verde is required for: (1) obtaining currency to import merchandise above CVE 5,000,000; and (2) invisible operations falling under "private unilateral transfers" for amounts exceeding CVE 1,000,000 and for transfers exceeding CVE 5,000,000 as payment for goods and services.

However, the Government of Cape Verde is working on revising Decree-Law Nos. 25/98 and 26/98 and the Bank of Cape Verde Notice No. 4/98, thereby eliminating the above requirements and restrictions.

Question 5

Cape Verde explains that the authorization is given automatically, when the necessary conditions established by law are met. Could Cape Verde list these conditions?

Answer:

Cape Verde is grateful for this comment. We confirm that the current law and BCV Notice are still in effect.

However, please see the answer to Question 4 notifying the WTO of the liberalization of these restrictions.

- **Investment Regime**

Question 6

Paragraph 26: Please describe the process for determining fair and equitable compensation value in the event of government expropriation.

Answer:

The State guarantees the safety and protection of the goods and the rights included in the ambit of foreign investment, which cannot be nationalized or expropriated.

Expropriations based on public utility are exceptions to the provisions in the preceding paragraph, in accordance with the law, which always confers to the foreign investor the right to just indemnity based on the real and actual value of the investment on the date public utility is declared.

The amount of the indemnity referred to in the preceding paragraph is fixed by common agreement with the government and the investor or, in the absence of an agreement, according to arbitration proceedings.

The indemnity referred to in paragraph 2 is freely transferable to the outside and shall be paid promptly and without unjustified delays in the freely convertible currency agreed upon between the Government of Cape Verde and the foreign investor, and earning interests according to the LIBOR rates, based on 30 days applicable to the currency in question, from the day it is fixed until the day of its effective payment.

Question 7

Paragraph 27: Please explain why investment incentives would not be available to a company that produces solely for Cape Verde's domestic market.

Answer:

In 1993, when the law was enacted, the goal of Cape Verde was to stimulate production for export. Thus, investment incentives were available only to a company that produced for export.

However, in view of Cape Verde's WTO accession and economic progress, the Government is considering the elimination of export subsidies.

Question 8

The need to eliminate prohibited subsidies: The responses to Question 3 of WT/ACC/CPV/19 and Question 11 of WT/ACC/CPV/23 (as incorporated in paragraph 28 of the draft Working Party Report) are inadequate. There is no useful information on Cape Verde's programs in WT/ACC/CPV/22, so the "plan" in that document is useless.

Cape Verde should supply the requested information for the Working Party Report. As Cape Verde will be graduated from LDC status at the end of 2007, it does not enjoy exemption from the requirement that it must eliminate all its prohibited subsidies by that time.

Cape Verde should respond by providing the requested information, so that the Working Party may consider an appropriate commitment in this regard. This material should be included either in this section, in the export subsidies section, or in the section on industrial policies, including subsidies.

Answer:

Cape Verde agrees with the statement that prohibited subsidies should be eliminated. Cape Verde is aware of the change from LDC status on 1 January 2008.

Cape Verde is working on appropriate language for the subsidies and incentive area. The goal is to prepare such a paragraph to be submitted prior to the next Working Party Meeting.

Question 9

Specific questions on the Article 4 of the Law No. 1/94 - Article 4.3: Cape Verde explains in its replies to our question on Article 4, that Article 4.3 only applies to Franc enterprises. However, this is not stated in the provisions of the Law and therefore Article 4 appears to have general application. Therefore the following comments still apply:

- **The criteria for receiving authorisation and information needed for this purpose should be clear and exhaustive. In the case of the present Decree, all necessary information should be contained in the required application forms which are set out in Annexes 1 and 2 of the Decree;**
- **We note that Article 4.3 states that "Whenever necessary, The Investment and Franc Enterprises Evaluation Committee should solicit complementary elements of information from the foreign investor. According to Article 4.4, in such cases the deadline of a maximum 30 days is suspended and resumes after the foreign investor has provided the requested information";**

- **The provisions of Article 4.3 and 4.4 are arbitrary and we urge their deletion from the Decree. The information contained in the application forms should be sufficient and it is for the Exports and Investment Promotion Centre, who receives the application, to judge whether all the information requested in the application form is submitted.**

Answer:

Cape Verde affirms that Article 4.3 applies to all enterprises, and apologizes for any misunderstandings caused. Thus all enterprises must provide the necessary information as set out in Annexes 1 and 2 of the Decree. When the investor supplies all the required information, the application will be approved within the 30 day deadline. However, if all necessary and complete information is not provided, in those cases the 30 day deadline is suspended.

Cape Verde believes that Articles 4.3 and 4.4 are appropriate and should remain in the law. Cape Verde avers that Articles 4.3 and 4.4 are not arbitrary because a checklist outlining and listing the necessary information required in Annexes 1 and 2 is provided to the applicant as part of the initial interview.

Question 10

Paragraph 20: We have asked Could Cape Verde give a list of sectors which are not open to investment because they are considered as a threat to national security, public morals, the environment or public health, or in violation of domestic laws and regulations. Cape Verde has given only a non-exhaustive list of such activities. Is Cape Verde intending to have an exhaustive list of prohibited sectors in its legislation? Can Cape Verde confirm that the list of prohibited investments applies equally to domestic and foreign investments?

Answer:

Cape Verde confirms that a list of sectors not open to investment was given to the WTO Secretariat.

The current Investment Law does not contain a list of prohibited sectors. However, it is envisaged that the investment law needs modernization and will be revised. A list of prohibited sectors will be included in the new legislation.

Cape Verde confirms that the list of prohibited investments applies to domestic and foreign investments.

Question 11

Paragraphs 27 and 29: It appears that Cape Verde operates a system of investment incentives that constitute prohibited export subsidies. Cape Verde has graduated from the LDC status and therefore cannot grant export subsidies.

Answer:

Cape Verde is examining the investment incentives as part of the WTO accession process.

Cape Verde confirms that it will graduate from the LDC status on 1 January 2008 and has requested transition periods for issues such as subsidies.

Question 12

Cape Verde explains that it is revising its Foreign Investment Legislation by end 2006. We would like to see the drafts of the revised laws as soon as available to be able to comment them.

Answer:

Cape Verde confirms that it envisages revising the Foreign Investment Law. The end of 2006 is not a firm nor realistic date.

Cape Verde will provide the revised law to the WTO Secretariat as soon as a draft law is available.

- **State Ownership and Privatization**

Question 13

Paragraph 33: We would appreciate a fuller understanding of the reasons why Cape Verde does not intend to privatize the Airport Management Company and the Postal Company.

Answer:

The privatization of ASA does not constitute for the moment a governmental priority policy. However, according to its Programme for the years 2006 to 2011 the Government of Cape Verde would create conditions for the implementation of private activities within the airports infrastructures, namely for the maintenance and repairing of airplanes.

In addition countries postal services are a government function. Cape Verde has no plan to privatize the postal company.

Question 14

Paragraph 34: We accept this commitment.

Answer:

Cape Verde thanks this Member for their comment.

Question 15

Paragraph 37: Have the Cape Verdean authorities also granted Shell and ENOCOL exclusive trading rights for petroleum derivatives until 2007?

Answer:

The agreement between Shell and ENACOL granting exclusive trading rights for petroleum derivatives expired on 31 December 2006.

Question 16

Paragraph 40: Current legislation appears to require importers of staple goods to possess warehouses appropriate for the storage of the goods to be imported, pay registration and annual renewal fees of CVE 20,000 and CVE 2,000, and provide monthly information on stocks held in each of the islands to the National Agency for Food Security. Are domestic producers of staple goods required to meet equivalent requirements?

Answer:

Cape Verde informs Members that Decree-Law No. 29/2002 of 9 December 2002, and Ministerial Ordinance No. 2/99 of 8 February 1999 were revoked by Decree-Law No. 61/2005 of 31 October 2005.

Therefore, neither importers nor domestic producers of staple goods are required to possess warehouses, pay registration fees and/or provide monthly information on stocks.

Consequently, Paragraph 40 of the draft Working Party Report needs to be revised.

Question 17

The warehouse requirement appears inconsistent with Article III of the GATT and should be eliminated.

Answer:

Cape Verde agrees with the statement above. Cape Verde envisages the elimination of the warehouse requirement as soon as possible.

Question 18

Based on the information provided in paragraphs 36-42, Shell, ENCACOL, EMPROFAC, and the Cape Verdean Tobacco Company are State Trading Enterprises as defined by Article XVII and should be notified.

Answer:

Cape Verde agrees with this comment and will provide notification as soon as possible.

Question 19

In light of this problem, we seek additional language for the commitment that confirms this, as follows:

Paragraph 42: We would like to propose the following modifications to the proposed commitment language for this section.

42. The representative of Cape Verde confirmed that his Government would ensure that all State-owned, State-invested, and other enterprises with special or exclusive privileges would make purchases and sales based solely on commercial considerations, e.g. price, quality, marketability and availability, and that the enterprises of other WTO Members would have an adequate opportunity to compete for sales to and purchases from these enterprises on non-discriminatory terms and conditions. In addition, the Government of Cape Verde would not influence, directly or indirectly, commercial decisions on the part of State-owned, State-invested, and other enterprises with special or exclusive privileges, including on the quantity, value or country of origin of any goods purchased or sold, except in a manner consistent with the WTO Agreement. The representative of Cape Verde confirmed that upon accession Cape Verde would notify and provide information on the activities of Shell Oil, ENACOL, EMPROFAC, and the Cape Verdean Tobacco Company in accordance with Article XVII of the GATT and the Understanding on that Article. The Working Party took note of these commitments.

Answer:

Cape Verde thanks this member for its comments and suggested language.

Cape Verde agrees with the language proposed for paragraph 42.

- **Pricing Policies**

Question 20

Paragraph 47: We have no more comments on this section and we accept this commitment.

Answer:

Cape Verde appreciates the statement contained in the Question above.

III. FRAMEWORK FOR MAKING AND ENFORCING POLICIES

Question 21

Paragraph 57: We request that Cape Verde remove the external brackets from this standard commitment language.

Answer:

Cape Verde agrees to the request for paragraph 57.

Question 22

Paragraphs 58-60: These paragraphs describe Cape Verde's appeal process to an independent tribunal for issues covered by the WTO.

Please indicate in the text if, when they are operational, the Administrative Courts will address all appeals made against executive actions covered by the WTO, or if the Common Courts will still be an option.

Answer:

Cape Verde confirms that appeals against executive (administrative) actions covered by WTO may be made to a judicial body. Currently the Administrative Court has not been created as such. Thus, in the mean time, appeals of WTO related issues will be made to the Common Court and a judge assigned to handle the administrative issue or problem.

Question 23

Please revise the first sentence of paragraph 60, e.g., "...that an aggrieved party could appeal...".

Answer:

Cape Verde agrees with the suggested language and will revise paragraph 60 accordingly.

Question 24

Paragraph 61: Concerning Cape Verde's mediation and arbitration regimes: Has Cape Verde enacted its new arbitration law?

Answer:

Cape Verde confirms that the new arbitration law has been enacted.

Question 25

What is the relevance to issues covered by WTO obligations of the mediation or arbitration provisions and centres for appeals by importers and exporters of government decisions? Are these the "independent administrative tribunal and ordinary tribunals of second instance" referred to in paragraph 63?

Answer:

No. The arbitration law establishes separate entities outside the judicial court system of Cape Verde.

The Cape Verde arbitration law honours the decisions of arbitration bodies outside Cape Verde, in accordance with the New York Convention.

Question 26

Paragraph 63: We support an appropriate commitment for this section on the right of appeal, but believe that the texts in paragraph 63 may be too elaborate. We suggest the following redrafted text for paragraph 63 for Cape Verde's consideration:

63. [The representative of Cape Verde confirmed that the current Constitution, Laws and regulations provide the necessary institutional base for the prompt administrative and judicial review of the Government's actions. He further confirmed that from the date of accession Cape Verde's laws would provide for the right to appeal administrative rulings on matters subject to WTO provisions to the courts or other independent tribunal in conformity with WTO obligations, including but not limited to those set out in Article X of the GATT 1994, Article 23 of the Agreement on Subsidies and Countervailing Measures, Article 11 of the Agreement on Implementation of Article VII of the GATT 1994, Article 62 of the Agreement on Trade-Related Aspects of Intellectual Property Rights and Article VI of GATS. The tribunals or procedures would also include actions relating to the implementation of national treatment, conformity assessment, the regulation, control, supply or promotion of a service, including the grant or denial of a licence to provide a service and other matters. The tribunals or procedures responsible for such reviews would be impartial and independent of the agency entrusted with administrative enforcement and shall not have any substantial interest in the outcome of the matter. The review procedure would include the opportunity for appeal, without penalty, by individuals or enterprises affected by any administrative action subject to review. Notice of the decision on appeal would be given to the appellant and the reasons for such a decision would be provided in writing. The Working Party took note of these commitments.]

Answer:

Cape Verde thanks Members for the suggested language in paragraph 63 and accepts the commitment language suggested above.

IV. POLICIES AFFECTING TRADE IN GOODS

- Trading Rights

Question 27

We commend Cape Verde for taking steps to amend its trading rights system to bring it into conformity with WTO provisions. However, we are still very concerned about the requirement that importers have a commercial presence in Cape Verde and a lack of commitment language.

Answer:

Cape Verde thanks Members for their comments. Pursuant to current commercial legislation, three basic requirements are set out: (1) capital; (2) warehouse, and (3) registration.

Cape Verde is aware that these commercial presence requirements may conflict with GATT Articles III and XI and constitute a WTO inconsistent restriction on trade.

Cape Verde proposes a transition period to revise the commercial legislation and aligned procedures.

Commitment language will be provided in the response to Question 31.

Question 28

Paragraph 64: Can "industrial enterprises" import goods to compliment their product line and include those for sale to the Cape Verde market? After Cape Verde changes its laws to provide for an importer of record, will these enterprises be able to import goods without right of distribution, recognizing that they will have to pass the imports on to local distributors for sale in Cape Verde? This information should be in the text.

Answer:

Cape Verde confirms that "industrial enterprises" are allowed only to import raw materials, semi-manufactured inputs and equipment for its own needs. This is cleared spelled out in Paragraph 64 of the draft Working Party Report.

Question 29

Paragraph 75: The requirement that importers need to establish a commercial presence in Cape Verde still conflicts with fundamental rights under GATT Articles III and XI and constitutes a WTO inconsistent restriction on trade. An importer should be able to register as an "importer of record" to import without establishing a full commercial presence in Cape Verde.

Answer:

Cape Verde notes these comments. Please note the answer to Question 27.

Question 30

Please indicate how and when Cape Verde will amend its law to bring it into full conformity with WTO provisions.

Answer:

Please note the answer to Question 27.

Cape Verde envisages the elimination of the capital, warehouse and registration requirement.

Question 31

We propose the following commitment language:

76. The representative of Cape Verde confirmed that from the date of accession Cape Verde would grant any natural or legal person, domestic or foreign, the right to be the importer of record of any product allowed to be imported into Cape Verde, and that its laws and regulations relating to the right to trade in goods and all fees, charges or taxes levied on such rights would conform fully with its WTO obligations, including Articles VIII:1(a), XI:1, and III:2 and 4 of the GATT 1994, Article III of the General Agreement on Trade in Services, and Article 63 of the Agreement on Trade-Related Aspects of Intellectual Property Rights. He also confirmed that full rights to import and to export would be granted in a non-discriminatory and non-discretionary manner from the date of accession, and any requirements for commercial registration or application for trading rights would be for customs and fiscal purposes only, would not require investment in Cape Verde nor confer the right to distribute there, and would not constitute a barrier to trade. The Working Party took note of these commitments.

Answer:

Please note the answers to Question 27 and that Cape Verde is requesting a transition period.

Question 32

Paragraph 71: Could Cape Verde explain the current state of revision of the decree Law No. 50/2003 on procedures and requirements for registration of commercial operators? Could Cape Verde submit a copy of the draft law as soon as available?

Answer:

Cape Verde thanks Members for this question. Cape Verde reports that Decree-Law No. 50-2003 was revised and the subject area was divided into two Decree-Laws (No. 68/2005 of 31 October 2005 and No. 3/2006 of 16 January 2006).

English translation of these Decree-Laws will be provided as soon as possible.

Question 33

Paragraph 71: Cape Verde explains that the new draft law to revise Decree No. 50/2003 would not specify the conditions under which the Chamber of Commerce could reject an application for a commercial licence. We would point out that all conditions for obtaining the licence need to be fully and clearly spelled out in the relevant law. We would urge Cape Verde to take this into account and to modify its draft law accordingly.

Answer:

These conditions were taken into consideration in the revision of Decree-Law No. 50/2003, of 24 November 2003. In effect, all the general and special conditions necessary to obtain a commercial Licence are described in the new laws approved (Articles 15 and 17 of Decree-Law No. 68/2005 of 31 October 2005 that "reviews the regime to which the registration and the exercise of the wholesale and retail commercial activity are subject to and the role of the public powers), and Article 8 of Decree-Law No. 3/2006, of 16 January 2006, which "establishes the regime to which the installation and the modification of the commercial establishments are subject.

Question 34

Paragraph 71 and Question 35: Cape Verde explains that it has passed an Ordinance that harmonises the registration fees of importers and exporters. Could Cape Verde submit this Ordinance to the Working Party?

Answer:

Cape Verde wishes to correct a statement in the draft Working Party Report. The registration fees were fixed by Ordinance No. 40/2004 of 4 October 2004 rather than No. 31/86 of 6 September 1986.

Also, Cape Verde wishes to correct the impression that an Ordinance has already been passed harmonizing the registration fees of importers and exporters.

The Ministry of Economy has drafted an Ordinance harmonizing the fees. However, the amount of fees has not, as yet, been determined. As soon as a decision of the fee amount is made, the Ordinance will be issued. A copy of the Ordinance will be provided to the WTO as soon thereafter as possible.

Question 35

In Question 36 Cape Verde mentions the draft law on revising the licensing for commercial activities. Can Cape Verde give the full name of this law and indicate whether and when it has been submitted to the Working Party?

Answer:

Cape Verde responds to this question as follows:

- Name of the law: Juridical Regime of Foreign Trade, Decree-Law No. 68/2005 of 31 October 2005.
- Whether and when submitted to the Working Party: Cape Verde confirms that the draft law has been submitted to the Working Party.

Question 36

Paragraph 71: Could Cape Verde explain the current state of revision of the decree Law No. 50/2003 on procedures and requirements for registration of commercial operators? Could Cape Verde submit a copy of the draft law as soon as available?

Answer:

Cape Verde thanks Members for this question. Cape Verde reports that Decree-Law No. 50-2003 was revised and the subject area was divided into two Decree-Laws (No. 68/2005, 31 October 2005 and No. 3/2006, 16 January 2006).

English translation of these Decree-Laws will be provided as soon as possible.

A. IMPORT REGULATIONS

- **Other duties and charges**

Question 37

We appreciate the revisions of this section that have taken place.

Answer:

Cape Verde thanks this Member for the above comment.

Question 38

Paragraph 85: While we would prefer that Cape Verde eliminate all such charges, or provide the funds required by ECOWAS out of customs revenues, we are prepared to agree that Cape Verde should notify this tax as an "other duty or charge" as provided for in Article II:1(b) of the GATT 1994 and the Understanding, and bind it by including it in its goods market access schedule.

We support the commitment language in the first set of brackets, and suggests that the last sentence of the other draft commitment be added, to cover the surtax in paragraph 82.

The commitment would now read:

85. [The representative of Cape Verde confirmed that his Government would not list duties and charges in its Schedule of Concessions and Commitments on Goods under Article II:1(b) of the GATT 1994 except for the ECOWAS Community Levy of 0.5 per cent, thereby binding such charges at that rate. He also confirmed that measures applied to imported goods of the kind described in paragraph [82] would be eliminated no later than the date of Cape Verde's accession and that after accession measures of this kind would not be reapplied or introduced. The Working Party took note of these commitments.]

Answer:

Cape Verde appreciates these comments and accepts the commitment language suggested.

- **Tariff rate quotas, tariff exemptions**

Question 39

Referring to tariff exemptions, the response to Question 20 in WT/ACC/CPV/19 states that "Projects of development benefits from exemptions in accordance with the agreement reached."

Please indicate what conditionality is associated with these benefits, e.g., would it include export promotion or use of local content in production?

Answer:

Cape Verde advises that tariff exemptions apply to those people, organizations and tourist enterprises mentioned in response to Question 20 in WT/ACC/CPV/19.

Please note that the customs exemptions are dependent on the status of the applicant (such as embassies, diplomats, industrial enterprises, tourist enterprises and domestic development benefits). None of these beneficiaries of exemptions engage in export production or promotion nor have a local content requirement.

- **Customs tariff**

Question 40

Paragraph 77: Can Cape Verde provide an update on whether the new customs code was approved by the National Assembly in July 2005?

Answer:

Cape Verde confirms that the Customs Code was not approved by the National Assembly in 2005. WTO deficiencies in the Customs Code (to wit, Rules of Origin and Border Enforcement of Intellectual Property Rights) were noted. Draft Amendments conforming the Customs Code to WTO requirements have been prepared, and forwarded to the Government.

Cape Verde envisages that the Customs Code will be approved by December 2007.

- **Fees and charges for services rendered**

Question 41

This section of the report needs substantial revision. While we appreciate that Cape Verde undertook the effort to study whether its customs user fee was in conformity with GATT Article VIII and based on the cost of services rendered, the study does not address all the relevant issues:

The Dispute Settlement panel on this issue, "United States – Customs User Fee" noted that *ad valorem* fees are by definition not related to the cost of services rendered as they are based on the cost of the import.

Answer:

Cape Verde appreciates the comments of Members. Cape Verde undertook a study to justify the 1.04 per cent custom user fee and was prepared to forward the study to the WTO Secretariat.

However, in view of the comment that *ad valorem* fees are not in conformity with GATT Article VIII, it will be necessary to conduct a new study and analysis of the import declarations in order to determine the appropriate fixed fee rate.

Cape Verde does not possess the expertise to conduct such a study on user's fees. Therefore Cape Verde requests technical assistance so as to carry out the study as soon as possible.

Question 42

Cape Verde has not indicated that there are any mitigating additional factors and that revenues from the application of the fee to imports are used for purposes other than import processing.

Under these circumstance, we believe that the fee is clearly WTO inconsistent and must be amended or eliminated. We will need to understand precisely the structure of its replacement prior to concluding Cape Verde's accession process.

Answer:

See answer to Question 41.

Cape Verde envisages a change from an *ad valorem* rate to a fixed rate, pending the result of a study.

Question 43

Paragraph 95 does not address the concerns of Working Party members and contradicts the commitment in paragraph 96, since the 1.04 per cent fee is WTO inconsistent. If revenues from the fee are used for export processing, then the fee should be applied equally to exports. But this is not the sole problem.

Answer:

See answer to Questions 41 and 42.

Question 44

There should be no excess revenues rebated to the State.

Answer:

See answer to Questions 41-43.

Question 45

Revenues from the fee should not be used for customs expenditures not associated with processing imports and exports.

Answer:

See answer to Questions 41-44.

Question 46

The fee should approximate the actual cost of processing individual import shipments, e.g., there should be some minimum and some maximum charge that ensures the fee is not simply another form of tax.

Answer:

Cape Verde appreciates these comments. Please see the answer to Question 41.

The study Cape Verde envisages conducting is aimed at establishing a two-tier (maximum and minimum) charge.

Question 47

Cape Verde needs a new customs processing fee. It should address the issues raised in paragraph 94 and above, and indicate what it is prepared to do to bring the fee into conformity with WTO. A new, more detailed commitment may be necessary unless Cape Verde is willing to make the necessary changes in the near term.

Answer:

See answer to Question 41.

Cape Verde is willing to make the necessary changes, in the near-term, to comply with GATT Article VIII.

As stated previously, technical assistance is needed to accomplish this task.

Question 48

As regards the customs user fee of 1.04 per cent imposed on the CIF-value, we would urge Cape Verde to bring it in compliance with Article VIII of the GATT 1994 by making it commensurate to the services provided. *Ad valorem* fees are not in compliance with Article VIII GATT.

Answer:

Cape Verde appreciates the comments of the Members. Cape Verde undertook a study to justify the 1.04 per cent custom user fee and was prepared to forward the study to the WTO Secretariat.

However, in view of the comment that *ad valorem* fees are not in conformity with GATT Article VIII, it will be necessary to conduct a new study and analysis of the import declarations in order to determine the appropriate fixed fee rate.

Cape Verde does not possess the expertise to conduct each a study on user's fees. Therefore Cape Verde requests technical assistance so as to carry out the study as soon as possible.

- **Application of internal taxes to imports**

Question 49

Double taxation of imports: Paragraph 100 and the response to Question 83 of WT/ACC/CPV/23: In the interest of transparency, we would appreciate hearing from Cape Verde about the status of its study on the possibility of double taxation of imports. We request that Cape Verde share this study with the members of the Working Party.

Answer:

The data in paragraph 100 is confusing and should be clarified.

First, the Special Tax on Consumption is only applied on imports. The STC is not applied on domestically produced goods.

Second, domestically produced are subject to the Value Added Tax (IVA) since 1 January 2004.

Cape Verde has not conducted a study *vis-à-vis* double taxation due to lack of competency. However, it should be noted that VAT (IVA) in all probability is not double taxed as the point of sale vendor is credited with the VAT tax already included in his purchase price.

Question 50

Environmental Tax: Regarding the response to Question 14 of WT/ACC/CPV/19 and paragraph 101 of the draft Working Party Report, we have reviewed the legislation amending the Environmental Tax circulated to the Working Party.

Is the law enacted? If so, what specific changes have been made to the tax to bring it into conformity with WTO?

Answer:

Cape Verde confirms that the law has not been enacted.

The specific purpose of the law is to equalize the tax rate between imported products and domestically produced products. When the law becomes effective, it will be WTO conforming.

Question 51

Article 2 of the law states: "The Environmental Tax shall be collected by the Customs Services, and applied, both to imports and to national production,...".

Why, and how, is the Environmental Tax on national production collected by the Customs Services? This implies that the tax is actually only collected on imports. Please explain.

Answer:

The Government of Cape Verde determined that the amount to be collected for the ecology tax did not justify the creation of two structures for the referred collection. That is the reason why it decided that the collection of the ecology tax on imported as well as on national products should be done by the customs.

The ecology tax is applied both on imports and on national production.

Question 52

Article 8 of the VAT Law contains exemptions for certain domestic operations. One such exemption is "The transmissions of goods and rendering of services performed in the ambit of agricultural, forestry, livestock and fishing activities." Another is "The transmission of staple goods, to be defined specifically in the VAT Regulation."

Please indicate whether the sale of agricultural, forestry, livestock, and fishery goods by farmers is subject to the VAT. If not, please indicate whether similar imported products are also exempt.

Answer:

Cape Verde confirms that the VAT law contains certain exemptions for domestic operations. These exemptions include agriculture, forestry, livestock and fishing activities for certain domestic operations.

Cape Verde further confirms that similar imported products are exempt.

Question 53

Article 8 of the VAT Law contains exemptions for certain domestic operations. One such exemption is "The transmissions of goods and rendering of services performed in the ambit of agricultural, forestry, livestock and fishing activities." Another is "The transmission of staple goods, to be defined specifically in the VAT Regulation."

Please confirm that the "transmission of staple goods" as defined in the VAT Regulation, is exempt from the VAT for both domestic and imported such goods. Please identify where in the VAT Regulation these exemptions are listed.

Answer:

Cape Verde confirms that the transmission of "staple goods" is exempt from VAT for both domestic and imported such goods.

Article 9 of the VAT sets forth (or lists) the exemptions in paragraph 28.

Question 54

Article 8 of the VAT Law contains exemptions for certain domestic operations. One such exemption is "The transmissions of goods and rendering of services performed in the ambit of agricultural, forestry, livestock and fishing activities." Another is "The transmission of staple goods, to be defined specifically in the VAT Regulation."

VAT exemptions involving non-application of the tax to domestic goods at some point of sale are discriminatory unless the exemption applies equally to similar imported goods, e.g., "in the ambit of agricultural, forestry, livestock and fishing activities" or the "transmission of staple goods."

Answer:

Cape Verde thanks Members for this statement.

Cape Verde confirms that VAT exemptions to domestic goods are not discriminatory as the exemptions apply equally to similar imported goods *vis-à-vis* the ambit of the above question.

Question 55

Cape Verde should amend its legislation to meet the national treatment requirements of Article III, in this regard.

Answer:

Cape Verde asserts that the VAT legislation meets the "national treatment" requirements for Article III.

See answers to Questions 52-54.

Question 56

Special Tax on Consumption (STC): Concerning Table 5: why is the STC on still wine 10 percentage points less than the STC on all other alcoholic beverages, including sparkling wine, beer, and distilled spirits?

Answer:

The difference in the rates contained in the table of taxes on special consumption (ICE) between common wine and other alcoholic beverages including spumantes, beer and distilled beverages has to do with the policy adopted by the Government for the Health Sector, with the common wine being less prejudicial to health than the distilled beverages.

Question 57

Concerning Table 5: Does Cape Verde have domestic production in this HS category?

Answer:

Cape Verde confirms that it produces beer and small quantities of wine from the Island of Fogo.

- **Quantitative import restrictions, including prohibitions, quotas, and licensing systems**

Question 58

We commend Cape Verde for responding to Working Party concerns about the licensing system and drafting amending legislation to Decree/Law No. 51/2003 of 24 November to bring it into greater conformity with WTO provisions. However, the responses to questions on this issue, e.g., the responses to Questions 78-85 of WT/ACC/CPV/20, are extremely uninformative. We still seek more information to ensure the new Draft Decree Law on Import and Export licensing is compliant, and we have specific comments on how the draft Working Party Report text can be improved.

Answer:

Cape Verde appreciates the comments of the Member. However, please note that Decree-Law No. 50/2003 was revised by Decree-Law No. 68/2005, "Foreign Trade Regime."

Other Members raised questions about Decree-Law No. 68/2005 about licensing. Please refer to the European Union Questions 35, 48 and 63 for clarification of the licensing issue.

Question 59

Concerning the new Draft Decree Law on Import and Export licensing: Has the legislation gone into effect?

Answer:

Cape Verde confirms that the law was enacted on 31 October 2005, but the implementing regulations have not been prepared or circulated. They are still working on the regulation.

Question 60

Concerning the new Draft Decree Law on Import and Export licensing: Does it require importers to apply for an automatic licence for all imports that are not covered by non-automatic licensing? If so, why?

Answer:

Decree-Law No. 68/2005, Articles 6 and 7 provide for the automatic and non-automatic licenses. Importers do not have to apply for an automatic licence.

Question 61

Concerning the new Draft Decree Law on Import and Export licensing: What is the purpose of requiring a licence for all imports? [Note: We need a satisfactory answer to that question. It has been asked a number of times before. End note]

Answer:

Please see the answer to Question 60.

A licence is not required for all imports. Article 6 of Decree-Law No. 68/2005 provides for those products requiring a licence (or non-automatic licence).

Question 62

Concerning the new Draft Decree Law on Import and Export licensing: What requirements, if any, exist limiting who can apply for an import licence?

Answer:

Please refer to the answers to Questions 35, 48, 60, 61 and 63.

Automatic licenses apply to all goods except goods listed for which a licence or permit from a government agency is required.

Annexed is the list of goods requiring a licence or permit.

Question 63

Draft law on export and import licensing: We note that Articles 6 and 7 of the draft law on Import and Export Licensing are not compatible with the WTO Agreement on Import Licensing Procedures. We would refer to our specific comments on these Articles submitted to the WP and would urge Cape Verde to modify the draft law accordingly.

Answer:

Cape Verde agrees that Articles 6 and 7 are not clear and Article 6(2) perhaps is incorrect.

The Ministry of Economy (Director General of Commerce) is working on modifications of Articles 6, 7 and 8 of the law. It is envisaged that such modifications will be completed as soon as possible and hopefully before the next Working Party Meeting.

Cape Verde appreciates the specific comments on the Articles by Members and will incorporate these suggestions in the modified draft law.

Question 64

Draft law on export and import licensing: Article 6 and 7 appear not to be compatible with the WTO Agreement on Import Licensing Procedures. The goods subject to both automatic and non-automatic licensing are not clear. The goods subject to licensing and the criteria for obtaining the Licence should be clear and exhaustive and publicly available.

As regards Article 6: On Article 6 c): We would urge Cape Verde to abolish this provision, if the corresponding provision of law No. 51/2003 will be eliminated, as explained by Cape Verde in its reply to our question. We also remind Cape Verde of our general comment that all products subject to licensing need to be clearly indicated and exhaustively listed in the law on Import and Export Licensing to be compatible with the relevant WTO Agreement.

As regards Article 7: We note that all products subject to licensing need to be clearly indicated and exhaustively listed in the law on Import and Export Licensing to be compatible with the relevant WTO Agreement. We therefore urge Cape Verde to modify the draft law to include in it an exhaustive list of products subject to non-automatic licensing according to a) to c).

Answer:

Please refer to the answer to Question 63.

Cape Verde confirms that it will incorporate the Members comments into the modification of the law.

Question 65

Concerning the new Draft Decree Law on Import and Export licensing: Please review the Questions 78-85 of WT/ACC/CPV/20 and provide the information requested in a response.

Answer:

Cape Verde confirms that the law on licensing (Decree-Law No. 68/2005 of 31 December 2005) was forwarded to the WTO Secretariat.

Many of the Questions asked in numbers 78-85 of WT/ACC/CPV/20 have been answered in the current set of questions.

Question 66

Table 6: We cannot agree that the current licensing restrictions on jewels and other precious stones and metals (excluding monetary gold and silver) are justifiable under WTO provisions.

What precious stones, other than diamonds, are covered by these requirements? What is the purpose of the requirement?

Answer:

The Central Bank of Cape Verde confirmed that there are no restrictions on jewels and other precious stones and metals (excluding monetary gold and silver). Obviously, monetary gold and silver are subject to restrictions in international trade. Thus, Table 6 will have to be modified accordingly.

Question 67

Table 6: We cannot agree that the current licensing restrictions on jewels and other precious stones and metals (excluding monetary gold and silver) are justifiable under WTO provisions.

Why are precious metals other than monetary gold and silver subject to licensing restrictions? Article 41 of the ECOWAS Agreement does not appear to authorize such restrictions, except for monetary gold and silver. Neither is such legislation listed in Cape Verde's response to Question 21 in WT/ACC/CPV/19.

Answer:

Please refer to the answer of Question 66.

Cape Verde commits to modifying Table 6 in the draft Working Party Report.

Question 68

Cape Verde should provide a revised paragraph 105 with the responses to these questions in the text to address these issues, for example:

105. He noted that according to Cape Verdean Law only the Government, through the Ministry of Defence and the Ministry of Home Affairs, could import heavy weapons and munitions for defence and security use. ECOWAS controlled the importation of hand-held weapons and munitions. ECOWAS also authorized restrictions on imports, exports and re-exports of gold for monetary use, gold in bars or gold in any other unwrought or semi-manufactured form. In Cape Verde, gold for monetary use was subject to control by the BCV. These restrictions were, in his view, covered by Article XX of the GATT 1994. Also subject to control by the BCV were precious stones and metals other than diamonds or monetary gold. These restrictions were authorized by [FILL IN THE CITATION OF CAPE VERDE'S LAW] and were intended to fight smuggling, money laundering, and the circumvention of capital account controls. There was no intent to prevent trade in these items, only to verify the purpose for their importation through identification of an appropriate importer. He confirmed that, except for tobacco, none of the goods subject to international trade restrictions were produced in Cape Verde. Tobacco production in Cape Verde was insignificant. A private company - the Cape Verdean Tobacco Company (Sociedad Cabo Verdiana de Tabaco) - held an exclusive right to import tobacco until 2012 in accordance with a contract between the enterprise and his Government and could be considered a state trading enterprise within the meaning of Article XVII of the GATT and the Understanding on that Article. Cape Verde prohibited (non-automatic licensing) the importation of nuclear and radioactive products or waste in accordance with international non-proliferation treaties. Other products prohibited in Cape Verde are listed in Table 7.

Answer:

Cape Verde thanks this member for its comments and suggestions concerning paragraph 105. Cape Verde agrees to provide a revised paragraph 105, including changes to Cape Verdean Tobacco Company.

Question 69

Table 7: What are "Noxious medicaments and foodstuffs pernicious to public health?" Are there specific criteria applied? Who judges?

Answer:

The Ministry of Health in Cape Verde confirms that the words "noxious medicaments and foodstuffs pernicious to health" probably are a misuse or a mistranslation from the original Portuguese.

What is meant are medications of poor quality or out of date, and foodstuffs that are harmful or dangerous to the health of the public.

The Ministry of Health is the agency responsible for decision *vis-à-vis* medication and foodstuff.

Question 70

Concerning "technical control" as defined in the new Draft Decree Law on Import and Export licensing: Cape Verde should consult the Agreement on Technical Barriers to Trade and its commitment in WT/ACC/SPEC/CPV/5 on its implementation of that Agreement.

Answer:

Please note that the old law concerning Import and Export licensing talked about "technical control." This language was eliminated in the new law – Decree-Law No. 68/2005.

See answer to Questions 71-73. Cape Verde commits to paragraph 158 in the draft Working Party Report.

Question 71

The TBT Agreement does not authorize "verification of the technical specifications and of the "standard" qualities of the goods, in accordance with legal and contractual criteria, national or international, and the usual trade practices" unless the technical issue involves issues of life, health, and safety. Standards are voluntary, and there are no provisions for standards in contracts to be enforced by customs officials.

Answer:

Cape Verde appreciates these comments.

Cape Verde is reviewing and updating the TBT Action Plan (WT/ACC/CPV/11/Rev.1 – dated 10 June 2005). Cape Verde envisages the need for a transition period of five years to implement the TBT Agreement.

Question 72

Cape Verde's "technical control" does not appear consistent with the TBT Agreement or the commitment taken in paragraph 159, and Cape Verde has explained in paragraph 158 that it does not have technical regulations.

Answer:

As stated in paragraph 156 of the Draft Working Party Report (WT/ACC/SPEC/CPV/5 of 7 November 2005) "The representative of Cape Verde confirmed that his government would comply with the transparency and other general requirements of the TBT Agreement as part of its accession process. Also please note the commitment made in paragraph 158 (WT/ACC/SPEC/CPV/5 of 7 November 2005). From the date of accession, its Enquiry Point would be operational and Cape Verde would designate a central government authority responsible for the implementation of notification procedures under the Agreement and an authority responsible for overall monitoring of compliance with its TBT obligations. Any standards, technical regulations, and conformity assessment procedures adopted would be developed and applied in conformity with the provisions of the Agreement, including publication prior to implementation to allow interested parties the opportunity for review and comment as provided for in the Agreement. Existing or new measures would be applied on a non-discriminatory basis, i.e. providing for national treatment and MFN treatment to all imports. Cape Verde also would monitor the work of the Committee on Technical Barriers to Trade. He added that Cape Verde would seek out all available technical assistance to ensure that its capacity to eventually implement the Agreement is assured. The Working Party took note of these commitments".

The General Directorate of Commerce insists on a commitment in which Cape Verde agrees to conform its legislation with the TBT, but negotiating derogation sufficient to the effect. From our point of view Cape Verde does not have the conditions to minimally implement the commitments resulting from the commitment referred to above.

Question 73

We seek amendment of the draft law to ensure that there is no enforcement by Cape Verde customs of voluntary standards and that it is consistent with all of Cape Verde's WTO obligations. We seek a commitment confirming in the draft Working Party Report that Cape Verde will not enforce standards in contracts.

Answer:

Cape Verde thanks this Member for these comments.

Cape Verde agrees to include a paragraph in the draft Working Party Report that Cape Verde will not enforce voluntary standards in contracts.

Question 74

We seek the following addition to the Working Party report text:

110ter. One member pointed that Article 13 of the draft legislation contained provisions authorizing the application of non-automatic licensing for the "verification of the technical specifications and of the "standard" qualities of the goods, in accordance with legal and contractual criteria, national or international, and the usual trade practices." This member stated that the WTO authorizes restrictions on imports only for technical issue involving issues

of life, health, and safety. Cape Verde has explained that it has no such technical regulations in place. Standards are voluntary, and the WTO contained no provision to authorize customs officials to enforce standards in import contracts. Therefore, it would appear that such restrictions on imports for the reasons stated could not be justified under WTO. The member requested that Cape Verde ensure the draft law amending Decree Law No. 51/2003 eliminate authority for Cape Verde customs officials to enforce voluntary standards and its other provisions are consistent with Cape Verde's WTO obligations.

Answer:

Cape Verde confirms that customs officials will not enforce voluntary standards. See answer to Questions 71-73.

Please note that Decree-Law No. 51/2003 has been revoked and Decree-Law No. 68/2005 replaces it.

Cape Verde thanks this Member for the suggested paragraph 110^{ter} and will modify the language in accordance with the new law.

Question 75

Paragraph 111: We note that Cape Verde has committed to amend its licensing system so that most products would be covered by automatic licensing. However, some products are still subject to non-automatic licensing.

Answer:

Cape Verde thanks this Member for the observation that most products are covered by an automatic licence.

See answer to Question 62.

The list of products subject to non-automatic licensing can be found in Annex 1.

Question 76

Please provide the list of all goods that will remain subject to non-automatic licensing, i.e., that require sanitary, environmental or safety certificates, are prohibited, or require prior authorization by HS number.

Answer:

Cape Verde confirms the following information:

With regard to the vegetable and animal products, it is not possible to provide an exhaustive list by HS number because the products vary constantly and new products continue to be produced, commercialized, and imported. Thus, we would incur the risk of leaving some product out of the list.

Cape Verde can present is the following list, by product category, subject to a non-automatic licence.

1. Vegetable products:
 - Seeds for fruit trees, forestry essences, cereals, legumes and ornamental plants;
 - Fruits, stems, leaves, flower bulbs or subterranean portions of plants;

- Plants, fragments of plants, tree-saplings, propagolum, and other parts that are destined for the propagation of plants; and
- Flowers.

2. Animal products

- Animals, including exotic animals;
- Food and products of animal origin; and
- Medicaments, biological products for veterinary use.

Question 77

Please indicate how the requirements in Article 13 of the draft law relate to Cape Verde's commitments on TBT and SPS in the draft Working Party Report and whether Cape Verde will amend or eliminate this provision to comply with WTO provisions.

Answer:

Cape Verde confirms that Article 13 of the draft law was eliminated in Decree-Law No. 68/2005, so as to comply with the WTO provisions.

Question 78

As it is noted that TCEs will remain in effect "until the end of their validity," about how long will that be?

Answer:

Cape Verde confirms that the TCE remains in effect "until the end of their validity period." The validity period is six months from the date of issue.

Question 79

We note that Cape Verde has not submitted its Import Licensing Questionnaire to the Working Party. We seek such a submission for review before conclusion of the negotiations. We cannot conclude this section without reference to the responses to this questionnaire.

Answer:

Cape Verde is aware of the importance of the Import Licensing Questionnaire. Work in the questionnaire was started in 2003. However, the accession process stalled and the document was not completed.

Cape Verde confirms that the Import Licence Questionnaire has been completed and forwarded to the WTO (see document WT/ACC/CPV/25).

Question 80

Paragraphs 112-113: Cape Verde states in paragraph 110 that "The revised legislation distinguished between imports subject to non-automatic licensing, automatic licensing and imports totally exempt from licensing." Paragraph 113, however, responding to paragraph 112, states that "the representative of Cape Verde acknowledged that an exhaustive list of products

subject to non-automatic licensing did not exist, and that decisions would be taken case-by-case by the Director General of Customs."

Answer:

Cape Verde confirms that a list of products subject to non-automatic licensing does exist. The list can be found in Annex 1 (and see response to Question 62).

Cape Verde further confirms that licensing decisions are not taken on a case-by-case basis by the Director General of Customs.

Question 81

Articles 6 and 7 of the draft amendments to Decree Law No. 51/2003 do not/do not distinguish or identify imports subject to automatic or non-automatic licensing. Rather, that is left to the discretion of customs officials based on virtually no technical guidance.

Answer:

Cape Verde again calls to the attention of Members that Decree-Law No. 51/2003 was replaced by Decree-Law No. 68/2005. Products subject to automatic and non-automatic licensing are clearly specified and are not (repeat not) left to the discretion of customs officials.

See answer to Question 62.

Question 82

This is not WTO consistent. Non-automatic licensing is permitted only for specific reasons authorized by WTO provisions. To apply such measures, Cape Verde must apply criteria that can be justified within WTO norms.

Answer:

Cape Verde thanks this member for their comments.

Under the current "licensing" regimes, non-automatic licenses are used for specific purposes.

Cape Verde believes that the non-automatic licensing criteria is in line with, and can be justified within WTO norms.

Question 83

We request that prior to finalizing its legislation in this area Cape Verde establish a list of products subject to non-automatic licensing, the criteria applied to select these imports, and the purpose of the non-automatic licence restriction, noting how the application of the requirement is justified under WTO. All of these should be published in the Official Gazette.

Answer:

Cape Verde thanks Members for this comment and suggestion. As stated in Question 62, a list of products exists and can be found in Annex 1.

Cape Verde will endeavour to incorporate the suggestion into the implementing regulation.

For the purposes of transparency, Cape Verde confirms that the implementing regulations will be published in the official Gazette (Bulletin).

Question 84

The response to Question 98 of WT/ACC/CPV/23 states that:

The automatic licensing becomes effective upon presentation of a Customs Declaration to Customs.

The importation request for the goods subject to non-automatic licence require a certificate of compliance issued by the sanitary/phytosanitary authorities or security control authorities, or other applicable competent authorities, depending on the nature of the goods in question

The non-automatic licence takes effect within a maximum of 21 days, counting from the date the Customs Declaration is presented to Customs.

Cape Verde has stated however, that there is no list of which products are subject to automatic and which are subject to non-automatic licensing.

So how does an importer know that his import is subject to licensing and which form?

How can a licence be issued "automatically" as provided for in Article 1 of the WTO Agreement on Import Licensing Procedures (upon request) if it may not be issued at the discretion of the customs official?

This is not/not automatic import licensing.

Answer:

Cape Verde confirms that the list of goods not subject to automatic licensing exists and can be found in Annex 1 (please also see the response to Question 62).

Question 85

Paragraph 112 should be redrafted to elaborate on Members' concerns, as follows:

112. Having reviewed the draft Decree Law on Import and Export Licensing, a Member stated that Articles 6 and 7 appeared incompatible with the Agreement on Import Licensing Procedures by not distinguishing clearly between goods subject to automatic and non-automatic licensing. The list of goods subject to licensing and the criteria for obtaining a licence should be clear, exhaustive and publicly available as provided for by the GATT and the Agreement on Import Licensing Procedures. Without such a list and criteria, grant of the licence is discretionary and therefore not automatic. Cape Verde was also requested to clarify whether a licence was required for each individual import operation, the term of validity of a licence, the application of licence fees and the legal basis for such fees, and to elaborate on the provisions concerning "imports without commercial value". Information should be provided on the criteria used to select imports for this list and the purpose of the non-automatic licensing restrictions. This information should be provided to WTO Members as part of Cape Verde's accession process and in its response to the Questionnaire on Import Licensing.

Answer:

Paragraph 112 will have to be redrafted to reflect the fact that a list of goods exists.

Cape Verde has completed and forwarded the Questionnaire on Import Licensing to the Secretariat (please see document WT/ACC/CPV/25).

Question 86

Paragraph 113 should be revised to elaborate on Cape Verde's response. We seek agreement that for any application of import licenses, both a specific list of products and criteria for the licensing application will be published.

Answer:

Cape Verde agrees that paragraph 113 should be revised since a specific list of products for licensing exists.

Question 87

Paragraph 114: We take note of Cape Verde's acceptance of this commitment language but it may need modification after we have reviewed Cape Verde's responses to the foregoing questions and its Import Licensing Questionnaire.

Answer:

Cape Verde agrees that Cape Verde's commitment language in paragraph 114 will have to be modified.

Cape Verde will endeavour to respond to all licensing questions. The Import Licensing Questionnaire has been submitted to the Secretariat (please see document WT/ACC/CPV/25).

- **Customs valuation**

Question 88

Paragraph 116: Please confirm in the text whether Cape Verde has enacted its new Customs Code.

Answer:

Cape confirms that the draft Customs Code has not as yet been enacted. The target date is now December 2007. Paragraph 116 will be corrected accordingly.

Question 89

Paragraph 119: We propose the following changes to this paragraph to better capture the issues we raised before, i.e. that the transition be limited to those imports that were indicated by Cape Verde.

119. The representative of Cape Verde requested that the Working Party grant a transitional period... He confirmed that during the transition, Cape Verde would not be required to observe the provisions of Article 7.2(f) with respect to selected imports,

thereby allowing for the application of minimum import values to be applied to imports of poultry covered by HS 0207.11 - 0207.14 for the purposes of customs valuation during the transition period. During the transition, all other aspects of Article 7 would be observed by Cape Verde from the date of accession, and for all products other than HS 0207.11 – 0207.14, Article 7.2(f), would be applied. If such a transitional period were granted, Cape Verde's deviations from the provisions of the Agreement would be strictly limited to these Articles, and all other provisions of the Agreement would be implemented for all imports.

Answer:

Cape Verde thanks this member for its comments. The language suggested will be incorporated into paragraph 119.

Question 90

Draft law on export and import licensing: We note Cape Verde's request for a transitional period until 2009 for the full implementation of the CV agreement. We reserve our position to come back on this issue and to give comments on the action plan, as well as the new draft Customs Code.

Answer:

Cape Verde thanks this member for its comments.

In view of delays encountered in Cape Verde's accession process, Action Plans are being revised. The Customs Action Plan includes the draft Customs Code and implementation of the WTO Customs Valuation Agreement.

Cape Verde envisages revising the Customs Action Plan soon, and forwarding it to the WTO Secretariat in time for the next Working Party Meeting.

- Rules of origin

Question 91

Paragraph 127: We appreciate Cape Verde's acceptance of the commitment in paragraph 127. However, there is no reference to prior determination of origin in Articles 20-24 of the draft Customs Code.

Answer:

Cape Verde is pleased to inform Members that two amendments to the draft Customs Code have been prepared. An amendment *vis-à-vis* rules of origin is one of the 2 amendments. This amendment will incorporate the requirements of Article 2(h) and Annex II, paragraph 3(d) of the WTO Rules of Origin Agreement.

Question 92

Please identify where Cape Verde has made legislative provision to implement the commitment in paragraph 127.

Answer:

Cape Verde confirms that modifications are being drafted to include the commitment made in Paragraph 127. The Customs Code is currently before the Minister of Finance and it is envisaged to go to the Council of Ministers soon. Draft language Re: Rules of Origin and Border Enforcement of Intellectual Property Rights is being forwarded to the Finance Minister.

B. EXPORT REGULATIONS

- **Export subsidies**

Question 93

The descriptions in paragraphs 139, 140 and 143 of WT/ACC/SPEC/CPV/5 are unclear, but appears to indicate that several programs administered by Cape Verde could provide prohibited subsidies.

Answer:

Cape Verde agrees that paragraphs 139, 140 and 143 of WT/ACC/SPEC/CPV/5 are unclear and need revising and will be accomplished in the process of correcting and editing the Working Party Report.

Cape Verde asserts that many of the incentive programs are not, in fact, prohibited subsidies within the meaning of the Agreement on Subsidies and Countervailing measures.

Question 94

It is still unclear whether Law No. 92/IV/93 and Decree Law No. 108/89 conform with the provisions for duty drawback programs under Annexes I, II and III of the Subsidies Agreement.

Answer:

Cape Verde's duty drawback programs conform to the provisions under Annexes I, II, and III of the Agreement on Subsidies and Countervailing Measures.

Cape Verde confirms that there is no excess drawback amounts in their drawback system. Only drawback equal to or less than the import charges levied initially are permitted or allowed.

Cape Verde would like to call to the attention of members that the duty drawback program has not been used for many years because other incentives are more attractive, such as a system of duty exemption.

Question 95

In addition, the Cape Verde Investments program appears to constitute a prohibited subsidy as provided under Article 3(b) of the Subsidies Agreement.

Answer:

Cape Verde confirms that Cape Verde Agency for the Promotion of Investment (Cape Verde Investment) does not provide incentives or subsidies itself. Its role is to connect foreign investors with the appropriate governmental agency or agencies that administer the incentive programs.

Cape Verde Investment is like a "one-stop shop" for the foreign investor.

Cape Verde Investment is an administrative agency promoting investments and does not offer any incentives or subsidies.

Since Cape Verde Investments does not provide any financial assistance whatsoever. Thus, their programs could not constitute a prohibited subsidy pursuant to Article 3(b) of the Agreement on Subsidies and Countervailing Measures.

Question 96

The information in document WT/ACC/CPV/22 is inadequate to evaluate these programs' WTO consistency. Please provide a clear description of these programs and a timetable for eliminating any programs providing benefits contingent upon export or the use of domestic over imported goods.

Answer:

As stated previously, Cape Verde is in the process of rationalizing their system of incentives. It is envisaged that a viable and reasonable evaluation of these programs and timetable for eliminating programs contingent upon exports will be prepared and forwarded prior to the next Working Party Meeting.

Cape Verde would like to call to the attention of the Working Party that Cape Verde does not have any law, decree, ordinance or regulation dealing with or mandating the use of domestic goods or products over imported goods. Simply stated, Cape Verde does not have a local content or import substitution program.

Question 97

As Cape Verde will lose its LDC status in barely two years, it will be necessary to specify a timetable for the removal of prohibited subsidies currently in place, i.e., either prior to 1 January 2008 or on some other timetable that can be considered by the Working Party.

Answer:

Cape Verde thanks Members for this comment.

Cape Verde is acutely aware that its LDC status will change as of 1 January 2008.

As stated in the answer to Questions 98-99 and 105, Cape Verde is working hard to develop a program (including a time-table in the Action Plan) for the removal of prohibited subsidies, currently in place, if any.

Question 98

The request for a commitment in Question 121 of WT/ACC/CPV/23 presupposes that Cape Verde will report on its export subsidies and negotiate an appropriate transition for their complete elimination. Heretofore, Cape Verde has not done that, and this section cannot be finalized until that happens.

Answer:

Cape Verde thanks this Member for their statement.

Please see answer to Questions 99 and 105.

Cape Verde is rationalizing the scheme of incentives to national production and foreign investment. As part of this effort comprehensive information on subsidies and incentives is being collected and compiled.

Cape Verde envisions that an Action Plan with specific goals and dates will be prepared and forwarded to the WTO prior to the next Working Party Meeting.

Question 99

Paragraph 143: We note that Cape Verde has submitted an Action Plan to revise its legislation as regards incentives provided by end 2006. We would however urge Cape Verde to provide comprehensive information on all subsidies and incentives provided.

Answer:

Cape Verde is aware that the Action Plan on Incentives to national production and foreign investment (WT/ACC/CPV/22) is deficient and needs to be revised, especially since we are in May 2007.

Cape Verde is attempting to rationalize the scheme of incentives to national production and foreign investment. As part of this effort comprehensive information on subsidies and incentives is being collected and compiled.

Cape Verde envisions that an Action Plan with specific goals and dates will be prepared and forwarded to the WTO prior to the next Working Party Meeting.

C. INTERNAL POLICIES AFFECTING FOREIGN TRADE IN GOODS

- Industrial policy, including subsidies

Question 100

The description offered of Cape Verde's subsidy programs and the action plan in WT/ACC/CPV/22 do not adequately respond to Working Party members' questions and comments, nor does the Action Plan outlined in response to Question 123 in WT/ACC/CPV/23 provide such information.

Answer:

Cape Verde confirms that a revised Action Plan to WT/ACC/CPV/22 is needed. A revised Action Plan with a reasonable timetable will be prepared and submitted prior to the next Working Party Meeting.

As part of the rationalization program, Cape Verde will prepare a list and/or description of incentives programs and forward it to the WTO prior to the next Working Party Meeting.

Question 101

We cannot conclude Cape Verde's accession on this basis. It must describe each its subsidy programs fully, i.e., (a) those that are legally authorized; (b) those that are actually providing benefits and being utilized by firms; and (c) those that are essentially dormant.

Answer:

Cape Verde thanks Members for this comment.

As stated in the answer Questions 96, 97, 99, 102 and 105 and others, Cape Verde is trying to rationalize their program of incentives.

These suggestions will be taken into consideration in preparing the program descriptions, including (1) programs authorized; (2) actually providing benefits; and (3) those that are dormant.

Question 102

Cape Verde will be graduated out of LDC status in barely two years. It has not described its programs for the Working Party and it has not suggested a timeframe in which prohibited subsidies will be eliminated.

Answer:

Please refer to the answer of Question 97.

Question 103

Cape Verde must indicate a timeframe for the removal of these prohibited subsidies, i.e., either prior to 1 January 2008 or on some other timetable that can be considered by the Working Party.

Answer:

See the answers to Questions 96, 97, 99, 102 and 105.

Question 104

Paragraph 153: We will need to review Cape Verde's subsidy notification before we can finalize this commitment paragraph. The response to Question 124 in document WT/ACC/CPV/23 indicates that one is in preparation. Is it available?

Answer:

Cape Verde notes the comments *vis-à-vis* Paragraph 153 and the need for a subsidy notification.

A subsidy notification is in preparation but is not available at this time. Cape Verde will endeavour to complete the preparation of the subsidy notification and forward it to the WTO prior to the next Working Party Meeting.

Question 105

Paragraph 151: We note that Cape Verde has submitted an action plan to revise its legislation as regards incentives provided by end 2006. We would however urge Cape Verde to provide comprehensive information on all subsidies and incentives provided.

Answer:

Please see the answer to Question 99.

- **Technical barriers to trade, standards and certification**

Question 106

We welcome Cape Verde's agreement to the commitment language in paragraph 159.

Answer:

Cape Verde thanks this Member for their comment.

Question 107

However, we note that the draft amendments to Decree Law No. 50/2003 of 24 November authorize application of non-automatic import licenses for "verification of the technical specifications and of the "standard" qualities of the goods, in accordance with legal and contractual criteria, national or international, and the usual trade practices" .

Answer:

Cape Verde thanks this Member for the above note and comments.

Cape Verde calls to the attention of the Members that the above citation should be Decree-Law No. 51/2003 of 24 November 2003. However, that probable typo is insignificant as Decree law No. 51/2003 was revoked by Decree-Law No. 68/2005 of 31 October 2005.

Question 108

Unless the technical issue involves issues of life, health, and safety. Standards are voluntary, and there are no provisions for standards in contracts to be enforced by customs officials.

Answer:

Cape Verde confirms that customs officials will not enforce voluntary standards contained in contracts.

Question 109

Cape Verde's "technical control" does not appear consistent with the TBT Agreement or the commitment taken in paragraph 159, and Cape Verde has explained in paragraph 158 that it does not have technical regulations.

Answer:

Cape Verde confirms that it does not have technical regulation.

Cape Verde commits itself to comply with the WTO Agreement on Technical Barriers to Trade.

Question 110

We seek amendment of the draft law to ensure that there is no enforcement by Cape Verde customs of voluntary standards and that it is consistent with all of Cape Verde's WTO obligations. We seek a commitment confirming in the draft Working Party Report that Cape Verde will not enforce standards in contracts.

Answer:

Cape Verde appreciates these comments. As stated in Questions 71-72, Cape Verde agrees that there will be no enforcement of voluntary standards by customs officials.

Question 111

We note the commitment of Cape Verde to recognise products certified in other countries' authorized certifying body.

Answer:

Cape Verde thanks this Member for their comment *vis-à-vis* products certified in other countries.

- **Sanitary and phytosanitary measures**

Question 112

We propose the following change to paragraph 163.

163. The representative of Cape Verde noted that, ... Cape Verde intended to adopt international standards except in those instances which may require SPS measures specific to the needs of Cape Verde. In such instances, Cape Verde intended to ensure that such measures will be based on a scientific assessment of risk as well as all other (as appropriate) sections of the SPS and its annexes. In light of the legal, ... and to train the officials necessary to manage the system.

Answer:

Cape Verde appreciates these comments and agrees to the changes proposed.

Question 113

Concerning Table 9: Cape Verde has committed to the "identification of the authority responsible for notifications and publications required by the SPS Agreement and establishment and operation of a single contact point for information" and the "establishment of publication or other facility for prior publication for public review, including method of utilizing public comments" by 1 January 2006.

Answer:

Cape Verde notes that there is no Question above. However, the Ministry of Environment and Agriculture is preparing an Ordinance establishing an Enquiry Point and setting forth the duties and

responsibilities. It is envisaged that the Enquiry Point will be established by December 2007. The SPS Action Plan will be adjusted accordingly.

Question 114

Could the representative from Cape Verde provide updated information on the status of these two commitments?

Answer:

Cape Verde affirms that the Action Plan in Table 9 (WT/ACC/SPEC/CPV/5 of 7 November 2005) will be revised and updated in preparation for the next Working Party Meeting.

Question 115

We also request that Cape Verde add the following categories to Table 9.

Acquisition of equipment and training of SPS enquiry point personnel.

Review of all existing legislation and new amendments to ensure regulations are based on risk assessment and sufficient scientific evidence

Answer:

Cape Verde appreciates the comments made. Cape Verde will incorporate this request into Table 9 (SPS Action Plan).

Question 116

We take note of the commitment language in paragraph 165.

Answer:

Cape Verde thanks this member for its comments.

Question 117

We note Cape Verde request for a transition period until 2010 to ensure full conformity with the SPS Agreement and reserve our position to submit further comments on this section. We want to stress however that the most important issue to for Cape Verde to ensure during the transition period is to let imports take place in accordance with the SPS Agreement and this should have a priority. Establishment of laboratories etc. is of secondary importance.

We will assist Cape Verde via TA programmes and in the framework of the EPA Agreement with West Africa.

Answer:

Cape Verde appreciates the views and comments expressed in this question.

Also, Cape Verde looks forward to assistance provided by the Member within the framework of the EPA Agreement.

- **Trade-related investment measures**

Question 118

Paragraph 167: We are grateful for this commitment and request that Cape Verde remove the brackets. Cape Verde may wish to accelerate its description in writing of its investment incentives programs so that the Working Party will know what programs, if any, Cape Verde must eliminate by accession.

Answer:

Cape Verde maintains that it does not maintain any measures inconsistent with the TRIMs Agreement. Further, Cape Verde does not envisage the application or development of TRIMs.

- **Free zones, special economic areas**

Question 119

We seek a commitment that Cape Verde will operate its free trade zone in a WTO-consistent fashion, in particular with respect to ensuring that manufactures produced in the zone from imported inputs where tariffs and taxes are exempted, are only sold into the rest of Cape Verde if those taxes and tariffs are restored. Export from the zone to other destinations, of course, would remain duty free.

Answer:

Cape Verde makes a commitment that it will operate its free trade zones in a WTO consistent fashion.

Cape Verde is exploring a resolution of this problem. One possible solution is to permit manufacturers in the zone to sell to the domestic market as well as for export. Obviously duties and taxes on duty-free inputs would be assessed when the goods are removed from the zone.

Such a possible solution would remove this possible export subsidy.

Question 120

We seek a commitment along the following lines:

173. In reply, the representative of Cape Verde said that, applied by an LDC, the criteria would in his view be in compliance with the provisions of the Agreement on Subsidies and Countervailing Measures. Nevertheless, as Cape Verde's LDC status was set to expire, his Government was committed to prepare a plan for the gradual elimination of prohibited subsidies. Referring to the action plan circulated in document WT/ACC/CPV/22, he stated that Cape Verde would review all incentive programmes, and incentives found inconsistent with WTO requirements would be eliminated or brought into conformity with the Agreement on Subsidies and Countervailing Measures. Cape Verde's commitments with respect to subsidies provided for the free or "franc" enterprises and within the free trade zones can be found in paragraph [XX-XX] and Table [XX].

173bis. Concerning the free trade zones, the representative of Cape Verde confirmed that it would ensure enforcement of its WTO obligations in its free trade zones from date of accession, including the provisions of the WTO Agreement and Cape Verde's

commitments in its Protocol of Accession. In this regard, goods produced in the free trade zones or areas under tax and tariff provisions that exempt imports and imported inputs from tariffs and certain taxes would be subject to normal customs formalities when entering the rest of Cape Verde, including the application of exempted tariffs and taxes. The Working Party took note of these commitments.

Answer:

Cape asserts that the commitment language of paragraph 173 needs to be revised.

Cape Verde is prepared to commit along the lines of paragraph 173. However, certain aspects and issues need to be investigated and resolved first.

Question 121

We note that there may need to be adjustments to the paragraph after Cape Verde provides the Working Party with its subsidies notification.

Answer:

Cape Verde agrees with this comment.

See the answer to Question 104.

Question 122

Paragraphs 172 and 173: We would urge Cape Verde to bring its system of Free zones and "Free enterprises" into compliance with the WTO Subsidies Agreement upon accession.

Answer:

Cape Verde thanks Members for the suggestion. The Government of Cape Verde is considering revising all laws concerning investments including the Free Zones. Elimination of the 15 per cent requirement and permitting Free Zone companies to sell for exports as well as into the domestic market would bring the Free Zone into conformity with the WTO Subsidies Agreement.

- **Agricultural policies**

(a) **Imports**

Question 123

Question 159 of WT/ACC/CPV/23: Please clarify whether Cape Verde applies mandatory periods of shelf life for particular products.

Answer:

Up till now, Cape Verde does not have any legal provision requiring "mandatory periods of shelf life for particular products", with regard to food products. However, the legislation on quality control is under revision. At present, Cape Verde requires that the labels on food products must indicate the validity date of the same products in conformity with the international agreement on *Codex Alimentarius*.

V. TRADE-RELATED INTELLECTUAL PROPERTY REGIME

Note: Cape Verde received a set of 104 Questions on Intellectual Property Regimes. Since Cape Verde is preparing answers to outstanding questions in preparation for the next Working Party meeting, it is unlikely that responses to the TRIPS can be prepared prior to that time. Cape Verde will take note of the TRIPS questions and views and incorporate them (to the extent relevant and possible) into the draft law and revision.

- GENERAL

Question 124

Industrial property protection; Responsible agencies for policy formulation and implementation; Participation in international intellectual property agreements; Application of national and MFN treatment to foreign nationals; Fees and taxes and so on.

We welcome Cape Verde's intentions to be in conformity with the provisions of TRIPS by December 2006 and reserve our position to submit more comments on this section at a later stage.

Answer:

Cape Verde is currently preparing for the next Working Party Meeting. An updated TRIPS Action Plan is being prepared and will be forwarded to the WTO Secretariat soon. Dates for conformity with the TRIPS Agreement will be realistic and attainable.

VII. TRANSPARENCY

- Publication of information on trade

Question 125

Paragraph 244: We take note of the draft commitment language in this paragraph. We will be providing recommended changes to the text soon after this meeting.

Answer:

Cape Verde thanks this member for the comment. Cape Verde looks forward to receiving recommended changes to the commitment language of paragraph 244.

- Notifications

Question 126

We propose the following commitment text for this section:

The representative of Cape Verde said that, at the latest upon entry into force of the Protocol of Accession, Cape Verde would submit all initial notifications required by any Agreement constituting part of the WTO Agreement. Any regulations subsequently enacted by Cape Verde which gave effect to the laws enacted to implement any Agreement constituting part of the WTO Agreement would also conform to the requirements of that Agreement. The Working Party took note of this commitment.

Answer:

Cape Verde thanks this member for the commitment language of the Notification section.

Cape Verde agrees with the commitment language suggested.

ANNEX 1

Attachment to Question 62

Designation	HS Number
Animais Vivos	01.01 a 01.06
Carnes e miudezas comestíveis	02.01 a 02.10
Peixes e crustáceos, moluscos e outros invertebrados aquáticos	03.01 a 03.07
Nata fresca	04.01
Leite, e leite e nata coalhados, iogurte, quefir, e outros leites e natas fermentados ou acidificados, mesmo concentrados ou adicionados, de açúcar ou de outros edulcorantes, ou aromatizados ou adicionados de frutas ou de cacau.	04.03
Soro de leite, mesmo concentrado ou adicionado de açúcar ou de outros edulcorantes, produtos constituídos por componentes naturais do leite, mesmo adicionados ou de outros edulcorantes, não especificados nem compreendidos em outras posições.	04.04
Manteiga e outras matérias gordas provenientes do leite	04.05
Queijos e requeijões.	04.06
Ovos de aves, com casca frescos, conservados ou cozidos	04.07
Ovos de aves, sem casca, e gemas de ovos, frescos, secos, cozidos em água ou vapor, moldados, congelados ou conservados de outro modo, mesmo adicionados de açúcar ou de outros edulcorantes.	04.08
Mel natural	0409.00.00
Produtos comestíveis de origem animal, não especificados nem compreendidos em outras posições	0410.00.00
Tripas, bexigas e buchos de animais, inteiros ou em pedaços, excepto de peixes, frescos, refrigerados, congelados, salgados ou em salmoura, secos ou fumados.	0504.00.00
Produtos de origem animal, não especificados ou compreendidos em outras posições, animais mortos de capítulo 1 ou 3, impróprios para alimentação humana.	05.11
Plantas vivas ou produtos de floricultura	06.01 a 06.04
Batatas, frescas ou refrigeradas	07.01
Tomates, frescos ou refrigerados	0702.00.00
Cebolas, chalotas, alho comum, alho-porro e outros produtos hortícolas aliáceos, frescos, ou refrigerados	07.03
Couves, couve-flor, repolho ou couve frisada, couve rábano e produtos comestíveis semelhantes do género Brassica, frescos ou refrigerados	07.04
Alface (<i>Lactuca sativa</i>) e chicórias (<i>Cichorium spp</i>), frescas ou refrigeradas.	07.05
Cenouras, nabos, beterrabas para saladas, cercefi, aipo-rábano, rabanete e raízes comestíveis semelhantes, frescos ou refrigerados.	07.06
Pepinos e pepininhos (cornichões), fresco ou refrigerados	0707.00.00
Legumes de vagem, com ou sem vagem, frescos ou refrigerados	07.08
Outros produtos hortícolas, frescos ou refrigerados	07.09
Legumes de vagem, secos, em grão, mesmo pelados ou partidos	07.13
Raízes de mandioca, de araruta e de salepo, topinambos, batatas-doces e raízes e tubérculos semelhantes, com elevado teor de fécula ou de inulina, frescos, refrigerados, congelados ou secos, mesmo cortados em pedaços ou pellets, meduta de sagueiro.	07.14
Cocos, castanhas do Brasil e castanha de caju, frescos ou secos, mesmo sem casca ou pelados.	08.01
Outras frutas de casca rijã, frescas ou secas, mesmo sem casca ou peladas.	08.02
Bananas, inclusive "platain", frescas ou secas	08.03
Tâmaras, figos, ananases ou abacaxis, abacates, goiabas, mangas e mangostões, frescos ou secos.	08.04
Cítrinos, frescos ou secos	08.05

Designation	HS Number
Uvas, secas ou frescas (passas)	08.06
Melões, melancias e papaias ou mamões, frescos	08.07
Maçãs, peras e marmelos, frescos	08.08
Damascos, cerejas, pêsegos (incluídas as nectarinas), ameixas e abrunhos, frescos	08.09
Outras frutas frescas	08.10
Frutas secas, excepto das posições 08.01 á 08.06, misturas de frutas secas ou de frutas de casca rija, do presente capítulo	08.13
Café, mesmo torrado ou descafeinado, cascas e películas de café, sucedâneos de café contendo café em qualquer proporção	09.01
Cereais	10.01 a 10.08
Sementes e frutos oleaginosos, grãos, sementes, e frutos diversos, plantas industriais ou medicinais, palhas e forragens	12.01 a 12.14
Matérias vegetais das espécies principalmente utilizadas em cestaria ou espartaria(por exemplo: bambus, rotins, em cestaria, ráfia, palha de cereais, limpa, branqueada ou tingida, casca de tília).	14.01
Gorduras de porco (inclusive banha de porco) e gorduras de aves domésticas, excepto as do nº 02.09 ou do nº 15.03.	1501.00.00
Óleos animais ou vegetais (destinados à alimentação)	15.03 a 15.18
Enchidos e produtos semelhantes, de carne, miudezas ou sangue, preparações alimentícias à base de tais produtos	16.01
Outras preparações e conservas de carne, miudezas ou de sangue	16.02
Preparações para alimentação de crianças, acondicionadas para vendas a retalho	1901.10.00
Álcool etílico não desnaturado para uso medicamentoso ou farmacêutico	2207.10.10
Preparações dos tipos utilizados na alimentação dos animais	23.09
Sal destinado a alimentação humana	2501.00.20
Produtos farmacêuticos	30.01 a 30.06
Adubos (fertilizantes)	31.01 a 31.05
Pólvoras propulsivas	3601.00.00
Explosivos preparados, excepto pólvoras propulsivas	36.02
Insecticidas, rodenticidas, fungicidas, herbicidas, inibidores de germinação e reguladores de crescimento para plantas, desinfectantes, e produtos semelhantes apresentados em formas ou embalagens para venda a retalho ou como preparações ou ainda sob a forma de artigos, tais como fitas, mechas e velas sulfuradas e papel mata-moscas.	38.08
Biberões, chuchas e tetinas de borracha vulcanizada não endurecida	40.14
Peles em bruto de bovinos ou de equídeos (frescas ou salgadas, secas, tratadas pala cal, "picadas" ou conservadas de outro modo, mas não curtidas, nem apergaminhadas, nem preparadas de outro modo), mesmo depiladas ou divididas.	41.01
Peles um bruto de bovinos (frescas ou salgadas, secas, tratadas pala cal, "piciadas" ou conservadas de outro modo, mas não curtidas, nem apergaminhadas, nem preparadas de outro modo), mesmo depiladas ou divididas, com excepção das excluídas pela Nota) ou 1 c) do presente capítulo	41.02
Outras peles um bruto (frescas ou salgadas, secas, tratadas pala cal, "piciadas" ou conservadas de outro modo, mas não curtidas, nem apergaminhadas, nem preparadas de outro modo), mesmo depiladas ou divididas, com excepção das excluídas pela Nota 1 b) ou 1 c) do presente capítulo	41.03
Biberões de vidro	7013.39.00
Armas e munições, suas partes e acessórios	93.01 a 93.07