

MINISTERIAL ORDINANCE 4/2004 JANUARY 26

The exemption of previous registration for small, private remittances, without commercial value, brought by the travelers, aims to decongest the commercial administration and larger celerity in the customs clearance of the same.

However, it becomes necessary to ensure that such mechanism doesn't transform itself in a privileged instrument for the practice of disloyal trade and competition, with prejudice for the trade legally established, adopting transparent and effective mechanisms of follow up and control.

Therefore, it becomes necessary to define, under subparagraph a), point 2, article 3 of Decree-law 51/2003, of November 24, the terms and conditions in which imports of goods is exempted from previous registration of imports.

After consulting the Chambers of Commerce,

The Government of Cape Verde, through the Ministers of Finances, Planning, and Regional Development, and of Economy, Growth and Competitiveness, orders the following:

Article 1

1. The value up to which the imports of goods are exempted from previous registration under the terms of subparagraph *a)* of n.2, article 3 of Decree-law 51/2003 of November 24, is fixed at 100.000\$00, and the respective weight, for each individual remittance and by trip, and regardless the value, may not exceed 150kg.

2. The entities with competence in the area of licensing and control of foreign trade may always demand the invoices or any proofs of the purchase of the imported goods abroad, according to what is mentioned in the previous number, which must indicate, precisely and specifically, not only the products acquired and the respective quantities and value, but also, identify the acquirer.

The non-conformity with the provision of the previous number or the non-presentation of the invoices and other proofs of the purchase determines the apprehension of the good and its loss in favor of the State, independently from

the sanctions applicable according to numbers 1 and 2, article 26, of Decree-law 51/2003, of November 24.

Article 2

1. The provision of the previous article applies equally to the separates of baggage and to the small private remittances without commercial character.

2. For the purposes of the present diploma,

- a) «Baggage» is what is defined as such, in the laws and customs regulations in force;
- b) «Small private remittances without commercial character», are the remittances which simultaneously:
 - present occasional character.
 - Contain exclusively goods reserved to personal or family usage of the receivers and which, by their nature and quantity, do not cause preoccupation of commercial order;
 - Are remitted by the sender to the receiver without any charge for the latter.

Article 3

1. The provision of the preceding articles doesn't apply to the members of the crew of any air or maritime transports, nor to the passengers who frequently cross the frontiers.

2. The ministers in charge of Finances and Trade will establish by joint dispatch, the norms indispensable to the fiscalization and effective observance of the present diploma.

Article 4

The present diploma comes into force on the date Decree-law 51/2003 of November 24 comes into force.

Ministries of Finances, Planning and Regional Development, and of Economy, Growth and Competitiveness, in Praia, November 24, 2003.

The Ministers of Finances, Planning and Regional Development, and of Economy, Growth and Competitiveness, *José Maria Pereira Neve*