

CAPE VERDE

March through July 2016

MARITIME

SHORELINE AND ADJACENT SEA DEVELOPMENT PLANNING

As per the "Coastal Region and Small Island" UNESCO Program, Decree-Law No. 14/2016, of 1 March 2016, regulates the preparation and implementation processes of the shoreline and the adjacent sea waters development plans. Urban activities in coastal areas, in addition to the rules set forth by other laws in the urban domain and territorial planning, will from now on also have to consider these new rules.

PORTS

ENTRY AND DEPARTURE OF VESSELS IN NATIONAL PORTS NEWLY REGULATED

Cape Verde passed a Maritime Code in 2010. Having identified the insufficient regulation of acts and procedures for the entry and exit of vessels in Cape Verdean ports, Decree-Law No. 19/2016, of 18 March 2016, has now been approved. This statute regulates the procedures and reporting formalities on vessels entering or leaving national ports, its cargo, crew and their personal belongings and passengers and vessels' supplies.

VESSEL REGISTRATION

Decree-Law No. 28/2016, of 12 April 2016, regulates the registration of ships, including the acquisition of property rights, the execution of the construction contract and purchase and sale of ships. It also regulates the inspection, classification, safety certification and the evidence of nationality and ships' documents.

AVIATION

FEES DUE FOR SERVICES PROVIDED BY THE AVIATION AUTHORITY

Fees due for services provided by the Civil Aviation Agency in its capacity of aviation authority to aircraft operators were defined by means of Regulations No. 01/AAC/2016, of 23 June 2016, of the Civil Aviation Agency.

ENVIRONMENT

PUBLICATION OF LEGAL FRAMEWORK APPLICABLE TO INERT EXTRACTION

Decree-Law No. 18/2016, of 18 March 2016, approves the legal framework applicable to inert extraction. This regime applies to the extraction of aggregates in the dunes along its shoreline, the sea coast, as well as at the mouth and in the riverbed. Under this statute, inert extraction becomes subject to (i) prior license, granted by the Environment National Directorate or by the Maritime and Port Agency, (ii) payment of a fee, (iii) granting of a bond, and (iv) submission of an environmental impact study. Licenses for dredging works and inert extraction licenses have a maximum duration of three years.

NATIONAL STRATEGIC PLAN FOR WASTE MANAGEMENT (PENGeR)

For the purposes of implementing a waste management policy, the PENGeR was prepared and approved by means of Decree-Law No. 32/2016, of 21 April 2016, covering a period of 15 years (2015-2030). The document contains an analysis and diagnosis of the current municipal waste management systems, identifying several areas for improvement and investment. The monitoring and assessment of the Strategic Plan belongs to the National Waste Authority, whose powers will be exercised by the National Agency of Water and Sanitation.

WATER RESOURCES

TARIFF POLICY FOR THE WATER AND SANITATION SECTOR

Decree-Law No. 26/2016, of 12 April 2016, sets the water and sanitation sector tariff policy as well as its strategic guidelines, with the purpose of a better management of the water and sanitation infrastructures. This law is applicable to all entities providing water supply and sanitation services to consumers and establishes a bipartite structure for tariffs, with a fixed amount regardless of consumption, and a variable amount calculated according to the water consumption volume.

CORPORATE

SPECIAL RULES FOR SMEs

Understanding that small and medium-sized companies (SMEs) are by far the major contributors to Cape Verde's socio-economic development, Parliament approved in 2014 a set of measures to encourage the incorporation and competitiveness of SMEs. In particular, Law No. 70/VIII/2014, of 26 August 2014, created an incentive package for those companies, by instituting a Single Special Tax ("TUE") and abolishing the Corporate Income Tax, VAT and Social Security Contributions. Decree-Law No. 12/2016, of 1 March 2016, had amended Law No. 70/VIII/2014, in order to clarify the scope of the latter statute, the TUE minimum payment and the liquidation procedure. TUE's rate remains at 4% of gross sales in each taxable period.

CRIMINAL

AMENDMENT TO LAW PREVENTING AND COMBATING MONEY-LAUNDERING

The Cape Verdean law on money-laundering of 2009 has been strengthened by the enactment of Law No. 120/VIII/2016, of 24 March 2016. Among numerous amendments, the financial entities' duty of diligence and collaboration has been reinforced, and the powers of public authorities with responsibilities in combatting money-laundering have been widened. It is also worth noting the punishment of preparatory acts for money laundering, the list of circumstances to be taken into account in determining the applicable penal framework as well as the legal protection of people who cooperate in the investigation of these crimes.

LABOUR AND SOCIAL SECURITY

UNEMPLOYMENT ALLOWANCE

Decree-Law No. 15/2016, of 5 March 2016, sets out the legal framework for the award of unemployment allowance under the compulsory social protection scheme of dependent employees. The unemployment allowance granting period is calculated according to the age of the worker and the number of months with earnings registered.

PUBLIC PROCUREMENT

REGULATORY AUTHORITY FOR PUBLIC PROCUREMENT HAS NEW INTERNAL REGULATIONS

Pursuant to the approval of the new By-laws of the Regulatory Authority for Public Procurement (ARAP) by means of Decree-Law No. 55/2015, of 9 October 2015, ARAP's Management Board has approved a new Organic and Functional Internal Regulations. ARAP By-laws were revised in 2015 to ensure its independence within the national public procurement system. ARAP was set up in 2008 with a view to regulating public procurement and implementing the principles of transparency and effectiveness.

STATE

STRATEGIES FOR THE COMMERCE DEVELOPMENT, BROADBAND AND CYBER SECURITY

Cape Verde has outlined a set of strategies in several sectors including information technology, cyber security and financial services, seeking to project the country as a service delivery platform, with the participation of all in the information society. In this context, the National Strategy for Broadband, the Strategic Plan for Trade Development 2015-2020 and the National Cyber Security Strategy were approved by means of Resolutions No. 18/2016, No. 19/2016 and No. 20/2016, respectively.

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