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Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

This report is an annual update of the food and feed regulations and governmental enforcement mechanisms and bodies in Senegal. It includes references to the Codex Alimentarius system in Senegal as well as guidance on import procedures and documentation. On April 2011, Senegal approved 32 standards related to fruits, vegetables and local cereals such as corn and millet. In addition to CODEX Alimentarius, most of these new standards focus on food safety and labeling on prepackaged food as well as on food contamination from heavy metals, pesticides residues and mycotoxins. Information on new standards that could impact U.S. food imports are reported on sections II, III and VII.

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Disclaimer: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service (FAS) in Dakar, Senegal for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped.

FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

Section I. Food Laws:

Senegal established the *National Committee for International Trade Negotiations* (CNNCI) in 2002 as the governmental body in charge of consultation and coordination between the government, the private sector and consumer associations on all matters concerning implementation of bilateral, regional and multilateral trade agreements including those involving the import of food. The CNNCI is chaired by the Minister for Trade while the Directorate of Foreign Trade provides the permanent Secretariat. It is divided into six subcommittees including the Subcommittee on Trade in Agricultural Products, where SPS measures are discussed, coordinated and monitored.

Senegal adheres to the CODEX Alimentarius and has a *National Codex Committee* responsible for representing Senegal at Codex negotiations, advising and sensitizing government and private sector standards users on Codex food safety standards and their applications, and initiate and oversee research and surveys on various food safety issues and standards setting. The National Codex Committee is chaired by the *Service of Food and Nutrition* of the Ministry of Health and is composed of representatives from the Ministries of Agriculture, Animal Husbandry, Environment, Fisheries, and Trade, the Senegalese Standards Association (ASN), and several research institutions as Food Technology Institute (ITA), university scientists involved in food safety applications, private sector, professional and consumers organizations.

The application of regulations regarding food safety, phytosanitary measures, the protection of animal and plant health, and risk assessment procedures and decisions is under the responsibility of the Directorate of Domestic Trade, the *Senegalese Standards Association* (ASN) and the Directorate of Plant Protection.

The Ministry of Trade is the Government of Senegal's regulatory body responsible for product manufacturing, importation, and exportation. The Directorate of Domestic Trade, under the Ministry of Trade, is primarily responsible for enforcement of food safety regulation. The Directorate manages a well equipped laboratory where samples of imported food products are tested and analyzed.

The Senegalese Standards Association is responsible for standardization and for the national system of certification of conformity with standards. It develops and manages food and phytosanitary standards, provides information, raises awareness and organizes training for industries, distributors, consumers and government officials in food quality requirements, and methods and procedures to abide by these requirements. It is responsible for centralizing all documentation on standards.

The *Directorate of Plant Protection* (DPV) through its *Division of Phytosanitary and Quality Control* is responsible for enforcing application of measures and standards related to plant protection, pest control and prevention of plant quarantine diseases. The Directorate of Plant Protection provides control services at the port and airports for all plants and seeds materials entering the country. Other government services are also involved in the enforcement of food quality standards. These include the *Directorate of Animal Husbandry for Animal Products*, the *Directorate of Oceanography and Fisheries*

for Fish and Seafood Products, and the *National Hygiene Service* in relation with the *Division of Consumption and Quality* of the Ministry of Trade for the control of hygiene and the protection of consumers.

Government and private entities involved in food safety assessments include the *Senegalese Agricultural Research Institute* (ISRA) [1] Veterinary and Animal Health National Laboratory, the *Food Technology Institute* (ITA), and the laboratory of the Pasteur Institute.

The primary food safety laws are the following:

- Law 66-48 of May 1966 [2] , which sets the main regulations for the control of food safety. The scope of this law has been extended with Laws 68-507 and 68-508. The first law specifies the conditions for controlling imports and measures for the use of food products. The second sets the procedures for the control, sampling, risk assessment, seizure, and repression of frauds.
- This law is completed by more specific application decrees issued by various ministerial authorities depending on their respective areas and scope of responsibilities. These decrees include the Decree 60-121 SG regulating phytosanitary measures applied to plants and parts of plants entering or exiting Senegal; the Decree 99-259 regulating the quality control of horticultural products; the Decree 69-891 for the control of the quality of milk and other dairy products; the Decree 89-543 regulating the sanitary and hygiene inspection of animal products used for meat production, meat and meat byproducts; and the Decree 62-132 regulating fish and seafood; The Decree 2009-872, signed in September 2009, makes it mandatory for wheat flour and vegetable oils imported or produced locally to be fortified with micronutrients in order to address nutrient deficiencies among the citizenry: iron and folic acid for wheat flour and vitamin A for vegetable oil.

The 2009 updated standard (NS 03-072) specifies that the fatty acid content of consumable refined palm oils enriched with vitamin A must not exceed 30 percent. This is still in effect despite the request from the *West African Economic and Monetary Union* (WAEMU) to remove it due a lack of sufficient scientific based data.

^[1] ISRA: French acronym of the Senegalese Agricultural Research Institute

^[2] The first Senegalese food safety laws are basically referenced to the French food safety laws. Application decrees, which are more recent make reference to the domestic context and international treaties and convention to which Senegal is signatory.

Section II. Labeling Requirements:

A. General Requirements

Senegal's labeling requirements are based on the Codex General Standard for Labeling of Prepackaged Foods adopted by the Codex Alimentarius and revised in 1991 (Codex Stan 1-1985 (Rev.1-1991)). It is applicable to all prepackaged foods to be offered as such to the consumer or for catering purposes and to certain aspects related to the presentation. Such products must be marked in French with the following information:

- Name and address of the manufacturer or its local distributor or importer
- Name of the food, list of ingredients, product designation, net contents and drained weight
- Country of origin
- Instructions for use
- Product manufacture date specified by the day, the month and the year
- Expiration date marked in the same manner as the date of manufacture, preceded by "Best Before" notice: "*A Consumer de Preference Avant le DD/MM/YY*"; and the ingredients. Please note that the dating format follows European norms; DD/MM/YY.

B. Requirements Specific to Nutritional Labeling

Special requirements are set for some commodities. For instance, milk powder labels should specify if the product is "whole milk powder," "partially creamed milk powder," or "creamed milk powder." If sugar is added to the product, the word "sweet" must be placed right next to the name of the product. If the raw milk is not cow milk, the animal species must be specified following the name of the product.

This also applies to milk powder of vegetable origin. Other mandatory inscriptions are the name, status, brand and address of the manufacturer or importer; the net weight (according to the International System), the date of manufacture, the number of the lot; and the proportion of water, fats, and sugar; the presence of emulsifiers; and the directions for use for milk powder products directly consumed.

Labels for processed milk products and pasteurized milk must indicate, in addition to general requirements, the expiration date and the storage temperature or the comment "Keep Cold." The storage temperature for pasteurized milk ranges from 0 to +10 degrees Celsius. The labels for pasteurized butter should indicate the packaging date, and the words "half salted" or "salted" could be added to the commercial name. Refrigerated butter should be stored not more than three weeks at temperatures ranging from 0 to +6 degrees C, and for frozen pasteurized butter for six months at temperatures equal or lower than -14 degrees C.

For poultry meat products, the labels must indicate freezing or deep-freezing dates. The labels of whole, half or quarter beef products should mention the following specifications: Frozen meat; "de-frozen" for retailed parts from previously frozen meat products; For sliced and processed meat, if not for direct retail sale, the label must mention the processing date, and if for direct retail sale, the label must indicate the net weight and expiration date.

Article 32 and 37 of the *Senegalese Biosafety Law* promulgated in July 2009 by the President of Senegal in July 2009 states that any Genetically Modified Organism or its by-products intended to be directly used for the human and animal food, to be transformed, or to be introduced into the environment or in

the market on the national territory must be packed and labeled in indelible and non-falsifiable ways to insure protection of ethical and cultural values, avoid risks to the environment, the human and animal health. Those products must be packed and labeled by the producer or the sender and mention “Produced with Genetically Modified Organisms” or “Contains Genetically Modified Organisms,” by conforming to other additional standards defined by the Competent National Authority, in dialogue with the other concerned administrations. However the *Biosafety Law* has not yet been implemented.

Additional labeling requirements approved in April 2011:

- For dried legumes, the name of the product should be the same as the commercial variety.
- Corn products should be labeled as follow: “maïs” for corn, “maïs doux” for sweet corn, and “farine de maïs” for corn flour. In addition, sweet corn grains should be homogenous having the same origin, variety and /or commercial type, quality, and caliber.
- For wholesale purposes, the product name, batch identification, name and address of the producer or packager should be labeled on the container. It could be replaced by an identification brand name if it is easily identified on the accompanying documents. Products should be manipulated and processed according to food safety standards recommended by Codex.

Section III. Packaging and Container Regulations:

Food products exported to Senegal should be packed with materials resistant to tropical weather (heat, high moisture), and poor handling. Thin cardboard or plywood materials are not recommended. In general, packages should be sturdily manufactured, and, depending on the type of product, banded on the outside with steel strapping.

Specific packaging requirements apply to a few commodities. For instance:

- Milk powder: 5 paper layer bags, including 1 craft doubled with a 0.1 mm thick polyethylene layer; or tinned white iron; or aluminum bag doubled with polyethylene. All these types of materials should prevent any contamination.
- Pasteurized milk and other processed milk products: for fresh milk, use more than 1 liter pack, and for processed pasteurized milk, packages could be 1 liter, half liter or quarter liter.
- Pasteurized butter should be mechanically packed in boxes, cardboard boxes covered with paraffin, or wrapped with a polyethylene film and a sealed cardboard.
- According to the April 2011 standards, products should be packed in containers that will preserve hygienic, technological and organoleptic quality. In addition, containers and packaging materials must be made of materials which are safe and suitable for use to what it is intended. They should not transmit any toxic substance or undesirable odor or flavor. The bags must be clean, sturdy and strongly sewn or sealed.

Other specific standards exist for the packaging of various food products and are made available to the public through the Senegalese Standardization Association –ASN.

Section IV. Food Additives Regulations:

ASN has issued standards for cooking salt (NS 03-017), iodinated cooking salt (NS 03-037), and other standards to determine requirements in terms of iodine content in cooking salt. In 2008, Senegal had standards for adding nutritious elements to food (NS 03-08), including iron and folic acid in bread flour, and Vitamin A in vegetable oils. For other food additives, Senegal relies on standards validated and applied in the export country or on the *Codex General Standards for Food Standards* (Stan 195-1995).

Section V. Pesticides and Other Contaminants:

Senegal applies sanitary control measures in conformity with the *Phytosanitary Convention for Sub-Saharan Africa and Prescriptions of the Sahel Pesticides Committee*. For more information on authorized pesticides, see <http://www.insah.org/protectiondesvegetaux/csp/index.html> and click on “*pesticides autorisés*.” Senegal also applies *Codex Alimentarius* pesticide residue standards and a few specific national standards (see sections IV and section VII) for the assessment of food safety. The Directorate of *Plant Protection* (DPV) performs these assessments on the basis of which food imports are authorized. A phytosanitary certificate is required for all plant imports. Quarantine is allowed only in sites approved by the *Inter-African Phytosanitary Council*. The sale or distribution of agro-pharmaceuticals not approved by the relevant government services (*Agricultural Services* or *Animal Health Services*) is banned. Pesticides to be commercialized in Senegal for use in food processing and treatment must be registered and accepted by DPV which maintains a list of approved, restricted and banned pesticides.

Section VI. Other Regulations and Requirements:

Food products that enter Senegal’s market are submitted to phytosanitary inspections by the *Laboratory of the Directorate of Domestic Trade*. These tests are conducted on four samples selected randomly from the shipment, but they do not preclude the importer from pursuing the registration approval process. The local agent or importer should receive the bill of lading and phytosanitary clearance documents prior to shipment. Sanitary control measures are in conformity with the *Phytosanitary Convention for Sub-Saharan Africa and Prescriptions of the Sahel Pesticides Committee* (see GAIN Report SG7007). At present, there is no regulatory system and institution in place for the approval and control of imports of biotech food products.

Specifically, exporting documents required in Senegal include the following:

- Two copies of the commercial invoices, which indicate the identity and contacts of exporter and the importer; a complete description of the merchandise, its weight and quantity, and CIF value;

and a complete description of the merchandise. The invoice should in French or issued with a certified French translation.

- A Pro Forma Invoice containing the aforementioned information
- A Certificate of Origin provided by the importer, specifying the quantity, quality and prices of the products subject to customs duties. COTECNA, a Swiss private company, is assigned to determine the value of the shipment, on the basis of which customs fees are determined. U.S. exporters are urged to contact COTECNA's U.S. office at www.cotecna.com for further information [3].
- A certificate of conformity from the country of origin for import food products in accordance with Circular No. 472/MCA/DCE and Circular No. 1073/MC/DCE/DCORF.

Section VII. Other Specific Standards:

Other standards that could impact food imports, include:

- NS 03-029 on milled rice
- NS 03-036 on tomato concentrate
- NS 03-010 on animal feed nutritional requirements
- NS 03-052 on wheat Flour enriched in iron and folic acid (new)
- NS 03-060 on edible vegetable oils`
- NS 03-005 on the transportation of meat products
- NS 03-014 on poultry meat preparations and trading requirements
- NS 03-006 on meat conservation through freezing
- NS 03-072 on edible palm oil enriched in vitamin A and revised NS 03-072
- NS 03-073 on edible cotton oil enriched in vitamin A
- NS 03-074 on edible palmist oil enriched in vitamin A
- NS 03-075 on edible peanut oil enriched in vitamin A
- NS 03-076 on edible sesame oil enriched in vitamin A
- NS 03-077 on edible sunflower oil enriched in vitamin A
- NS 03-078 on edible colza oil enriched in vitamin A
- NS 03-079 on edible corn oil enriched in vitamin A
- NS 03-080 on edible soya oil enriched in vitamin A

^[3] On 27 February 2008, Cotecna Inspection S.A signed a new exclusive inspection contract with the Government of Senegal. Within this new contract that started on 1st March 2008, Cotecna will provide Pre-Shipment Inspection and Destination Inspection including Scanners and Risk Management* as well as Transit Monitoring** services.

Below are six additional standards approved in April 2011:

- NS 03-092 on fruit juice and nectar
- NS 03-094 on corn

- NS 03-096 on nectar on Guava, baobab fruit, ‘Ditax’, mango
- NS 03-105 on flour corn
- NS 03-108 on garlic
- NS 03-109 on sweet corn

Detailed information and guidance on these standards and their applications can be provided by the ASN upon request. Food safety, labeling, packaging, and contaminants were emphasized. Heavy metals are not allowed in quantity that can have impact on human health, Maximum Residue Limits and mycotoxins should conform to the Codex standards for each product.

In 2012, ASN aims to revise standards on dairy products and fisheries.

Section VIII. Copyright and/or Trademark Laws:

Senegal is a member of *World Intellectual Property Organization (WIPO)* and has signed the *WIPO Singapore Treaty on the Law of Trademarks* in March 2006. Senegal has also acceded to the *Paris Industrial Property Convention* in 1963, the *Hague Deposit of Industrial Designs Convention* in 1984, and the *WIPO Copyright Treaty* in 2002. Senegal is also member of the *African Intellectual Property Right Organization*.

In Senegal, the government body responsible for the supervision of industrial and intellectual property rights is the *Ministry of Industries* through the *Industrial Property and Technology Service*. Trademarks, industrial designs and patents are regulated by specific national legislations referring to the *Banjul Agreement on Trademarks, Patents and Industrial Designs* of 1997, revised in 1999.

Senegal has also signed the *Universal Copyright Convention* which entered into effect in July 1974. Copyrights and related rights are supervised by the Ministry in charge of Culture through the *Copyright Office* of Senegal (BSDA), and regulated through the Law No. 73-52.

Section IX. Import Procedures:

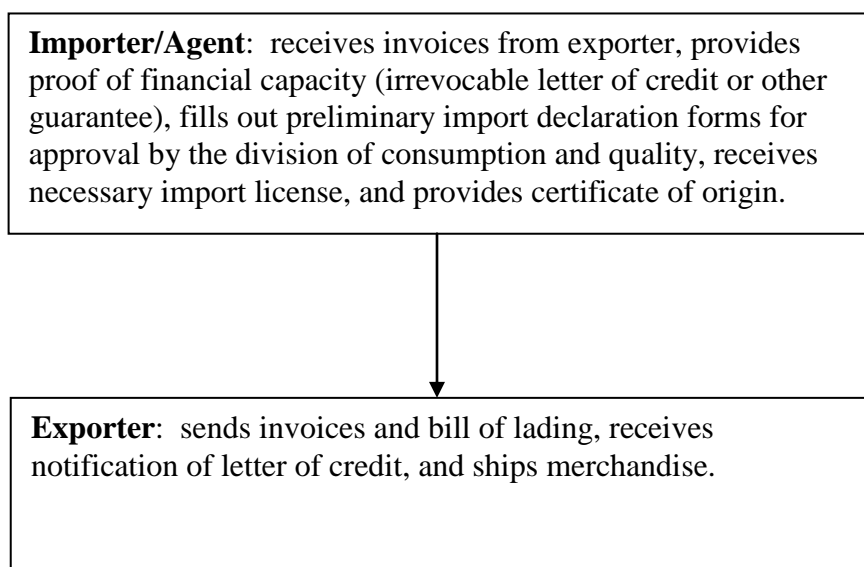
As is true in most cases, the best way to navigate the import clearance process in Senegal is to develop good communications and relations with the importer who has significant experience in the process summarized below. Import procedures include the following (See GAIN Report SG7005):

- The importer or local agent deposits a Preliminary Import Declaration seven days before shipping imported goods when the value of the merchandise is equal or greater than \$2,000.
- An approval of the Preliminary Import Declaration is obtained from the *Division of Consumption and Quality* of the *Ministry of Commerce* after submitting three copies of the Pro Forma Bills of Lading with the declaration. The Preliminary Import Declaration is valid for six months and can be extended for three months. This must be cancelled and reissued if the supplier change, the value of the order increased by more than ten percent, or if there is a modification in the quantity of the order.

- Any FOB import value equal to or greater in value than CFA three million (\$6,000) must be inspected by a U.S. pre-shipment inspection company before the shipment. This company must present a clear report of findings; and issue a Pre-Shipment Inspection Certificate (PSI). Note that PSI is not required for the following products: live animals; perishable goods for human consumption neither frozen, nor deep frozen (meat, fish, vegetables and fruit); plants and flowers; Cereals imported or approved by the public sector; and any imports with a total order FOB value equal to or below CFA 3 million.

Goods imported for re-export are subject to a temporary admission system and are not assessed for customs duties. However, customs officials may decide to spot-check as this system is sometimes abused.

The following chart describes the documentation flow for imports:



Files for phytosanitary inspection documentation (*Directorate of Plant Protection*) and Customs clearance (Private Duties Evaluation Assignee, Customs Services), arranges for warehousing, transportation and distribution.

Payment can be made by wire transfer, check, cash or any other legal methods agreed upon by parties involved in the transaction. Most suppliers demand 50 percent down payment at the time of order and the remaining half after delivery. Some require advance payment. Payments by government clients may be delayed. Normally, payments are made within 30 to 60 days. Any payment for imported goods greater in value than CFA one million (\$2,000) must be made through an approved Senegalese bank or financial institution.

Several private customs and transit consultant firms are available and can assist your agent or importer

to go through these procedures and therefore reduce cost and speed up administrative authorizations.

Appendix I. Government Regulatory Agency Contacts:

Direction du Commerce Intérieur (Directorate of Internal Trade)

Ministry of Commerce

Rue Parchappe X Beranger Ferraud, Dakar, Senegal

Tel: +221 – 33 822 45 59

Fax: +221 – 33 821 98 90

Email: spdci@yahoo.fr

Website: Not available

Direction du Commerce Extérieur (Directorate of External Trade)

Ministry of Commerce

Tel: +221 – 33 820 4494

Fax: +221 – 33 829 9495

Email: Not available

Website: Not available

Association Sénégalaise de Normalisation (ASN) – Senegalese Standards Association

21 Lotissement Front de Terre x Bourguiba

BP 4037 Dakar, Sénégal

Tel: +221 – 33 827 6401

Fax: +221 – 33 827 6412

Website: <http://www.asn.sn>

Email: asnor@sentoo.sn

Direction de la Protection des Végétaux (Directorate of Plant Protection)

Ministry of Agricultural and Rural Development

Km 15, Route de Rufisque,

BP 20054, Thiaroye- Dakar, Sénégal

Tel: +221 – 33 834 0397

Fax: +221 – 33 834 28 54 / 33 853 2252

Email: dpv1@orange.sn

Website: Not available

Industrial Property and Technology Service

Ministry of Industry and Handicrafts

104 Rue Carnot

BP 4037 Dakar, Senegal

Tel: +221 – 33 822 0449 / 33 889 5713

Fax: +221 – 33 823 1404 / 33 822 5594

Email: Not available

Website: Not available

Senegalese Copyright Office (BSDA)

Ministry of Culture

44, Rue Jules Ferry

BP 126, Dakar

Tel: +221 – 33 889 01 86

Fax: +221 – 33 822 2459
Email: bsda2000@orange.sn
Website: Not available

Appendix II. Other Import Specialist Contacts:

TRADE POINT SENEGAL (Import information and requirements)
Km 2,5 Boulevard du Centenaire de la Commune de Dakar
BP: 21674 Dakar Ponty
Tel: (221) 33 839 73 73
Fax: (221) 33 839 73 90
Email : tpdakar@tpsnet.org
Website: www.tpsnet.org

Institut de Technologie Alimentaire (Food Technology Institute – testing of food quality)
Route des Pères Maristes - Dakar Hann - Sénégal
Tel. +221 33 859 0707
Fax. +221 33 832 82 95
Email : ita@ita.sn
Website: www.ita.sn

ISRA, Laboratoire National d'Elevage et de Recherche Vétérinaire (Animal Production and Veterinary Research Laboratory – testing of quality of animal food products and animal feed)
B.P 2057 Dakar-Hann, Sénégal
Tel : 221 33 832 3678
Fax : 221 33 832 3679
Email: Not available
Website: www.isra.sn

Institut Pasteur of Dakar (Food safety and quality testing)
36, Avenue Pasteur
B.P. 220 - DAKAR
Tél. : + 221 33 839 92 00
Fax : + 221 33 839 92 10
Email: pasteurdakar@pasteur.sn
Website: <http://www.pasteur.sn>