



## Doing Business in Senegal:

### 2012 Country Commercial Guide for U.S. Companies

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## Chapter 1: Doing Business In Senegal

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### Market Overview

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- With its capital city of Dakar located on the westernmost point of Africa, Senegal is a gateway to the continent. This semi-arid country slightly smaller than South Dakota has some of the best transportation, telecommunications and communication infrastructure in West Africa. Dakar, Senegal's capital city has become the transportation hub of West Africa region, with a number of airlines flying eastbound towards the other African countries and northbound to Northern Africa (Morocco and Tunisia), Europe and the United States. Delta and South African Airways ensure daily flights between the U.S. and Senegal. The Port of Dakar is the first major port-of-call from Europe and is well served by major shipping lines. The Port serves as an entrepot transshipment center for landlocked nations in West Africa. The Port of Dakar has deep draft at 11 meters and a wide access channel, which allows around-the-clock access.
- Many companies use Senegal as a regional center for their West Africa operations. Senegal is one of Africa's most politically and economically stable countries. Since independence from France in 1960, Senegal has been a functioning democracy. Free and fair elections in 2000 brought President Abdoulaye Wade to power, ending 40 years of Socialist Party rule. He was re-elected on February 25, 2007. President Wade has amended Senegal's constitution over a dozen times to increase executive power and weaken the opposition. This culminated in a violent demonstration on June 23<sup>rd</sup> which weakened the President Wade's credibility. The presidential elections on February 26, 2012 ended with President Wade being defeated by his former Prime Minister Macky Sall.
- Senegal has an estimated population of 13.9 million. Real GDP growth was reported as 4 percent in 2011. GNP per capita was USD 1,200.00 and the end of year inflation rate was 3.6 percent. The estimated GDP growth rate for 2012 is 4.4 percent. The current account deficit, which reached 9.5 percent of GDP in 2009, fell to 6.3 percent of GDP in 2011. The 2011 budget deficit (grants excluded) averaged 4 percent of GDP. Monetary policy is controlled by the regional central bank, the West African Monetary Union Central Bank (BCEAO), headquartered in Dakar.
- The Government reduced the corporate tax from 33 to 25 percent effective January 2006. In August 2010, the government proposed decreasing the VAT on tourism from 18% to 10%.

- Senegal's economy remains vulnerable to external factors; rainfall, international tourist demand and variable commodity prices. Fish, phosphates, fertilizer and peanuts (in the form of peanut oil) are major exports, with tourism an important additional foreign exchange earner. A significant Senegalese expatriate community also returns – through formal and informal networks - important amounts of foreign exchange to Senegal in the form of remittances estimated at more than US dollars 1.2 billion in 2010.
- The Investment Promotion Agency (APIX), created in June 2000, works to improve service to investors, including offering a single window ("one-stop shop") for government services. In July 2007, it successfully reduced the number of days it takes to start a business from 58 to two. Senegal is a member of WIPO and of the Bern Copyright Convention, and is working to update its laws covering the protection of intellectual property rights.
- The Senegalese are generally well disposed towards Americans, and actively seek U.S. trade and investment. In the past, the country's historic ties to France and its relatively small domestic market have limited U.S. commercial relationships here, but that is changing. U.S. investment in Senegal has recently increased significantly due to direct investment in the tobacco industry and in the energy sector. In 2011, U.S. exports to Senegal reached USD 235.4 million compared to USD 218.4 million in 2010. France, nonetheless, remains Senegal's largest trading partner, supplying approximately 16 percent of Senegal's import needs. Other important trading partners are India, Dubai, Morocco, Nigeria, China, Brazil and Thailand.
- In 2011, Senegal exports to the U.S. reached USD 6.3 million. They dropped from \$18 million in 2008 to \$5.1 million in 2010. Senegal is eligible for benefits under the African Growth and Opportunity Act (AGOA) passed by Congress in 2000 whereby more than 6,000 products manufactured or produced in Sub-Saharan Africa can be exported to the U.S. duty free.
- Senegal has an excellent digitized telecommunications infrastructure. The country has around 9.6 million cell phone accounts and 361,000 landlines for 13.9 million inhabitants.

## Market Challenges

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- Senegal continues to be one of the most challenging business environments in the world, ranking among the lower quarter (154 out of 183) of the World Bank ease of doing business survey. Difficulty in resolving commercial disputes, particularly the enforcement of contractual rights, remains a serious obstacle in promoting investment in Senegal.
- American companies are often frustrated with the slow pace of the Senegalese legal system.
- Despite Senegal's openness to the rest of the world, French influence remains strong. Partly because of CFA franc ties to the Euro and the French Treasury's

guarantee of the exchange rate. The exchange rate is fixed at 1 Euro = 655.957CFA franc.

Senegal's commercial climate is challenging for U.S. companies accustomed to a business environment where the driving forces remain fair competition, transparent rules and a level playing field. In Senegal, there is a procurement regulatory agency (ARMP) and standardized procurement practices, however, although there are published abuses of procurement practices there have as yet been no prosecutions. President Wade has tried to change the procurement code on occasion but so far donor nations have lobbied to stop the implementation of the released decrees.

- Judicial, tax, customs, property disputes and other regulatory decisions are frequently inconsistent, tardy and non-transparent.
- There is no public comment process for proposed laws and regulations.
- Until recently there were routine power outages and variations in current flow. However, with the involvement of an American company in emergency power production the outages have dramatically reduced.
- Senegal's bureaucracy remains significantly burdensome.
- Senegal's economic freedom score is 55.4, making its economy the 120th freest in the 2012 Index. Its score has decreased by 0.3 point since last year, reflecting declines in four of the 10 economic freedoms including business freedom and trade freedom. Senegal is ranked 22nd out of 46 countries in the Sub-Saharan Africa region, and its score is below the world average.
- The domestic market is small by U.S. standards and represents 14 million consumers with per capita GDP of \$1200. As a result, U.S. companies interested in this market should have a regional strategy and consider Dakar as a hub for West Africa.

## Market Opportunities

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- Although Senegal's domestic market is relatively small, there are opportunities for U.S. companies. Senegal remains an excellent choice for companies interested in doing business with other countries in the region.
- The top sectors offering potential for U.S. companies are power generation systems, automobiles/trucks and automotive parts, construction equipment, agricultural equipment, cosmetics and toiletries, used clothing, renewable energy equipment, telecommunications equipment, computers and peripherals.
- In September 2009, the Millennium Challenge Corporation (MCC) signed a \$540 million Compact with Senegal. The project will focus on road rehabilitation, bridge construction and irrigation projects in the southern Casamance region and Senegal's River Valley situated in the north of the country. For specific details on

these opportunities, please visit:

<http://www.mcc.gov/pages/business/compactprocurements> or

<http://mcc.dgmarket.com/tenders>

- The whole of Senegal's energy sector has found itself in distress leading the government to recently launch an emergency restructuring plan of the electricity sector. This plan "Takkaal" is preparing the ground for further investment in capacity, and for more openness to renewable energy.
- Senegal faces an urgent need to expand the power supply capacity by a rather large magnitude as the gap between power demand and energy supply has become abyssal leading to persistent power outages. The plan "Takkaal" calls for an additional power of 800 MW. 150 MW of rented emergency power have been injected in the grid since October 2011. A 250 MW coal-fired power plant split into two 125 MW units is expected to be built by a South Korean company and is slated to begin operation at the end of 2015. In the meantime, the government will continue to add capacity.
- Additional investment opportunities in the power sector exist in rural electrification, the rehabilitation and/or replacement of Senelec's antiquated generators, and the upgrade and further construction of transmission and distribution lines and sub-stations. A further Hydroelectric plant is also planned on the Senegal River. Notwithstanding the tri-country Manantali dam (600MW potential) already is already operational, supplying hydro-sourced power to Guinea, the Gambia and Senegal).
- The government hopes to have 20 percent of the nation's energy needs met with renewable energy by 2020; sources will include solar, wind and bio-fuels.
- Key investment and trade opportunities in the agricultural sector include farming equipment, expanded irrigation systems, post harvest handling systems, storage and silo facilities.
- A major project in Senegal includes the ongoing construction of a new airport at Diass, about 47 kilometers from Dakar. This airport will replace the existing Leopold Sedar Senghor international airport. The new *Aéroport International Blaise Diagne* will make Senegal a major sub-regional hub with the latest technology in airport safety and security. Following an international tender, management of the new airport was awarded to Fraport, the German firm currently managing the Frankfurt airport. The Saudi construction company Bin Laden has been selected to build the airport. Expected completion date is early 2013.

## Market Entry Strategy

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- The specific type of representation that a U.S. firm establishes in Senegal must be tailored to fit the individual requirements of the product and its potential market. U.S. firms may employ the services of an agent, appoint a distributor or dealer, and/or establish a direct sales branch or subsidiary. Preferably, the agent

or the distributor should be a local business/firm, fluent in French, and aware of Senegal's business practices. If the product requires some servicing, the U.S. exporter should make available a reasonable inventory of spare parts to his agent or distributor. U.S. companies also should provide brochures and marketing literature in French.

- After-sales support and service are critical for sophisticated and heavy industrial equipment such as telecommunications products, industrial machinery, computer hardware, and photocopiers. Product recalls are virtually unknown in Senegal.
- There is no substitute for face-to-face contact.
- Once the decision to open a business in Senegal is made, the U.S. businessperson will require legal counsel and a *notaire* (notary) for all the legal formalities associated with the incorporation of a company. The Embassy has available a list of lawyers and notaries. It is advisable that U.S. firms approach firms specializing in financial and tax advisory services. Well-qualified representatives of major U.S. and international auditing and business consulting firms are located in Senegal.

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## Chapter 2: Political and Economic Environment

For background information on the political and economic environment of the country, please click on the link below to the U.S. Department of State Background Notes.

<http://www.state.gov/r/pa/ei/bgn/2862.htm>

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### Using an Agent or Distributor

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The U.S. Embassy's Economic/Commercial Section provides an array of fee-based services to help U.S. companies identify suitable partners in the region. Please contact the U.S. Commercial Service in Johannesburg at [www.buyusa.gov/southafrica](http://www.buyusa.gov/southafrica) or your nearest Export Assistance Center for further information about the services.

### Establishing an Office

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- Locating suitable office space in downtown Dakar has become a challenge. More and more companies are leaving the crowded downtown area, the Plateau district, for less crowded midtown locations. The concept of serviced office space for rent is making headway in Dakar's real estate market. Regus and other international relocating companies have opened shop in Dakar.
- The "Guichet Unique," or one-stop-shop, at the Government's Agency for the Promotion of Investment and Infrastructure (APIX), is the first stop for foreign investors interested in establishing a business in Senegal and qualifying for



investment incentives. The Guichet Unique has merged seven start-up procedures into one, and now the time required to register a business has fallen from 58 days to 8. APIX was created in June 2000 by incoming President Wade, and is the linchpin of Senegal's foreign investment promotion policy.

- Foreign investors also need the assistance of a “notary” in order to register and incorporate their company under OHADA, a regional initiative to harmonize commercial codes in Francophone Africa. In French practice, the notaire or notary differs from those of a U.S. notary and can be more accurately compared to those of a commercial lawyer. The notary is a specialist in contracts and legal documents. The most common legal forms of incorporation are as the branch of a foreign company (“succursale”), a limited liability company (“société à responsabilité limitée – SARL”) and a public corporation (“société anonyme – SA”). Once registered, a branch is regarded as a Senegalese judicial entity.
- All SARLs must have a minimum capital of CFA francs (CFAF) 1 million (\$2,000) and at least one shareholder. The minimum capital required to create a public corporation is CFAF 10 million (\$20,000) with a minimum of one shareholder. (Average exchange rate: CFAF 500=\$1).
- Other types of business structures include sole proprietorship, regional office, local agency and distributorship.

## Franchising

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- Limited to international car rental agencies until recently, the franchising market is growing rapidly. There is a potential for much more growth in the franchise sector due to Dakar's leading role as a hub for industries and services. The recent construction of modern commercial centers in Dakar including the opening of Dakar's first upscale shopping mall bodes well for franchisors interested in the market.
- Franchises in food distribution, apparel and clothing, dry cleaning and car servicing, mostly French brands, have opened recently. Local grocery stores and office supply stores have begun to franchise their businesses throughout Senegal.
- U.S. franchises are essentially absent from the market, except for a few car rental agencies, such as Hertz and Avis. Senegalese entrepreneurs are vying for U.S. master franchises, but the entry costs remain a deterrent. With the marked interest in establishing franchises in Senegal, business entrepreneurs have created a franchise association to develop the sector and attract international franchises.
- American franchisors need to be educated on the local market, whereas Senegalese franchisees have to become familiar with the legal intricacies of a franchise contract.

## Direct Marketing

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- A number of advertising agencies may perform direct marketing at the request of U.S. companies

## Joint Ventures/Licensing

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- The Senegalese investment code provides incentives for joint venture business operations. Joint venture partnerships should specify the responsibility of each party, since many local entrepreneurs expect that all costs will be borne by the foreign investor. Although increasingly interested in joint venture activities, Senegalese entrepreneurs typically have little equity to offer.
- Senegalese law does not contain any specific provision for licensing. The primary consideration is the formalization of a remittance procedure for any fees and royalties to the licensor, in compliance with local tax laws. In Senegal, licensing agreements are common in the tobacco, food and soft drink industries. For instance, Philip Morris until recently manufactured products under license. Kimberly-Clark has a manufacturing license agreement with a local firm for Huggies diapers. Coca-Cola products are also under license in Senegal.

## Selling to the Government

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- The Government remains a significant customer and in some cases the largest. Government procurement follows a public tender and competitive selection process, although there have been more and more allegations of non competitive bidding for major infrastructure projects. However, the procurement process for infrastructure projects financed by multilateral lending organizations such as the World Bank and its affiliate the International Finance Corporation (IFC), the African Development Bank (AfDB), the West African Development Bank (BOAD) and the Islamic Development Bank (IDB) are more transparent.
- All public procurement must go through a tender process supervised by the Public Procurement Regulatory Agency (ARMP) except for tenders of national security emanating from the Presidency, the Ministries of the Armed Forces, Health and Homeland Security.
- Calls for bids are published in local newspapers, and occasionally internationally. Information in French on upcoming public tenders can be found at [www.marchespublics.sn](http://www.marchespublics.sn)
- Prospective bidders may learn of upcoming World Bank projects by subscribing to the World Bank's monthly operational summary. Descriptions of newly approved AfDB projects are also available on a subscription basis. The AfDB is eager for bids from U.S. companies. For further information on AfDB projects, U.S. companies may consult the following website: <http://www.buyusa.gov/afdb>.
- The Economic/Commercial Office monitors requests for tenders and reports those that may be of interest to U.S. suppliers to the U.S. Department of

Commerce and to the Economic Business Bureau at STATE. Bid specifications are usually in French, and bidders also are required to submit proposals in French.

- Selling to the Government may be a challenge for US companies because of a history of late payment or non-payment for products and/or services provided to government entities. Unpaid bills from the Senegalese government have accumulated in recent years. The state's outstanding arrears to the private sector, estimated by the International Monetary Fund at \$524 million, have raised concerns among the multilateral donors community. It has hurt the construction sector and could have a domino effect in the wider economy. The U.S. Embassy offers assistance to U.S. companies and advocates with appropriate government officials on their behalf.

## **Distribution and Sales Channels**

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- The capital city, Dakar, is the hub of economic activity and the largest consumer market in Senegal. The Dakar metropolitan area contains 90 percent of Senegal's manufacturing base and 22 percent of its population.
- Almost all goods entering Senegal transit through the Port of Dakar and are distributed by truck or by rail, on many occasions to landlocked Mali. The only rail line that links Dakar to Bamako has fallen into an almost total decay. Dubai Ports World (DP World) is managing the new container terminal under a 25-year concession.
- Distribution occurs both by modern and by traditional systems. The modern sector is dominated by a few large French-owned import-export firms that cover all aspects of trade from importing to retailing, but their numbers are decreasing. Lebanese merchants also play an important role in the import-export business. Existing alongside these companies are extremely competitive small-scale traders specializing in the wholesale and retail distribution of various consumer goods. Senegalese merchants selling popular consumer goods, such as textiles and electronics, are gradually replacing Lebanese traders. A growing Chinese immigrant community is making headway in Dakar's street markets. They have opened shops on Dakar's thoroughfares and sell cheap consumer goods.
- A very dynamic traditional or informal sector engages roughly 80 percent of the workforce. Informal traders in municipal and street markets carry out a sizable portion of domestic trade. Sandaga, a sprawling unregulated market in the heart of Dakar, is the capital's principal distribution center for manufactured goods ranging from textiles, footwear, and cosmetics to high-tech stereo equipment. Street vendors make up a dynamic, if somewhat marginalized, sub-component of the informal sector.
- In recent years, there has been a substantial build-up of more formal merchandising space. A number of modern retail outlets have sprung up throughout the city of Dakar.

## **Selling Factors/Techniques**

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- Most local distributors of imported merchandise expect their suppliers to provide advertising and promotional support, particularly when introducing a new product or brand name. Sales promotion material and technical documentation should be in French. There is no direct mail marketing.

## **Electronic Commerce**

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- The Senegalese government has made the development of information technology one of the pillars of the Accelerated Growth Strategy aimed at reaching 15 percent GDP growth by 2015.
- Senegal intends to take advantage of opportunities offered in the IT sector. As such, Senegal recognizes the important role that e-commerce can play in trade development, but this area is still at an early stage.
- Senegal's first experience with e-Commerce was done through the Trade Point, an initiative of the United Nations Conference on Trade and Development (UNCTAD) to facilitate international trade.
- There have been some sporadic endeavors by private entrepreneurs who have been marketing Senegalese-made artisanal and folklore products via the Internet. The African Growth and Opportunity Act (AGOA) should benefit them. There also exist websites such as [www.seneweb.com](http://www.seneweb.com), which offer to the Senegalese Diaspora a means to buy certain items online. Some Senegalese have started using the Amazon.com French site and E-Bay.fr to shop online.
- Senegal's good telecommunications infrastructure and growing Internet market are conducive to the development of e-Commerce. Senegal was the first sub-Saharan country to introduce ADSL in 2003.
- The use of e-Commerce is somewhat restrained by the limited use of formal banks, although efforts have been made to increase the percentage of the population with bank accounts from 6.2 percent in 2010 to 19 percent in 2011. Recent problems with the Post Office have accelerated the growth of cell phone banking. Different from internet banking in the sense that subscribers don't have a bank account, rather they have the ability to send a limited amount of money via their cell phone to someone else who has a cell phone. The receiving person then receives a message that money is available and then that person goes into a specific bank, associated with the software, to receive the money.

## **Trade Promotion and Advertising**

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- Although advertising has not yet achieved the sophistication typical of European and North American markets, Senegal offers extensive advertising outlets, including seven television channels that carry local commercials, numerous private radio stations and newspapers. The Internet, billboards, and phone messaging services offer additional possibilities. Advertising is in either French or Wolof. There are no large-scale English-language media outlets in Senegal.

When companies are unfamiliar with Senegalese culture and the local business environment, they can sometimes experience difficulty in targeting customers for direct marketing efforts.

Senegal does receive satellite broadcasts from South Africa (DSTV) and France (CANAL). DSTV is in English, but other language stations can be requested, Hindi, Portuguese, and Mandarin. This station covers South African culture and British sports.

- Senegal has a lively and diverse press, but newspaper circulation is, for the most part, limited to Greater Dakar. The quasi-official “Le Soleil” is a daily newspaper. Other major popular independent newspapers include the dailies “Sud Quotidien,” “WalFadjri,” “Le Quotidien,” “Le Matin,” “Le Populaire,” “Il Est Midi,” and the economic weekly “Nouvel Horizon.” National newspapers are in French. English-language newspapers such as the “International Herald Tribune” are also available at many newsstands.
- Radio advertising is very efficient for consumer products. Radio is the medium of choice for much of the population outside major cities because of its easy accessibility.
- Many leading international advertising agencies, including McCann Erickson and Ocean Ogilvy, have local affiliates.
- Shooting TV commercials locally is far cheaper than in the US. The major agencies in Dakar that work with multinational companies such as Nestle, Maggi and Coca Cola tend to take advertisements filmed in Europe and the US and adapt them slightly to the local market.
- There are also a few specialized trade exhibitions in Dakar in agriculture and food processing, housing and construction, IT, medical equipment and renewable energy. The American Chamber of Commerce, along with the U.S. Embassy, organizes every other year USA Week, which may be an opportunity to showcase U.S. products and services.
- The U.S. Economic and Commercial Service assists U.S. companies or their local representatives in organizing product launches or technical seminars through the Single Company Promotion.

## Pricing

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- Senegalese companies and consumers are extremely price-sensitive and suffer from lack of local credit availability.
- U.S. exporters should price their products on a CIF (cost, insurance and freight) basis. Liberal credit terms and a vast array of financing packages, e.g., supplier credit, made available by European competitors, have disadvantaged U.S. firms. New-to-market U.S. exporters should request an irrevocable confirmed letter of credit. In some cases, large Senegalese importers have sources of foreign exchange outside Senegal and can offer credit documents issued by non-Senegalese banks.

- To help U.S. exporters formulate sound credit policies applicable to local markets, credit information on individual Senegalese firms can be obtained by requesting an International Company Profile (ICP) through the U.S. Embassy's Economic and Commercial Service, [www.export.gov](http://www.export.gov).

### **Sales Service/Customer Support**

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- After-sales support and service are critical for sophisticated and heavy industrial equipment such as telecommunications products, industrial machinery, computer hardware and photocopiers. It is highly recommendable to use a local distributor for products requiring after-sales services or customer support. French-language user's manuals, personnel training and a large inventory of spare parts are crucial components for successful after-sales services in Senegal.
- Product recalls are virtually unknown in Senegal.

### **Protecting Your Intellectual Property in Senegal**

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Several general principles are important for effective management of intellectual property ("IP") rights in Senegal. First, it is important to have an overall strategy to protect your IP. Second, IP is protected differently in Senegal than in the U.S. Third, rights must be registered and enforced in Senegal, under local laws. Your U.S. trademark and patent registrations will not protect you in Senegal. There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer copyright protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions.

Registration of patents and trademarks is on a first-in-time, first-in-right basis, so you should consider applying for trademark and patent protection even before selling your products or services in the Senegalese market. It is vital that companies understand that intellectual property is primarily a private right and that the US government generally cannot enforce rights for private individuals in Senegal. It is the responsibility of the rights' holders to register, protect, and enforce their rights where relevant, retaining their own counsel and advisors. Companies may wish to seek advice from local attorneys or IP consultants who are experts in Senegal law. The Economic and Commercial Service can provide a list of local lawyers upon request.

While the U.S. Government stands ready to assist, there is little we can do if the rights holders have not taken these fundamental steps necessary to securing and enforcing their IP in a timely fashion. Moreover, in many countries, rights holders who delay enforcing their rights on a mistaken belief that the USG can provide a political resolution to a legal problem may find that their rights have been eroded or abrogated due to legal doctrines such as statutes of limitations, laches, estoppel, or unreasonable delay in prosecuting a law suit. In no instance should U.S. Government advice be seen as a substitute for the obligation of a rights holder to promptly pursue its case.

It is always advisable to conduct due diligence on potential partners. Negotiate from the position of your partner and give your partner clear incentives to honor the contract. A good partner is an important ally in protecting IP rights. Consider carefully, however, whether to permit your partner to register your IP rights on your behalf. Doing so may create a risk that your partner will list itself as the IP owner and fail to transfer the rights should the partnership end. Keep an eye on your cost structure and reduce the margins (and the incentive) of would-be bad actors. Projects and sales in Senegal require constant attention. Work with legal counsel familiar with Senegal laws to create a solid contract that includes non-compete clauses, and confidentiality/non-disclosure provisions.

It is also recommended that small and medium-size companies understand the importance of working together with trade associations and organizations to support efforts to protect IP and stop counterfeiting. There are a number of these organizations, both Senegal or U.S.-based. These include:

- The U.S. Chamber and local American Chambers of Commerce
- National Association of Manufacturers (NAM)
- International Intellectual Property Alliance (IIPA)
- International Trademark Association (INTA)
- The Coalition Against Counterfeiting and Piracy
- International Anti-Counterfeiting Coalition (IACC)
- Pharmaceutical Research and Manufacturers of America (PhRMA)
- Biotechnology Industry Organization (BIO)

## IP Resources

A wealth of information on protecting IP is freely available to U.S. rights holders. Some excellent resources for companies regarding intellectual property include the following:

- For information about patent, trademark, or copyright issues -- including enforcement issues in the US and other countries -- call the STOP! Hotline: **1-866-999-HALT** or register at [www.StopFakes.gov](http://www.StopFakes.gov).
- For more information about registering trademarks and patents (both in the U.S. as well as in foreign countries), contact the US Patent and Trademark Office (USPTO) at: **1-800-786-9199**.
- For more information about registering for copyright protection in the US, contact the US Copyright Office at: **1-202-707-5959**.
- For more information about how to evaluate, protect, and enforce intellectual property rights and how these rights may be important for businesses, a free online training program is available at [www.stopfakes.gov](http://www.stopfakes.gov).
- For US small and medium-size companies, the Department of Commerce offers a "SME IP Advisory Program" available through the American Bar Association that provides one hour of free IP legal advice for companies with concerns in Brazil, China, Egypt, India, Russia, and . For details and to register, visit: [http://www.abanet.org/intlaw/intlproj/iprprogram\\_consultation.html](http://www.abanet.org/intlaw/intlproj/iprprogram_consultation.html)
- For information on obtaining and enforcing intellectual property rights and market-specific IP Toolkits visit: [www.StopFakes.gov](http://www.StopFakes.gov) This site is linked to the

USPTO website for registering trademarks and patents (both in the U.S. as well as in foreign countries), the U.S. Customs & Border Protection website to record registered trademarks and copyrighted works (to assist customs in blocking imports of IP-infringing products) and allows you to register for Webinars on protecting IP.

The U.S. Commerce Department has positioned IP attachés in key markets around the world. The IP attaché for Senegal is Steve Perry, Economic Officer, Tel: +221-33-829-2227, email: [PerrySJ@state.gov](mailto:PerrySJ@state.gov).

### **IPR Climate in Senegal**

Several general principles are important for effective management of intellectual property rights in Senegal. First, it is important to have an overall strategy to protect IPR. Second, IPR is protected differently in Senegal than in the U.S. Third, rights must be registered and enforced in Senegal under local laws. Companies may wish to seek advice from local attorneys or IP consultants. The U.S. Economic and Commercial Section can provide a list of local lawyers upon request.

Senegal is a signatory to the Bern Copyright Convention. It also is a member of the African Organization of Intellectual Property (OAPI), a grouping of 15 Francophone African countries, which has established among its member states a common system for obtaining and maintaining protection for patents, trademarks and industrial designs. Therefore, rights registered in one member country are valid in all. Patent validity is 20 years. Registered trademarks are protected for 20 years at each registration, renewable without limit.

Senegal is a signatory to the World Trade Organization and its Trade Related Aspects of Intellectual Property Agreement (TRIPS). Since January 2000, Senegal theoretically has been in full compliance with the TRIPS accord, but has yet to deposit its instruments of ratification for WIPO Copyright Treaty and the WIPO Performances and Phonograms.

As in most developing countries, IPR protection is inadequate. In 2006, Senegal created a Piracy and Counterfeit Enforcement Division, but due to limited resources, it has had difficulties fulfilling its enforcement efforts. In addition, the might of the law governing IPR protection has been reinforced in 2008 by the voting of a national IPR law in January 2008 and the revision of the Bangui Convention, but the application of the sanctions remain limited due to the delays in the judicial system, the budget constraints of the enforcement unit and the lack of training of the judges on IPR issues.

### **Local contacts**

Industrial Property and Technology Service Office  
Ministry of Industry  
104, rue Carnot - Dakar  
Tel: 221-33-822-04-43/33-821-15-44  
Fax: 221-33-823-14-04

BSDA (Copyrights Office)



44, rue Jules Ferry - Dakar  
Tel: 221-33-889-01-86  
Fax: 221-33-823-14-04  
Mme Siby, Director

Association of the Music Industry  
758 Sicap Baobabs - Dakar  
Tel: 221-33-824-47-02  
Email: [midimuse@orange.sn](mailto:midimuse@orange.sn)

## **Due Diligence**

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- The U.S. Economic and Commercial Section can assist U.S. companies with researching the bona fides of companies based in Senegal. This service ranges from verification of the existence and reputation of a local company to a more sophisticated search through the International Company Profile (ICP).

## **Local Professional Services**

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- Once the decision to open a business in Senegal is made, the U.S. businessperson will require legal counsel and a notary for all the legal formalities associated with the incorporation of a company. The Embassy has available a list of lawyers and notaries. It is advisable that U.S. firms approach firms specializing in financial and tax advisory services. Well-qualified representatives of major U.S. and international auditing and business consulting firms are located in Senegal.
- A list of notaries and lawyers is available to U.S. companies upon request.

## **Web Resources**

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- Dakar International Trade Fair: [www.cices.sn](http://www.cices.sn)
- Specialized Fairs: [www.sencomane.sn](http://www.sencomane.sn)
- Senegal's Bar Association: <http://www.jurisint.org/en/asc/9.html>
- Trade Point Senegal: [www.tpsnet.org](http://www.tpsnet.org)
- American Chamber of Commerce: [www.amchamsen.org](http://www.amchamsen.org)

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## Chapter 4: Leading Sectors for U.S. Export and Investment

- [Electrical Power Systems](#)
- [Automobile/Light Trucks/Vans & Automotive Parts/Services Equipment](#)
- [Heavy Equipment and Machinery](#)
- [Cosmetics/Toiletries](#)
- [Used Clothing](#)
- [Telecommunications Equipment & Services/ Computers & Peripherals](#)
- [Renewable Energy Equipment](#)
- [Agricultural Equipment](#)
- [Agricultural Sectors](#)

### Electrical Power Systems

#### Overview

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- The implementation of the Takkal plan by the Wade administration fundamentally changed the structure of the energy sector in Senegal. The National Council of Energy (CNE) is the authority in Ministry of Energy making decisions and policy. The Permanent Energy Secretariat (PMO) is under this making recommendation to the CNE. The Special Energy Fund (FSE) is administered through the PMO and APIX – the government authority in charge of investment – is responsible for investment and contract tenders. Management and execution of new projects is undertaken by the Chief Executive who also is the reporting authority for SENELEC – the national power company.
- Senelec holds the monopoly for transmission and distribution of electricity. Private sector investors licensed as Independent Power Producers (IPPs) have a current combined capacity of 113.5 MW. The General Electric/GTI Dakar IPP, which supplies approximately 20 percent of Senelec's electrical needs, has as an installed capacity of 56 MW.
- Senegal's current fuel source for power generation is diesel. Some of which is refined in Senegal, some of which is imported. Senegal has some natural gas resources, which provide a small percentage of fuel for turbines. Some hydroelectricity generated from the Manantali Dam in Mali is split between Senegal, Mali and Mauritania. Manantali has an installed capacity of 200 MW dispatched as follows: 52 percent for Mali, 15 percent for Mauritania and 33 percent for Senegal (66MW).
- Sustained economic growth of 4-4.5 percent the last couple of years has triggered a rapid increase in electricity demand. Despite an ambitious power sector investment program, the country's power system presently has an installed capacity of 500 MW, but only 480 MW are on the grid, which is insufficient to meet the prevailing demand. The reserve margins, if any, have

steadily declined over the years and the production gap estimated at 50 MW has been causing wide-spread electricity outages.

- The Government has recently put in place an emergency and restructuring plan. The plan report “TakkaI” provides a series of seven recommendations that focus on the restructuring of Senelec, the sustainability of fuel supply, the rehabilitation of the existing power plants, the implementation of an emergency plan, the shoring up of additional capacity to the grid and the management of the demand.

### **Sub-Sector Best Prospects**

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- The emergency plan “TakkaI” calls for the introduction of 150 MW into the grid. An American company APR energy has provided this power, eliminating in the short term the power outages. The government has released funding plans for two 68MW floating power units “barges” and has released information on the construction of a 250MW coal-fired plant.
- The procurement of utility vehicles and generators are good prospects for U.S. companies, as is the supply of generators and high tension power cable.
- Senegal is one of two countries in the world that has a Minister of Renewable Energy. In this case the portfolio also includes bio-fuels. As leaders in this field the Brazilians have pushed the bio-fuel implementation, however opportunities exist for U.S. companies to get more involved in the agricultural sector which could involve coordination in the bio-fuel industry.

### **Opportunities**

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- Senegal’s long-term needs for more electricity, upgraded power plants and increased levels of rural electrification are still unmet. Opportunities exist in the replacement of SENELEC’s obsolete turbine generating capacity through IPP, in the upgrading of the interconnected grid as well as the construction of new transmission lines and sub-stations. The company recently announced investments of CFAF 520 billion (\$1.15 billion) for the period 2008-2015 to correct the perpetual power failures.
- The Senegalese Government wants to extend coverage of electricity to rural areas. In conjunction with the World Bank, the Agency for Rural Electrification (ASER) has already started the tendering process for 11 rural concessions. Concessionaires will be responsible for providing power to rural communities as well as billing and revenue collection. Companies that have been awarded concessions will be expected to provide service using the most appropriate technology to connect the concession to the grid, with the addition of photovoltaic isolated systems were possible. The first two 25-year concessions have been awarded to Morocco’s state electricity supplier, ONE. ASER is currently tendering the concession of the Mbour region, the heart of Senegal’s touristic region.
- Senegal is exploring ways of diversifying its mix of electricity generation.

- With opposition to coal plants rising everywhere in the world motivated mainly by broad fears about carbon emissions linked to global warming. Senegal is pursuing a mix of technologies which may offset carbon taxes.
- OMVS, the Senegal River Development organization – a joint organization between Senegal, Guinea, Mali and Mauritania –, has plans to add hydroelectric capacity.

## Web Resources

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- OMVS – [www.omvs.org](http://www.omvs.org)
- Agence Sénégalaise d'Electrification Rurale - <http://www.aser.sn/>
- US Trade and Development Agency - [www.ustda.gov](http://www.ustda.gov)
- Electricity Regulatory Board - [www.crse.sn](http://www.crse.sn)
- Senelec - [www.senelec.sn](http://www.senelec.sn)

## Automobile/Light Trucks/Vans & Automotive Parts/Services Equipment

### Overview

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Unit: USD thousands

|                        | 2010 | 2011 | 2012<br>(estimated) | 2013<br>(estimated) |
|------------------------|------|------|---------------------|---------------------|
| Total Market Size      |      |      |                     |                     |
| Total Local Production | N/A  | N/A  | N/A                 | N/A                 |
| Total Exports          | N/A  | N/A  | N/A                 | N/A                 |
| Total Imports          | 276  | 282  | 285                 | 290                 |
| Imports from the U.S.  | 21   | 20   | 22                  | 22                  |

- The total import market for automobiles, trucks, vans, automotive parts and accessories represented USD 276 million in 2010 and USD 282 in 2011, representing a 2.2 percent increase. However, the U.S. market share has slightly decreased from 7.6 percent to 7.1 percent, but it remains a strong partner for the used vehicles segment. In the past five years, there has been an emerging interest among Senegalese for U.S.-brand automobiles. The growing number of these vehicles offers market opportunities for the supply of parts. Senegal has still a strong trade link with Europe – mostly France, Germany and Belgium – although parts have been coming from Romania, and lately with China and Korea.
- Along with a very active second-hand automobile market segment, the market has a growing need for auto parts for the existing fleet of cars, trucks and vans. Several shops specializing in auto accessories have flourished to satisfy an increasing demand.
- There is a small assembly plant for the production of buses and cars supported by Indian, Chinese and Iranian interests. The parts are imported in kits and assembled locally.

### Sub-Sector Best Prospects

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- Four wheel drive vehicles are in strong demand because of the poor state of roads in Senegal.
- The establishment of spare parts shops specialized in servicing a growing number of U.S.-made cars is in high demand.
- Franchise opportunities exist in the car servicing sector.

## Opportunities

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- The Senegalese government is committed to replacing its old fleet of taxis and buses.

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Ministry of Equipment and Transportation: [www.gouv.sn](http://www.gouv.sn)

## Heavy Equipment, Construction Equipment and Machinery

### Overview

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Unit: USD million

|                        | 2010  | 2011 | 2012<br>(estimated) | 2013<br>(estimated) |
|------------------------|-------|------|---------------------|---------------------|
| Total Market Size      |       |      |                     |                     |
| Total Local Production | 0     | 0    | 0                   | 0                   |
| Total Exports          | 0     | 0    | 0                   | 0                   |
| Total Imports          | 120.8 | 116  | 118                 | 120                 |
| Imports from the U.S.  | 6.3   | 12   | 15                  | 15                  |

- The housing development and construction boom in Dakar combined with a massive program of infrastructure development initiated by the Wade administration has fueled imports of heavy construction equipment. However, this has slowed since the majority of construction companies relying on government-financed projects found that the public sector had halted payment to construction operators.
- The U.S. market share in this sector has doubled from 5.2 percent to 10.34 percent.
- In recent years large-scale infrastructure projects have included the construction of a toll highway between Dakar and Diamniadio, the construction of a new international airport (\$428 million) in Diass and the extension and modernization of the Port of Dakar (\$58 million).
- Senegal's phosphate industry is on the road to recovery with the exploitation of the Matam phosphate in Northern Senegal. Reserves have been initially estimated at more than 40 million tons.
- Senegal's gold mining sector in the south eastern part of the country began producing ingots in 2009 and is expanding rapidly.

## Sub-Sector Best Prospects

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- There is a strong demand for used heavy machinery and construction equipment such as graders, excavators, loaders, earth-moving equipment, and their spare parts.

- Senegal is seeking low cost housing technologies.
- U.S. companies offering financing such as Export-Import Bank credit guarantee programs will have a built-in advantage.
- Sales of related housing equipment such as security systems, automatic garage doors and housing fixtures provide commercial opportunities to U.S. companies. Service opportunities exist in its installation and maintenance.

## Opportunities

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- The demand for low cost housing will continue to rise.
- Investment opportunities exist in the construction of major road projects financed by the Millennium Challenge Corporation, which has obligated USD 324.06 million for the construction and rehabilitation of roads.
- Investment opportunities exist in port development. The project to create a new commodities port that will handle a variety of minerals – iron, phosphates, sulfur, gold and hydrocarbons- is being revived by US investors. The feasibility study was funded by USTDA.

## Web Resources

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APIX – The National Promotion Investment Agency – [www.apix.sn](http://www.apix.sn)  
 Minister of Housing - <http://www.primature.sn/ministeres/mhabitat/contacts.cfm>  
 MCC's Procurement Plans for Senegal: [www.mcc.gov](http://www.mcc.gov); <http://www.dgmarket.com/>;  
[www.devbusiness.com](http://www.devbusiness.com)

## Cosmetics /Toiletries

### Overview

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Unit: USD thousands

|                        | 2010 | 2011 | 2012<br>(estimated) | 2013<br>(estimated) |
|------------------------|------|------|---------------------|---------------------|
| Total Market Size      |      |      |                     |                     |
| Total Local Production |      |      |                     |                     |
| Total Exports          |      |      |                     |                     |
| Total Imports          | 18.5 | 19   | 20                  | 20                  |
| Imports from the U.S.  | 1    | 0.9  | 1                   | 1                   |

- The cosmetics industry in Senegal is one of the fastest growing sectors in Senegal. A dynamic import market goes in tandem with active local production well suited to low-income consumers. There is a high demand for cosmetics in Senegal supported by the mushrooming of beauty institutes, fitness centers and

hair salons in Dakar especially. The spa concept is making headway in the market as it targets the expatriate community as well as upper-income Senegalese.

- U.S. cosmetics are highly-regarded and sought-after, especially hair and skin products developed for the African-American market. France is the current largest supplier of these products with 42.7 percent of market share. U.S. production supplied 4.7 percent of the import market in 2011.
- The import figures from the United States are misleading because they do not take into account imports from U.S.-subsidiaries and African based affiliated companies that have established manufacturing plants (Ghana and South Africa). Nor are cosmetics sourced through Europe reflected in U.S. trade figures with Africa. U.S. import figures also do not take into account the large quantities of undeclared cosmetics products carried into Senegal in suitcases by Senegalese traders. Large quantities of counterfeit products from the sub-region are also available in Senegal. These fake products are often marketed under well-known U.S. brand names.

#### **Sub-Sector Best Prospects**

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- High on the list of products sought by Senegalese consumers are hair, facial, skin-care and manicure products.
- Natural hair extensions are making headway in this market.
- A dynamic local cosmetics industry using natural products is increasing in export markets, specifically in Europe and in the U.S. creating demand in Senegal for natural cosmetics ingredients, like shea butter.
- Packaging equipment for local manufacturers.
- Supply of ingredients and raw material (e.g., stearic acid)

#### **Opportunities**

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- U.S. cosmetics companies are considering Senegal as a potential manufacturing base. They are looking at Senegal as an alternative to Ghana.
- Senegalese are looking at joining forces with U.S. beauty school franchises that can bring American know-how and professionalism to the industry.



## Used Clothing

### Overview

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Unit: USD thousands

|                        | 2010 | 2011 | 2012<br>(estimated) | 2013<br>(estimated) |
|------------------------|------|------|---------------------|---------------------|
| Total Market Size      | 17.1 | 17.1 | 17.5                | 18.5                |
| Total Local Production | 0    | 0    | 0                   | 0                   |
| Total Exports          | 0.2  | 0.2  | 0.5                 | 0.5                 |
| Total Imports          | 17.3 | 17.3 | 18                  | 19                  |
| Imports from the U.S.  | 7    | 5.4  | 6                   | 6                   |

- Although market share has decreased from 2010 to 2012 (18 percent), the U.S. remains the largest exporter of used clothing to Senegal and represents 31.7 percent of the total used clothing import market share, followed by France (23 percent of the market share). Massive imports of used clothing and textiles in general have accelerated the demise of Senegal's local textile industry. Imports of cheap and low-quality material and clothes from China, Thailand and Turkey have made headway in the market and allowed middle-income Senegalese to buy affordable new clothes.

### Sub-Sector Best Prospects

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- The country's growing population (2.6 percent per year) and low per capita income have fuelled the demand for used clothing in Senegal. Senegalese particularly want low-cost active wear such as sports clothing and shoes, as well as casual-wear jeans and related outerwear.
- Local importers recognize the high quality of U.S.-graded used clothing. U.S. exporters have established a long-standing presence in this market, holding a 36 percent market share. Dakar's Colobane open-air market is the main hub for used clothing distributed to other smaller markets. The major players are the wholesalers who buy their clothing directly from abroad and sell to a myriad of local retailers.
- The vibrant Senegalese fashion industry should also be mentioned because of the number of Senegalese designers who have staged collections in the New York season shows.

### Opportunities

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- Used clothing wholesalers in Senegal are looking for U.S. exporters who can deliver high-quality, fashionable clothing at a low cost with regular and timely shipments.

There remain opportunities for joint ventures between U.S. exporters and local importers to set up used clothing recycling and sorting operations for reexport in the sub-region.

## Telecommunication Equipment & Services/Computers & Peripherals

### Overview

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Unit: USD thousands

|                        | 2010  | 2011 | 2011<br>(estimated) | 2012<br>(estimated) |
|------------------------|-------|------|---------------------|---------------------|
| Total Market Size      | 23.76 | 18.7 | 23                  | 24                  |
| Total Local Production | 1     | 1    | 1                   | 1                   |
| Total Exports          | 1     | 1    | 1                   | 1                   |
| Total Imports          | 23.7  | 18.7 | 23                  | 24                  |
| Imports from the U.S.  | 0.7   | 1.5  | 1                   | 1                   |

Source: Direction of Statistics

This table refers to the HS 8471 and HS 8473 – computers and peripherals. Exports are mainly re-exports to neighboring countries (Mali, Guinea-Bissau and Mauritania)

- Sonatel, Senegal's telecommunications operator, continues to dominate the market. Sonatel was privatized in 1997 with France Telecom as the strategic partner. Sonatel is the only Senegalese company quoted on the regional stock exchange (fluctuates around CFA 140,000 per share). Liberalization of some services accompanied privatization. Three companies now provide cellular telephone services and there is a competitive Internet services market. As a result, there has been a boom of Internet-related activities and services and in cell phone usage.
- According to telecommunications regulator ARTP, Senegal's mobile phone users reached 9.35 million customers in 2011, up from 7.82 million in 2010, leading to an increase in the mobile penetration rate to 76.84 percent in 2011 compared to 64.30 percent in 2010.
- Sonatel Mobile has 60 percent of mobile customers, ahead of Sentel (Tigo – Millicom) with 31 percent and Espresso (Sudatel – Sudanese) with 9 percent.
- Meanwhile, the fixed-line market reached 346,406 lines in 2011 from 241,214 fixed lines in 2009. Fixed penetration stood at 2.85 percent in 2011.
- Senegal had 693,891 internet customers in 2011, and internet penetration rate reached 2.80 percent. ADSL accounted for 13.5 percent of Senegal's internet customers in 2011, 3G mobile 27.5 percent. .
- A mobile phone operator license awarded to Sudan's Sudatel for USD 200 million started operating in January 2009 with the latest CDMA 2000 technology. The license also permits Sudatel to offer fixed-line telephony and internet service (for which Sonatel currently has a monopoly). Warning: Sudatel, being controlled by the Sudanese government, falls under a recent U.S. embargo. U.S. sanctions

prohibit U.S. persons from engaging in transactions with the Government of Sudan or with entities owned or controlled by the Government of Sudan.

- An independent regulatory agency for the telecommunications sector – the Agency for Telecommunications and Postal Regulation (ARTP) - was created in early 2002. Besides regulating providers of telecommunications services, the Agency assigns and controls band spectrum. The long-awaited telecommunications sector deregulation became effective in July 2004 with the release of a sectoral letter that outlines the IT policy for the coming years. Telecommunications entrepreneurs who had hoped for a sweeping deregulation will be facing a regime of guided deregulation instead.
- The Senegalese computer market is very competitive. Total imports reached \$18.7 million in 2011 with the twofold increase of the US market share. . All major U.S. brand names - via their European branches - are well-represented by local distributors and/or agents. Consequently, 2011 statistics indicate that France is the largest exporter of computers, with 40 percent of the market, although a good portion of that consists of U.S. brands.

#### **Sub-Sector Best Prospects**

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- Sales opportunities remain in the procurement of desktop computers, routers, PBX and switching equipment for networks.
- Best opportunities for U.S. companies remain in providing value-added services such as Voice over Internet Protocol (VOIP), WIFI technology and call termination for international calls. The regulatory framework governing VOIP remains unclear. ARTP recognizes that VOIP is used on an individual basis but does not permit commercial use of VOIP.
- The cellular market in Senegal is growing exponentially. Sales prospects remain in the supply of cellular handsets. Other best prospects include switching equipment and routers.

#### **Opportunities**

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- The development of information and communication technology is the linchpin of the government's strategy for accelerated growth. The Government has embarked on an ambitious program to lure investors into this sector, offering numerous incentives. A new investment code was implemented in 2004 granting special tax and fiscal treatment to the IT sector.
- The Senegalese government, under the auspices of the Presidency, has launched the E-government strategy which places IT at the heart of the country's development strategy.
- The Government wants Senegal, with its advantageous geographic position, relatively good telecommunications infrastructure and relatively low wages, to be a haven for teleprocessing services. A number of joint venture call centers and

telemarketing businesses have sprung up, most of them servicing the French market.

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Regulations Agency: <http://www.artp-senegal.org/>  
NTIC Agency [www.adie.sn](http://www.adie.sn)

## Renewable Energy Equipment

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- President Wade has created a new ministry for renewable energy and bio-fuel.
- Senegal gets 30000 hours of sunshine a year at an intensity of 5.8 Kwh per square meter per day, making Senegal a perfect location for solar energy development.
- Senegal has begun construction of two wind turbine farms with a planned capacity totally 50 MW on its northern coast financed by the German Bank of Development KFW and GTZ German development agency.
- Senegal has been moving toward making renewable energy a significant part of its energy mix since 2003, when it asked the German Federal Ministry for Economic Cooperation and Development for support in building a 10 MW wind farm.
- In July 2010, the Senegalese parliament unanimously passed a new law aimed at promoting a wide range of renewable energy products.
- Among the objectives of the law, called the Guidance on Renewable Energy, is to seek supplies of renewable energy that can be developed and delivered at an affordable cost, increase people's access to what the government deemed "modern energy services", and to reduce the nation's vulnerability to pollution caused by fossil fuels.
- The government hopes to have 15 percent of the nation's energy needs with renewable energy by 2015, with sources to include solar, wind and bio-mass.

### Sub-Sector Best Prospects

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- Small roof-mounted solar projects including roof panels, solar heating systems
- Photovoltaic power systems

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- While Senegal is committed to reducing its dependency on fossil fuels, decision makers in the energy sector realize the development of renewable energies is a

long term process. US energy companies should offer their advisory services to the newly-created Council for Energy in its quest for cheaper sources of energy.

- Several wind projects are in development and could eventually provide up to 3 percent of the country's electricity needs. The German Cooperation is very active in this domain.
- Senegal is exploring possibilities to become a major bio-fuel ethanol supplier. Private ventures for the construction of bio-diesel plants are welcome.
- Senegal is hosting the Renewable Energy Trade Show in November 2012

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Minister of Renewable Energy: [www.gouv.sn](http://www.gouv.sn)

## Agricultural Equipment

### Overview

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Unit: USD thousands

|                        | 2010 | 2011 | 2012<br>(estimated) | 2013<br>(estimated) |
|------------------------|------|------|---------------------|---------------------|
| Total Market Size      | 12.7 | 15.8 | 14.3                | 15.3                |
| Total Local Production | 2    | 2    | 2                   | 2                   |
| Total Exports          | 0    | 0    | 0                   | 0                   |
| Total Imports          | 54.4 | 47.9 | 50                  | 51                  |
| Imports from the U.S.  | 0.8  | 2    | 3                   | 3                   |

Data Sources: Agence Nationale de la Statistique

In Senegal, agriculture is an important barometer of the economy as the sector accounts for about 17 percent of GDP and occupies about 65 percent of the workforce. Despite agriculture's importance, Senegal lies within the drought-prone Sahel region, with irregular rainfall and generally poor soils. As a result, Senegal relies on imports to meet approximately 70 percent of its food needs. While the average farm size is below 2 hectares, the number of larger commercial farms and potential for investment in commercial agriculture is on the rise.

In April 2008, the government of Senegal (GOS) launched the GOANA program (Great Agricultural Offensive for Food and Abundance) as a response to the global food price crisis and the resulting sharp increase in food prices in Senegal, particularly for imported foods. Under this program, the Government expects to significantly increase rice and other cereal production over the next several years in an effort to improve food security and lessen the dependency on imports. In addition to cereal crops, which are largely for domestic consumption, Senegal produces two main cash crops—peanuts and cotton—for the export market. Senegal also has seasonal comparative advantage for several fruits, vegetables and specialty crops.

## Sub-Sector Best Prospects

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- Given the optimistic targets and anticipated growth in output for the various commodities targeted by the GOANA program, there will no doubt be greater need for farming equipment, expanded irrigation systems, post harvest handling systems, storage and silo facilities.
- Significantly increased output of certain commodities should also stimulate demand for processing technology or innovation and growth in the packaging industry. There are already plans for a cereal (import oriented) and fruit (export oriented) terminal and associated warehousing facilities for the Port of Dakar.

## Opportunities

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- Investment opportunities in the agricultural sector can be viewed at <http://www.afdb.org/en/projects-operations/project-portfolio/1/>

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The Ministry of Agriculture – [www.agriculture.gouv.sn](http://www.agriculture.gouv.sn)

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- Senegal remains a food deficit country and a major importer of cereal staples such as rice and wheat and intermediate products such as crude vegetable oil and milk powder. Meanwhile, higher-income consumers have created a significant market for high value consumer-ready products. Population growth (2.5 percent) and urbanization rate (3 percent) indicate that this trend will continue.
- As a country that depends on imports for 70 percent of its food needs, Senegal is vulnerable to changes in world commodity prices, especially as the CFA franc exchange rate is fixed to the Euro at 1 Euro = CFA 655.957 . In 2009, prices of basic foods and energy receded in international markets from the food inflation crisis of early 2008. However, through September 2011, prices of staple foods, i.e. cereals, milk powder, fish, Kerosene, petrol, diesel, fresh vegetables, sugar, red meat, and bread increased in the region 2.5 percent, compared to those of the corresponding period in 2010. (Source: *Agence Nationale de la Statistique et de la Démographie-ANSD*)
- While key obstacles remain for investments, Senegal's geographic location and consumers' affinity towards U.S. products present opportunities for U.S. exports. U.S. exports of food and agricultural products reached a high of \$37 million in 2008, but dropped significantly to \$8 million in 2009. Since then, U.S. exports have rebounded to \$26 million in 2011 (January to November) mostly comprised of rice, corn, soybean oil, glucose, beef livers and offals, and condiments. Note. Food aid is included in exports figures.

### Senegal's top food and agricultural imports (millions USD)

| Product               | 2008  | 2009  | 2010  | Jan –Nov 2011 |
|-----------------------|-------|-------|-------|---------------|
| Rice                  | 439.6 | 332.7 | 270.2 | 333.7         |
| Wheat                 | 156.4 | 109.4 | 115.4 | 153.3         |
| Sugar beet or cane    | 28.7  | 52.7  | 75.2  | 107.0         |
| Dairy (Excl cheese)   | 105.4 | 98.7  | 90.8  | 74.8          |
| Refined Palm oil      | 37.2  | 33.6  | 15.9  | 51.6          |
| Soybean Oil           | 109.3 | 65.3  | 60.3  | 41.6          |
| Corn                  | 33.9  | 25.5  | 24.9  | 27.5          |
| Food preparation      | 39.5  | 39.4  | 29.4  | 22.9          |
| Onion & Shallots      | 14.8  | 14.7  | 15.5  | 16.8          |
| Meat of bovine animal | 12.9  | 11.2  | 9.7   | 8.0           |
| Cheese                | 5.9   | 5.9   | 5.7   | 5.6           |

Source: Global Trade Atlas

### Senegal's top food and agricultural imports from the US (millions USD)

| Product                                | 2008 | 2009 | 2010 | Jan –Nov 2011 |
|--|------|------|------|---------------|
| Rice                                   | 7.5  | 0    | 3.0  | 13.6          |
| Corn                                   | 0    | 0    | 0    | 8             |
| Soybean oil                            | 9.8  | 1.0  | 4.8  | 1.6           |
| Glucose                                | 0.9  | 0.1  | 0.7  | 0.6           |
| Liver of bovine animal                 | 0.6  | 0.7  | 0.9  | 0.4           |
| Sauce, mixed condiments and seasonings | 0.2  | 0.3  | 0.4  | 0.3           |
| Food preparation                       | 0.4  | 0.3  | 0.3  | 0.2           |
| Offal of bovine animal                 | 0    | 0    | 0    | 0.1           |
| Wheat                                  | 0    | 0.6  | 0.3  | 0             |
| Tomato paste                           | 0    | 0    | 0.4  | 0             |

Source: Global Trade Atlas

The consumer goods market for food and agricultural products remains dominated by European, Asian, and African suppliers. France dominates the market for wheat and high-value processed products. Market potential exists, however, for new entrants in the market for bulk, intermediate, and consumer products. The top supplier for rice is Thailand (all of which is broken); for wheat, France (to make baguettes); for dairy, France (primarily milk powder) and for soybean oil, Argentina and Brazil (for cooking).

## SWOT Analysis for Senegal's Consumer Goods Market

| <b>Advantages</b>   | <b>Challenges</b>   |
|---|---|
| <ul style="list-style-type: none"> <li>● Senegal's status as a major commercial hub in West Africa; sophistication of higher-income consumers.</li> <br/> <li>● Senegal has one of the region's more active maritime ports;</li> <li>● Regular flights from East Coast airports, including U.S. airliners.</li> <br/> <li>● Senegal's population of 12.6 million is growing at an annual rate of 2.5 percent per annum.</li> <br/> <li>● Gross Domestic Product (GDP) growth expected to grow by 4.2 percent in 2010 compared to 2.2 percent in 2009 and 3.2 percent in 2008</li> <br/> <li>● Senegalese are generally well disposed towards Americans and actively seek U.S. trade and investment.</li> <br/> <li>● Common external tariffs for imports and elimination of tariffs among the 8 countries of the WAEMU (West African Economic and Monetary Union).</li> <br/> <li>● The Senegalese consumer perceives U.S. products as generally high quality, thus accepts U.S. food products.</li> <br/> <li>● Export financing opportunities exist through EXIM Bank.</li> </ul> | <ul style="list-style-type: none"> <li>● Lack of U.S. interest due to small market size. French and Asian domination of the market as well as competition from cheaper and lower quality food products from Asia and Turkey.</li> <br/> <li>● Higher freight rates and longer transit times from the US than from EU, Asia or South Africa.</li> <br/> <li>● In 2010, the average per capita income was at \$1,900</li> <br/> <li>● Cases of poor governance and administrative hurdles have reduced foreign and domestic investment in the economy.</li> <br/> <li>● Lack of U.S. brand recognition</li> <br/> <li>● High business costs relative to neighboring African countries such as port processing and Customs duties. WAEMU recommended value added tax (VAT) may apply on some imported agricultural and food commodities at the port of entry as a duty.</li> <br/> <li>● U.S. products are not always price-competitive due to the freight costs for products shipped from the States.</li> <br/> <li>● Financing packages such as supplier credit, made available by European competitors disadvantage U.S. companies.</li> </ul> |

Meanwhile, Senegal is an important producer and exporter of seafood, peanuts, peanut oil, cotton, and horticultural products including tomatoes, green beans, mangos, and melons. The top five exports are seafood (mostly bound for Spain, Italy, and France, although recently emirates airlines had a big contract to transport



fish from Senegal to the Middle East), peanut oil (Lebanon); cotton (Indonesia, China, and France); soups (Burkina Faso and Mali), tomatoes (U.K. and Netherlands). Senegal produces enough meat, poultry, dairy, cereals and other staples to satisfy 30 percent of its domestic consumption needs. There are a number of important domestic and donor-led investments to increase the domestic share of the food basket in Senegal. Important U.S. export opportunities exist for agricultural equipment and capital goods as Senegal moves to increase self-sufficiency in rice and other food production and processing. These areas include storage facilities, rice milling facilities, meat processing, vegetable oil processing, and cold chain components. Senegal is also pursuing investments in biofuel production.

### Senegal's exports of food and agricultural products (millions USD)

| Product                        | 2008  | 2009  | 2010  | Jan-Nov 2011 |
|--------------------------------|-------|-------|-------|--------------|
| Fish and seafood               | 217.8 | 235.9 | 230.7 | 283.9        |
| Peanut oil                     | 16.9  | 37.4  | 56.3  | 69.0         |
| Soups, broths and preparations | 27.8  | 38.9  | 42.2  | 59.6         |
| Cotton                         | 23.4  | 12.9  | 20.0  | 23.5         |
| Dairy                          | 3.6   | 7.5   | 10.1  | 14.2         |
| Tomato                         | 10.9  | 8.7   | 10.7  | 10.2         |
| Peanut cake oil                | 1.0   | 1.7   | 5.4   | 8.9          |

Source: Global Agricultural Trade System (GATS), USDA.

#### Best Agricultural Product Prospects:

- Rice
- Wheat
- Corn
- Vegetable oil
- Soybeans/soybean meal
- Feed and fodders
- Planting seeds (peanuts, fodder plants)

#### Best High Value Product Prospects:

- Milk (Liquid milk, skimmed and whole powdered milk)
- Canned fruits and vegetables
- Tomato puree/ketchup
- Bottled vegetable cooking oil
- Fruit preparations and juices
- Spices and sauces including soy sauce
- Mixed seasoning
- Condiments
- Breakfast cereals
- Margarine/butter
- Pasta products
- Snack foods (biscuits, cakes etc)
- Confectionery products (candies, gums etc)

- Ice cream
- Spirits, liqueurs
- Beers and Wines
- Non alcoholic beverages (Tea, coffee, fruit drink)
- Bakery and other food Ingredients (Yeast & Baking powder)
- Mayonnaise and Salad Dressing
- Baby Goods
- Canned soups/powdered soups
- Health food products

## Resources

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In 2009, the USDA Attaché GAIN Report System was redesigned, and the new system was tested and refined between February 16 and July 2, 2009. During this period, FAS overseas posts had the option of submitting their reports to the legacy (old) GAIN system, the new GAIN system, or to both.

Because of this option, users searching for reports released between February 16 and July 2, 2009, should check BOTH the new GAIN and the legacy GAIN systems. All reports entered after July 2, 2009 are available at:  
<http://gain.fas.usda.gov/Lists/Advanced%20Search/AllItems.aspx>

All historical GAIN Reports since 1995 and prior to February 16, 2009, are available at: <http://www.fas.usda.gov/scriptsw/AttacheRep/legacy.asp>

Reports of interest include:

- Senegal Agricultural Situation Report;
- Senegal Exporter Guide Annual Update;
- Senegal Food and Agricultural Import Regulations and Standards Report;
- Senegal Food and Agricultural Import Regulations and Standards Certification;
- Retail Food Sector Report;
- Annual Biotechnology Report;
- West Africa Rice Annual Report;
- Oilseeds and Products Annual Report

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## Chapter 5: Trade Regulations, Customs and Standards

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### Import Tariffs

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In January 2000, Senegal put in place a new import tariff structure to conform with the common external tariff (CET) scheme agreed upon by the member states of the West African Economic and Monetary Union (WAEMU or UEMOA). Under the new structure, Senegal lowered its highest tariff rate and established four product categories with tariff rates of 0, 5, 10 and 20 percent. It also eliminated a separate customs stamp tax of five percent, replacing it with a one percent “statistical fee.” The new tariff regime covers the following product categories for the four tariff rates:

- Category 1 (zero rate): social, cultural and scientific goods, agriculture inputs, capital goods and computer and data processing equipment not available through local production.
- Category 2 (five percent): raw materials, crude oil, and cereals for industries.
- Category 3 (ten percent): semi-finished products, intermediate goods, other cereals, diesel and fuel oil.
- Category 4 (twenty percent): goods for final consumption, capital goods and computer and data-processing equipment already available through local production, new and used vehicles.

Despite its simplified tariff structure, Senegal continues to maintain an array of other import taxes, some of which were also changed in January 2000 to conform to the CET. In addition to the one percent “statistical fee”, the CET calls for a one percent “community solidarity tax” (CST) to assist WAEMU member states, such as landlocked Niger, Mali and Burkina Faso, which suffered revenue losses due to the CET.

On top of these duties, importers are also obliged to pay a unified 18 percent value-added tax (VAT) at the port of entry.

### Trade Barriers

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Special tariffs are also applied under the CET regime to protect selected industries, although rates have been lowered in some cases and a five-year phase out period is scheduled. These special tariffs include the “taxe degressive de protection” and the “taxe conjoncturelle a l’importation.” The taxe degressive de protection is applied to imports of finished products such as tobacco, matches, tomato paste, candies, batteries,

powdered milk, candles, etc. that compete with local production. With the exception of tobacco, the rate under the new regime dropped from 20 to 15 percent. The cyclical or seasonal tax, called the “taxe conjoncturelle a l’importation,” protects local production of vegetables, rice, onions, potatoes, etc. with a 10 percent levy applied when world prices drop and threaten local producers.

Since November of 2005, Senegal has imposed a ban on live poultry, including chicks flesh and eggs, poultry meat and cuts, fresh eggs and egg products intended for consumption and used operating poultry equipment. Only day old chicks for breeding and hatching eggs are allowed for import.

Senegal has not provided scientific justification for the ban, which was initially established during an increase in the prevalence of HPAI in some producing countries. Senegal and neighboring countries remain free from HPAI. The market for fertilized eggs is estimated at \$6.6 million and has been historically dominated by Brazilian and French suppliers.

Senegal also implements a seasonal ban on onion imports during the domestic marketing campaign and published recently, in October 2009, technical guidelines that are expected to limit the import of palm oil – to the advantage of peanut oil.

## **Import Requirements and Documentation**

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Documents required when exporting to Senegal include the following:

1. Two copies of the commercial invoice which should identify the exporter and importer as well as their addresses; the goods being imported; the weight, CIF value and quantity of goods imported; and a complete description of the merchandise. This should be in French or accompanied by a French translation to avoid misinterpretation at the customs entry point. (In the past, for example, Senegalese customs officials mistook a date of manufacture for an expiration date, which considerably delayed a shipment.)
2. A Pro Forma Invoice. This should contain the same information as the commercial invoice.
3. A Certificate of Origin is necessary for all imported goods. Before shipping, importers must provide customs officials with documentation listing the quantity, quality and prices of the products subject to customs duties.

Import procedures include the following:

1. Importers must deposit a Preliminary Import Declaration seven days before shipping imported goods having a value equal to or greater than CFAF one million (\$2,000).
2. Automatic approval of the Preliminary Import Declaration is obtained by submitting three copies of the Pro Forma Bills of Lading with the declaration.
3. A Preliminary Import Declaration is valid for six months and can be extended for three months. Preliminary Import Declarations must be canceled and reissued if there is a change in supplier, an increase in the value of the order of more than ten percent, or a modification in the quantity of the order.

4. Any payment for imported goods greater in value than CFAF one million (\$2,000) must be made through an approved Senegalese bank or financial institution.
5. Any FOB import value equal to or greater in value than CFAF three million (\$6,000) must be inspected by the PSI company in the supplier's country before shipping.
6. Presentation of a clean report of findings issued by the PSI firm is obligatory.
7. The Pre-Shipment Inspection Certificate.

The following goods are exempted from PSI:

- Imports with a total order FOB value equal to or below CFAF 3 million
- Objects of art, precious stones and gold
- Used personal and household effects including one used vehicle
- Arms and ammunition other than those for hunting and/or sport
- Explosives and pyrotechnic products
- Live animals
- Perishable goods for human consumption neither frozen nor deep frozen (meat, fish, vegetables and fruit)
- Parcel post and samples
- Scrap metals
- Plants and flowers
- Cinematographic films, exposed and developed
- Current newspapers and periodicals, postal and fiscal stamps, stamped papers, bank notes and check books
- Personal gifts
- Crude oil
- Donations offered by foreign governments to international organizations, charities or philanthropic organizations recognized as being helpful to the public
- Bona fide gifts and imports for diplomatic entities and for United Nations organizations for their own use in Senegal
- Vehicles, other than railway, and parts thereof (HS chapter 87 in the Senegal Tariff Book)
- Cereals (HS chapter 10) imported by the public sector or approved by the public sector
- Printed books, newspapers, pictures and all other items of HS Chapter 49
- Imported goods after having been fixed/repared in a foreign country
- Parts and spare parts imported by airline companies
- Counterfeit goods
- Goods imported by certain importers which have a special exemption authorization from the Government

## **U.S. Export Controls**

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U.S. companies exporting to Senegal must adhere to the requirements of the Bureau of Industry and Security (BIS) which regulates the export and re-export of sensitive goods and technologies.

## **Temporary Entry**

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Goods imported for re-export are subject to a temporary admission system and are not assessed customs duties. This system has been abused in the past and customs officials may be particularly demanding in enforcing regulations.

## **Labeling and Marking Requirements**

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Senegal's labeling requirements are applicable to canned and preserved food intended for human consumption. Such products must be marked in French with the following information:

1. Country of origin;
2. Product manufacture date, specified by the day, the month and the year;
3. The expiration date, marked in the same manner as the date of manufacture, preceded by the comment: "A Consumer de Preference Avant le DD/MM/YY."
4. Ingredients.

For other non-food consumer products, it is critical that the label be written in French with the expiration date added.

## **Prohibited and Restricted Imports**

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Prohibited imports include narcotics, munitions and war ammunition (except collector's items), pornographic publications and hallucinogenic drugs, except those authorized by the Ministry of Health.

## **Customs Regulations and Contact Information**

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Senegal implemented the WTO Agreement on Customs Valuation in July 2001 which provides for a neutral and uniform system for the valuation of goods for customs purposes. However, Senegal's 2001 designation as an LDC (Less Developed Country) by the United Nations has incited officials to continue to apply minimum reference prices for some imported products that may hurt local industry.

In July 2001, the Government awarded Senegal's pre-shipment inspection (PSI) program to a newcomer in the market, the Swiss-based Cotecna. The PSI applies to all imported goods valued at CFAF 3 million (\$6,000) and higher. The Cotecna-approved value of such goods constitutes the basis for customs valuation. U.S. exporters are urged to contact Cotecna's U.S. office at [www.cotecna.com](http://www.cotecna.com) to obtain the list of goods exempted from PSI.

## Standards

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## Overview

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Senegal's standards are derived from France's. Electricity used in the country is 220 volts, 50 cycles and the system of measurement is metric.

## Standards Organizations

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The Senegalese Association of Normalization (Association Sénégalaise de Normalisation - ASN) is a public (40 percent)-private (60 percent) regulatory body under the Minister of Industry mandated to develop national standards and ensure quality standards. The standards are developed within technical committees whose members include representatives of technical ministries (Health, Environment and Industry), consumer associations, and industrialists, technical and scientific institutions. The secretariat of these technical committees is held by the ASN. ASN establishes each year a standards' development plan based on the needs from its technical and social partners. The standards are the result of a consensus between ASN and its partners.

### NIST Notify U.S. Service

Member countries of the World Trade Organization (WTO) are required under the Agreement on Technical Barriers to Trade (TBT Agreement) to report to the WTO all proposed technical regulations that could affect trade with other Member countries. **Notify U.S.** is a free, web-based e-mail subscription service that offers an opportunity to review and comment on proposed foreign technical regulations that can affect your access to international markets. Register online at Internet URL: <http://www.nist.gov/notifyus/>

## Conformity Assessment

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Conformity assessment infrastructure includes a number of national laboratories and private bodies that carry out conformity assessments:

- The National Laboratory under the Minister of Trade
- CEREQ, which does soil and construction-related testing
- The Pasteur Institute
- Bureau Veritas

- The laboratory of the Senegalese Institute of Food Technology
- CERES-LOCUSTOX, which tests pesticide residuals
- Bureau Veritas
- Cotecna Pre-Shipment Inspection Services company
- The Laboratory of Metrology

Senegal is as a correspondent member of the International Organization for Standardization (ISO) and an affiliated member of the International Electro-technic Commission (CEI).

On a regional level, Senegal has developed a quality program with the West African Economic and Monetary Union.

### **Product Certification**

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Senegal is on the verge of having a “quality” “Senegal Label” for product certification on items made in Senegal. This initiative is in addition to the “Made in Senegal” label that already exists.

### **Accreditation**

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Accreditation bodies include ASN and Bureau Veritas.

### **Publication of Technical Regulations**

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ASN has published a catalog listing 246 Senegalese standards in the following areas: electronics (2), construction and civil engineering (57), food processing (53), environment (76), administration and trade (2) and solar energy (7).

### **Labeling and Marking**

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Senegal’s labeling requirements are applicable to canned and preserved food intended for human consumption. Such products must be marked in French with the following information:

1. Country of origin;
2. Product manufacture date, specified by the day, the month and the year—DD/MM/YY;
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4. Ingredients.

For other non-food consumer products, it is critical that the label be written in French with the expiration date added.



## **Trade Agreements**

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Senegal is a member of the Economic Community of West African States (ECOWAS), the WAEMU or UEMOA, the Cotonou Convention and the World Trade Organization. Senegal is also currently eligible for benefits under the African Growth and Opportunity Act (AGOA).

## **Web Resources**

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Association Sénégalaise de Normalisation: [www.asn.sn](http://www.asn.sn)  
WTO: [www.wto.org](http://www.wto.org)  
ECOWAS: [www.ecowas.int](http://www.ecowas.int)  
WAEMU: [www.uemoa.int](http://www.uemoa.int)

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## Chapter 6: Investment Climate

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- [Conversion and Transfer Policies](#)
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### Openness to Foreign Investment

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The Government of Senegal officially welcomes foreign investment, but potential investors, and indeed all businesses, face obstacles, including non-transparent regulation and high factor costs. There is no legal discrimination against businesses conducted or owned by foreign investors. There are no barriers regarding 100 percent ownership of businesses by foreign investors in most sectors. In some key sectors such as electricity, telecommunications, water and mining, and security-related services, foreign investors may have majority control, but may not acquire 100 percent ownership.

In recent years, Senegal has pursued major investment deals with foreign partners, both private and government-controlled companies. Some projects have been offered via public tenders and some have been negotiated privately. Foreign investors have recently secured contracts to exploit mineral resources, provide garbage services, and manage Dakar's maritime port. A new law to enhance transparency in public procurement and public tenders entered into force in 2008. In September 2010 changes made to the public procurement code to exclude procurements by the presidency and ministries in charge of national security from ARMP (public procurement regulatory body) were criticized by the both the donors and the private sector.

The Government does some screening of proposed investments, mostly to verify compatibility with the country's overall development goals. Foreign investors are encouraged to utilize the "one stop" service of Senegal's Investment Promotion Agency (APIX) for registration and obtaining APIX, Ministry of Finance, Senegalese Customs, and other approvals needed to secure a business license, which can now be completed

in approximately eight days. Depending on the proposed business activity, other approvals from specific ministries, such as Agriculture and Interior, can take additional time. There is no provision in Senegalese law permitting domestic businesses to adopt articles of incorporation or association that limit or control foreign investment. There is no pattern of discrimination against foreign firms making investments in Senegal.

Senegal's 2004 Investment Code remains the main body of law regulating foreign investments. The Code provides basic guarantees for the repatriation of profit and capital and equality of treatment. It also specifies tax and customs exemptions according to the size of the investment, classification of the investor (such as small or medium-sized enterprise versus a larger corporation), and location (investments outside of Dakar receive longer periods of exoneration from taxes). Following recommendations by major donors, Senegal established a Presidential Investors Council (PIC) designed to improve the business climate and reduce obstacles to domestic and foreign private investment. The PIC has had some success in lobbying for certain "pro-business" changes in Senegal's tax code, such as lowering the corporate tax rate from 33 to 25 percent, eliminating the equalization tax on the informal sector, and lowering the VAT on tourist industries from 18 percent to 10 percent.

Both foreign and domestic firms tend to cite the same problems in doing business in Senegal -- inefficient regulation and bureaucracy, ineffective commercial courts, high factor costs, labor laws that makes it difficult to fire for cause, and occasional disputes over customs classification, valuation, and taxation. The country's private sector, as well as donors who are focusing on enhancing Senegal's potential for rapid economic growth, are specifically encouraging the complete revision of Senegal's Labor Code. The Labor Code was completely revised in 1997 and many changes to the code have been made since then.

## **Conversion and Transfer Policies**

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Commercial transfers are normally carried out rapidly and in full by local banking institutions. Companies find that the import and export of funds can be accomplished in a manner similar to commercial bank transactions. Originally the franc of the French Colonies of Africa (CFA), now more commonly known as the franc of the African Financial Community is used by Senegal and 7 other countries in the West African Monetary Union, WAEMU (XOF) and 7 countries in the Central African Monetary Union, CEMAC (XAF). Each monetary union has its own central bank. The CFA is pegged to the Euro at 1 Euro = 655.957 CFA. There are no restrictions on the transfer or repatriation of capital and income earned, or on investments financed, with convertible foreign currency. However, the Government does limit the amount of foreign exchange individuals may take outside Senegal on trips. Departing travelers may take a maximum of 6 million CFA in Euros or other foreign currency/travelers checks (approximately USD 13,000) upon presentation of a valid airline ticket. There is a small informal market for currency exchange in Senegal. Remittances to Senegal from its citizens living overseas are routine and provide a significant source of foreign currency for the country. In 2010, the estimated value of remittances, formal and informal, was estimated by Senegalese authorities at USD 1.2 billion or 8 percent of GDP.

## **Expropriation and Compensation**

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There have been instances recently where the Government has revoked minerals concessions, alleging failure to pay taxes or meet contractual obligations. Foreign investors have generally failed to obtain compensation or damages through the courts. In other cases, the Government has failed to intervene to resolve disputes between foreign investors and firms with local ownership or substantial local participation. This failure to provide mediation, or any decision in some cases, has been noted as less-than-equitable treatment for foreign investors.

## **Dispute Settlement**

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Senegal is a signatory to the New York Convention of 1958 on the Recognition and Enforcement of Foreign Arbitral Awards. However, dispute actions are more likely to be taken through the International Center for the Settlement of Investment Disputes (Washington Convention), of which Senegal is a member, or through the Dakar Arbitration Center, which is administered by the Dakar Chamber of Commerce. On October 30, 2008, the Senegalese authorities revoked the GSM license held by global telecommunications provider Millicom International Cellular (MIC) whose local mobile unit Sentel GSM operates in Senegal under the TIGO brand. The company, which continues to operate, denies the allegations and has instituted arbitration proceedings against the government of Senegal at the International Center for the Settlement of Investment Disputes. In response, the government has submitted a breach of contract case against Sentel in Senegalese courts.

Foreign creditors receive equal treatment under Senegalese bankruptcy law in making claims against liquidated assets. Monetary judgments are normally in local currency.

While Senegal has well-developed commercial and investment laws, and a legal framework for regulating business disputes, settlement of disputes within the existing framework is cumbersome and slow. Few judges or lawyers are conversant in commercial laws. Court cases are expensive and rarely resolved expeditiously. Decisions can be inconsistent, arbitrary, and non-transparent. Foreign investors have found it difficult to fire employees for just cause or malfeasance. Foreign firms are often sued in the Senegalese courts by terminated employees who are frequently awarded damages and placement in their former positions. Although these decisions are sometimes overturned on appeal, the appeals process is costly and time consuming. Foreign firms in Senegal often cite burdensome labor law and arbitrary rulings by courts on labor cases as their number one frustration in doing business in Senegal.

## **Performance Requirements and Incentives**

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Senegal's Investment Code defines eligibility for investment incentives according to a firm's size and type of activity, the amount of the potential investment, and the location of the project. To qualify for significant investment incentives, firms must invest above 100 million CFAF (approximately USD 200,000) or in activities that lead to an increase of 25 percent or more in productive capacity.

Investors may also deduct up to 40 percent of retained investment over five years. However, for companies engaged strictly in "trading activities," defined as "activities of resale in their existing state products bought from outside the enterprises," investment incentives might not be available.

Eligible sectors for investment incentives include agriculture and agro-processing, fishing, animal-rearing and related industries, manufacturing, tourism, mineral exploration and mining, banking, and others. All qualifying investments benefit from the "Common Regime," which includes two years of exoneration from duties on imports of goods not produced locally for small and medium sized firms, and three years for all others. Also included is exoneration from direct and indirect taxes for the same period.

Exonerations from the Minimum Personal Income Tax and from the Business License Tax is granted to investors who use local resources for at least 65 percent of their total inputs within a fiscal year.

Enterprises that locate in less industrialized areas of Senegal benefit from exemption of the lump-sum payroll tax of three percent, with the exonerations running from five to 12 years, depending on the location of the investment. The investment code provides for exemption from income tax, duties and other taxes, phased out progressively over the last three years of the exonerations period. Most incentives are automatically granted to investment projects meeting the above criteria as well as to those with the "Enterprise Franche d'Exportation" (EFE) status, which is directed at export-oriented firms.

Furthermore, an existing firm requesting an extension of such incentives must be at least 20 percent self-financed. Large firms -- those with at least 200 million CFA (USD 400,000) in equity capital -- are required to create at least 50 full-time positions for Senegalese nationals, to contribute the hard currency equivalent of at least 100 million CFA (USD 200,000), and keep regular accounts that conform to Senegalese standards. In addition, firms must provide APIX with details on company products, production, employment and consumption of raw materials.

The government does not, by statute, impose specific conditions or performance requirements on investment activities. However, the government does negotiate with potential investors on a case-by-case basis special terms, especially within extractive industries.

Acquiring work permits for expatriate staff is typically straightforward. Citizens from the WAEMU member countries are permitted to work freely in Senegal. In May of 2004, the Economic Community of West African States (ECOWAS) and WAEMU signed an agreement that amongst other things allows employment mobility between member countries.

## **Right to Private Ownership and Establishment**

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In addition to traditional guarantees offered to investors, e.g., free transfers of capital and income, and national treatment, private entities are permitted to establish and own businesses and to engage in most forms of remunerative activity. Foreign nationals are permitted to buy and hold land. Local majority ownership is not necessary. Land holdings for investors are frequently offered on the basis of long-term leases (i.e., 99 years). Several of the state-owned firms privatized in recent years were sold in part or in whole to foreign entities.

The Senegalese Civil Code, based on French law, enforces private property rights. The code provides for equality of treatment and non-discrimination against foreign-owned businesses. Property title and a land registration system exist in Senegal, but application is uneven outside of Senegal's urban areas. The government streamlined procedures for registering property these procedures and reduce the associated costs in 2008 so that property can be duly registered within 18 days. Confirming ownership rights on real estate can be difficult, but once established, ownership is protected by law. Investors have also expressed concerns about the lack of investment-ready, developed business sites.

The government generally pays compensation when it takes private property through eminent domain actions. Senegal's housing finance market is underdeveloped and few long-term mortgage financing vehicles exist. There is no secondary market for mortgages or other bundled revenue streams. The judiciary is inconsistent when adjudicating property disputes.

Senegal is a member of the African Organization of Intellectual Property (OAPI), a grouping of 15 francophone African countries, which established a common system for obtaining and maintaining protection for patents, trademarks and industrial designs. Senegal has been a member of the World Intellectual Property Organization (WIPO) since its inception. Local statutes recognize reciprocal protection for authors or artists who are nationals of countries adhering to the 1991 Paris Convention on Intellectual Property Rights. In particular:

- I. Patents: Patents are protected for 20 years. An annual charge is levied during this period. Trade secrets and computer chip designs are respected.
- II. Trademarks: Registered trademarks are protected for a period of 20 years. Trademarks may be renewed indefinitely by subsequent registrations.
- III. Copyrights: Senegal is a signatory to the Bern Copyright Convention. The Senegalese Copyright Office, part of the Ministry of Culture, attempts to enforce copyright obligations. The bootlegging of music cassettes and CDs is common and of concern to the local music industry. The Copyright Office undertook actions in 2001, 2002, 2003 and 2006 to combat media piracy, including seizure of counterfeit cassettes and CD/DVDs and in 2008 established a special police unit to better enforce the country's anti-piracy and counterfeit laws.

However, despite an adequate legal and regulatory framework, enforcement of intellectual property rights is weak. In general, the Government has not committed the resources to combat IPR violations or to seize counterfeit goods. Customs screening for counterfeit goods coming from China, Nigeria, Dubai and other centers of illegal production is weak and confiscated goods occasionally re-appear in the market. Nonetheless, there has been a recent effort by Customs to understand the impact of counterfeit products on the Senegalese marketplace, and officers have participated in trainings offered by manufacturers to identify counterfeit products.

## **Transparency of Regulatory System**

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There is no requirement for public comment process for proposed laws and regulations; however, the Government frequently holds public hearings and workshops to discuss proposed initiatives and programs. The National Assembly, though currently dominated by the ruling party, does host open debates on substantive legislation.

## **Efficient Capital Markets and Portfolio Investment**

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In general, domestic investment is hampered by an under-developed financial sector. French, Nigerian and Moroccan-owned banks with conservative lending guidelines and high interest and collateral requirements dominate bank lending. Few firms are eligible for long-term loans, and small and medium sized enterprises have little access to credit. However, because the Senegalese banking sector is dominated by foreign banks, foreign investors can take advantage of French bank subsidiaries. Citibank (United States) operates in Senegal as an investment bank. U.S. firms also have access to the U.S. Overseas Private Investment Corporation (OPIC) and Export-Import Bank (EXIMBANK) facilities.

In 2011, Senegal issued a 500 million USD benchmark bond in the foreign bond market. This has put Senegal in a higher league than it has typically played in and has therefore attracted greater scrutiny from international investors. In general, the infrastructure for expanding business lending, credit risk analysis, skilled commercial law specialists, and auditors, etc. does not exist. The West African Regional Stock Exchange (BRVM), headquartered in Abidjan, with local offices in each of the WAEMU member countries offers additional opportunities to attract increased foreign capital and to give private investors access to more diversified sources of financing. However, to date only one Senegalese company, Sonatel, is traded on the BRVM. There is no system to encourage and facilitate portfolio investment.

Legal, regulatory and accounting systems closely follow French models and WAEMU countries present their financial statements in accordance with the SYSCOA system, which is based on Generally Accepted Accounting Principles in France.

## **Political Violence**

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Senegal is a moderately decentralized republic dominated by President Abdoulaye Wade's Senegalese Democratic Party (PDS). President Wade's party holds an overwhelming majority of seats in the National Assembly and Senate. In 2008, Human rights organizations underlined their concerns about the arbitrary arrest of opposition activists and journalists. There have been incidents of sporadic civil disturbances over the past three years, but they have generally taken place as unions, opposition parties, merchants or students demand better salaries, living or working conditions. The violence of the June 23, 2011 demonstrations over constitutional changes was a shock to the Senegalese people and did not last beyond a day. Sporadic incidences of violence as result of petty banditry continue in the Casamance region, which has suffered from a two-decade-old conflict ignited by a local rebel movement seeking independence for the region.

Corruption, including bribery, raises the costs and risks of doing business. Corruption has a corrosive impact on both market opportunities overseas for U.S. companies and the broader business climate. It also deters international investment, stifles economic growth and development, distorts prices, and undermines the rule of law.

It is important for U.S. companies, irrespective of their size, to assess the business climate in the relevant market in which they will be operating or investing, and to have an effective compliance program or measures to prevent and detect corruption, including foreign bribery. U.S. individuals and firms operating or investing in foreign markets should take the time to become familiar with the relevant anticorruption laws of both the foreign country and the United States in order to properly comply with them, and where appropriate, they should seek the advice of legal counsel.

The U.S. Government seeks to level the global playing field for U.S. businesses by encouraging other countries to take steps to criminalize their own companies' acts of corruption, including bribery of foreign public officials, by requiring them to uphold their obligations under relevant international conventions. A U. S. firm that believes a competitor is seeking to use bribery of a foreign public official to secure a contract should bring this to the attention of appropriate U.S. agencies, as noted below.

- **U.S. FOREIGN CORRUPT PRACTICES ACT:** In 1977, the United States enacted the Foreign Corrupt Practices Act (FCPA), which makes it unlawful for a U.S. person, and certain foreign issuers of securities, to make a corrupt payment to foreign public officials for the purpose of obtaining or retaining business for or with, or directing business to, any person. The FCPA also applies to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States. For more detailed information on the FCPA, see the FCPA Lay-Person's Guide at: <http://www.justice.gov/criminal/fraud/docs/dojdocb.html>.
- **OTHER INSTRUMENTS:** It is U.S. Government policy to promote good governance, including host country implementation and enforcement of anti-corruption laws and policies pursuant to their obligations under international agreements. Since enactment of the FCPA, the United States has been instrumental to the expansion of the international framework to fight corruption. Several significant components of this framework are the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Antibribery Convention), the United Nations Convention against Corruption (UN Convention), the Inter-American Convention against Corruption (OAS Convention), the Council of Europe Criminal and Civil Law Conventions, and a growing list of U.S. free trade agreements. This country is party to the UN Convention, but generally all countries prohibit the bribery and solicitation of their public officials.
- **OECD ANTIBRIBERY CONVENTION:** The OECD Antibribery Convention entered into force in February 1999. As of December 2009, there are 38 parties to the Convention including the United States (see <http://www.oecd.org/dataoecd/59/13/40272933.pdf>). Major exporters China, India, and Russia are not parties, although the U.S. Government strongly endorses their eventual accession to the Convention. The Convention obligates



the Parties to criminalize bribery of foreign public officials in the conduct of international business. The United States meets its international obligations under the OECD Antibribery Convention through the U.S. FCPA. Senegal is not a party to the OECD convention.

- **UN CONVENTION:** The UN Anticorruption Convention entered into force on December 14, 2005, and there are 143 parties to it as of December 2009 (see <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>). The UN Convention is the first global comprehensive international anticorruption agreement. The UN Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption. The UN Convention goes beyond previous anticorruption instruments, covering a broad range of issues ranging from basic forms of corruption such as bribery and solicitation, embezzlement, trading in influence to the concealment and laundering of the proceeds of corruption. The Convention contains transnational business bribery provisions that are functionally similar to those in the OECD Antibribery Convention and contains provisions on private sector auditing and books and records requirements. Other provisions address matters such as prevention, international cooperation, and asset recovery. Senegal is a party to the UN Convention.

- **OAS CONVENTION:** In 1996, the Member States of the Organization of American States (OAS) adopted the first international anticorruption legal instrument, the Inter-American Convention against Corruption (OAS Convention), which entered into force in March 1997. The OAS Convention, among other things, establishes a set of preventive measures against corruption, provides for the criminalization of certain acts of corruption, including transnational bribery and illicit enrichment, and contains a series of provisions to strengthen the cooperation between its States Parties in areas such as mutual legal assistance and technical cooperation. As of December 2009, the OAS Convention has 33 parties (see <http://www.oas.org/juridico/english/Sigs/b-58.html>) Senegal is not a party to the OAS Convention.

- **COUNCIL OF EUROPE CRIMINAL LAW AND CIVIL LAW CONVENTIONS**  
Many European countries are parties to either the Council of Europe (CoE) Criminal Law Convention on Corruption, the Civil Law Convention, or both. The Criminal Law Convention requires criminalization of a wide range of national and transnational conduct, including bribery, money-laundering, and account offenses. It also incorporates provisions on liability of legal persons and witness protection. The Civil Law Convention includes provisions on compensation for damage relating to corrupt acts, whistleblower protection, and validity of contracts, inter alia. The Group of States against Corruption (GRECO) was established in 1999 by the CoE to monitor compliance with these and related anti-corruption standards. Currently, GRECO comprises 46 member States (45 European countries and the United States). As of December 2009, the Criminal Law Convention has 42 parties and the Civil Law Convention has 34 (see [www.coe.int/greco](http://www.coe.int/greco).) Senegal is not a party to the Council of Europe Conventions.]

- **FREE TRADE AGREEMENTS:** While it is U.S. Government policy to include anticorruption provisions in free trade agreements (FTAs) that it negotiates with

its trading partners, the anticorruption provisions have evolved over time. The most recent FTAs negotiated now require trading partners to criminalize “active bribery” of public officials (offering bribes to any public official must be made a criminal offense, both domestically and trans-nationally) as well as domestic “passive bribery” (solicitation of a bribe by a domestic official). All U.S. FTAs may be found at the U.S. Trade Representative Website: <http://www.ustr.gov/trade-agreements/free-trade-agreements>. Senegal does not have a free trade agreement (FTA) in place with the United States. Consult USTR Website for date: <http://www.ustr.gov/trade-agreements/free-trade-agreements>.]

- LOCAL LAWS: U.S. firms should familiarize themselves with local anticorruption laws, and, where appropriate, seek legal counsel. While the U.S. Department of Commerce cannot provide legal advice on local laws, the Department’s U.S. and Foreign Commercial Service can provide assistance with navigating the host country’s legal system and obtaining a list of local legal counsel.

- ASSISTANCE FOR U.S. BUSINESSES: The U.S. Department of Commerce offers several services to aid U.S. businesses seeking to address business-related corruption issues. For example, the U.S. and Foreign Commercial Service can provide services that may assist U.S. companies in conducting their due diligence as part of the company’s overarching compliance program when choosing business partners or agents overseas. The U.S. Foreign and Commercial Service can be reached directly through its offices in every major U.S. and foreign city, or through its Website at [www.trade.gov/cs](http://www.trade.gov/cs).

The Departments of Commerce and State provide worldwide support for qualified U.S. companies bidding on foreign government contracts through the Commerce Department’s Advocacy Center and State’s Office of Commercial and Business Affairs. Problems, including alleged corruption by foreign governments or competitors, encountered by U.S. companies in seeking such foreign business opportunities can be brought to the attention of appropriate U.S. government officials, including local embassy personnel and through the Department of Commerce Trade Compliance Center “Report A Trade Barrier” Website at [tcc.export.gov/Report\\_a\\_Barrier/index.asp](http://tcc.export.gov/Report_a_Barrier/index.asp).

- GUIDANCE ON THE U.S. FCPA: The Department of Justice’s (DOJ) FCPA Opinion Procedure enables U.S. firms and individuals to request a statement of the Justice Department’s present enforcement intentions under the antibribery provisions of the FCPA regarding any proposed business conduct. The details of the opinion procedure are available on DOJ’s Fraud Section Website at [www.justice.gov/criminal/fraud/fcpa](http://www.justice.gov/criminal/fraud/fcpa). Although the Department of Commerce has no enforcement role with respect to the FCPA, it supplies general guidance to U.S. exporters who have questions about the FCPA and about international developments concerning the FCPA. For further information, see the Office of the Chief Counsel for International Counsel, U.S. Department of Commerce, Website, at [http://www.ogc.doc.gov/trans\\_anti\\_bribery.html](http://www.ogc.doc.gov/trans_anti_bribery.html). More general information on the FCPA is available at the Websites listed below.

Exporters and investors should be aware that generally all countries prohibit the bribery of their public officials, and prohibit their officials from soliciting bribes under domestic laws. Most countries are required to criminalize such bribery and other acts of

corruption by virtue of being parties to various international conventions discussed above.

The potential for corruption is a significant obstacle for economic development and competitiveness in Senegal, in spite of the country's anti-corruption laws, regulations, penalties, and agencies. Credible allegations of corruption have been made concerning government procurement, dispute settlement, and decisions by the judiciary and regulatory and enforcement agencies. Transparency International, in its 2011 Perceptions of Corruption Index, ranked Senegal 112 out of 182 countries.

Senegal has several government agencies authorized to fight corruption and fraud. These include the National Commission against Corruption and Non-Transparency, "L'Inspection Generale d'Etat," a cabinet-level office; "La Commission de Verification des Comptes," "La Cour des Comptes." At a higher level, President Wade has made numerous pronouncements against corruption, but a significant gap persists between the rhetoric and its implementation.

## **ANTI-CORRUPTION RESOURCES**

Some useful resources for individuals and companies regarding combating corruption in global markets include the following:

--Information about the U.S. Foreign Corrupt Practices Act (FCPA), including a "Lay-Person's Guide to the FCPA" is available at the U.S. Department of Justice's Website at: <http://www.justice.gov/criminal/fraud/fcpa>

--Information about the OECD Antibribery Convention including links to national implementing legislation and country monitoring reports is available at: [http://www.oecd.org/departement/0,3355,en\\_2649\\_34859\\_1\\_1\\_1\\_1\\_1,00.html](http://www.oecd.org/departement/0,3355,en_2649_34859_1_1_1_1_1,00.html). See also new Antibribery Recommendation and Good Practice Guidance Annex for companies: <http://www.oecd.org/dataoecd/11/40/44176910.pdf>

--General information about anticorruption initiatives, such as the OECD Convention and the FCPA, including translations of the statute into several languages, is available at the Department of Commerce Office of the Chief Counsel for International Commerce Website: [http://www.ogc.doc.gov/trans\\_anti\\_bribery.html](http://www.ogc.doc.gov/trans_anti_bribery.html)

--Transparency International (TI) publishes an annual Corruption Perceptions Index (CPI). The CPI measures the perceived level of public-sector corruption in 180 countries and territories around the world. The CPI is available at: [http://www.transparency.org/policy\\_research/surveys\\_indices/cpi/2009](http://www.transparency.org/policy_research/surveys_indices/cpi/2009) TI also publishes an annual *Global Corruption Report* which provides a systematic evaluation of the state of corruption around the world. It includes an in-depth analysis of a focal theme, a series of country reports that document major corruption related events and developments from all continents and an overview of the latest research findings on anti-corruption diagnostics and tools. See <http://www.transparency.org/publications/gcr>

--The World Bank Institute publishes Worldwide Governance Indicators (WGI). These indicators assess six dimensions of governance in 212 countries, including Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Control of Corruption. See

[http://info.worldbank.org/governance/wgi/sc\\_country.asp](http://info.worldbank.org/governance/wgi/sc_country.asp). The World Bank Business Environment and Enterprise Performance Surveys may also be of interest and are available at: <http://go.worldbank.org/RQQXYJ6210>

--The World Economic Forum publishes the *Global Enabling Trade Report*, which presents the rankings of the Enabling Trade Index, and includes an assessment of the transparency of border administration (focused on bribe payments and corruption) and a separate segment on corruption and the regulatory environment. See <http://www.weforum.org/en/initiatives/gcp/GlobalEnablingTradeReport/index.htm>

Additional country information related to corruption can be found in the U.S. State Department's annual *Human Rights Report* available at <http://www.state.gov/g/drl/rls/hrrpt/>

--Global Integrity, a nonprofit organization, publishes its annual *Global Integrity Report*, which provides indicators for 92 countries with respect to governance and anti-corruption. The report highlights the strengths and weaknesses of national level anti-corruption systems. The report is available at: <http://report.globalintegrity.org/>

## **Bilateral Investment Agreement**

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Senegal and the U.S. have a Bilateral Investment Treaty, which allows for international arbitration. (U.S. companies entering the Senegalese market should ensure that their contracts with third parties make a provision for binding international arbitration in case of a dispute.) The treaty also provides for Most Favored Nation treatment for investors, internationally recognized standards of compensation in the event of expropriation, free transfer of capital and profits, and procedures for dispute settlement, including international arbitration.

Senegal has signed similar agreements for protection of investment with France, Switzerland, Denmark, Finland, Spain, Italy, the Netherlands, South Korea, Romania, Japan, Australia, China, Iran, Morocco, and Sudan. Senegal has concluded tax treaties with France, Mali, and WAEMU member states.

There is currently no tax treaty between the United States and Senegal.

## **OPIC and Other Investment Insurance Programs**

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OPIC has been examining possible investments in Senegal but has no current projects. Senegal is a member of the Multilateral Investment Guarantee Agency (MIGA), an arm of the World Bank. In 2008, USAID launched a loan guarantee program for small and medium-sized enterprises in Senegal.

## **Labor**

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Unskilled and semi-skilled labor is abundant in Senegal, but there are relatively few highly-trained workers in the fields of engineering, information systems, and management. In-country opportunities for these workers are few and as a result, many look outside Senegal for employment.

Relations between employees and employers are governed by the labor code. Trade Unions negotiate, industry wide collective bargaining agreements. There are company regulations and around 30,000 individual employment contracts. There are two powerful industry associations that represent management's interests: the National Council of Employers (CNP) and the National Employers' Association (CNES). The principal Trade Unions are the National Confederation of Senegalese Workers (CNTS), and the National Association of Senegalese Union Workers (UNSAS), a federation of independent labor unions. Labor issues are often high on the list of complaints by investors.

### **Foreign Trade Zones/Free Ports**

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Senegal's Free Trade Zone initiatives have largely been replaced with the Entreprise Franche d'Exportation (EFE), which reduces taxes and provides for duty-free imports. The Dakar Free Industrial Zone (ZFID) is largely inactive and stopped issuing new licenses in 1999. Firms already located there may continue receiving benefits until 2016. In 2007 the Government of Senegal signed an agreement with Jafza International of Dubai to establish a "special economic zone" outside of Dakar. The project remains in the development phase and the zone's incentives portfolio is not yet known.

### **Major Foreign Investors**

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Senegal today trades more with emerging markets than with developed ones; most of the foreign direct investment the country has received recently has come from emerging nations (China, Brazil, India and the Middle East). Foreign Direct Investment (FDI) increased to around an average of 186 million Euros between 2006 and 2010 (or 2.1% of GDP, up from 0.8% of GDP 2000-2005). Most new FDI is linked to the modernization of Senegal or recapitalization to improve the financial situation in key sectors. Europe remains the largest trading partner, but its share has declined to 38% of total trade from 48% in 2006. Asia represents 19% of total trade compared with 15% in 2006.

Approximately 235 subsidiaries of French groups are present in Senegal, accounting for 25 percent of all formal enterprises. French investors are present in the major multinational import-export firms, shipping companies, banking, food production, mechanical engineering, agribusiness, petroleum distribution, industrial equipment, vehicles, chemicals and pharmaceuticals, tourism and insurance industries. Privatizations in telecommunications and public utilities have increased the presence of French business in Senegal.

Investments by Senegalese citizens of Lebanese origin are significant in light import-substituting industries such as food products, textiles, chemicals, plastics and rubber. Swiss investment includes the multinational Nestle and a waste management company. Germany, Japan, and South Korea have moderate investments in Senegal. Taiwan was active in Senegal's fish and canning industry. Indian interests have historically been a major investor in Senegal's phosphates industry and purchase nearly all phosphate output. Moroccan investment has increased since ATTI purchased the majority of shares of Banque Senegalo-Tunisienne (BST), Credit du Senegal, and Compagnie Bancaire de l'Afrique de L'Ouest (CBAO) to become one of the largest commercial banks of Senegal. Sudan's telecommunications company Sudatel won an international tender for a new license to provide fixed and mobile telephone and internet services. Iran Khodro Auto Company opened an assembly plant for sedans near Senegal's second largest city, Thies. In recent years, China has increased its

commercial presence in Senegal and its Exim Bank has invested in a number of new building projects.

Significant U.S. investors include General Electric, Fortesa International, Phillip-Morris, Pfizer, and Citibank. Delta Airlines flies twice a week to Dakar from New York's JFK airport. United Airlines has a code share agreement with South African Airlines out of Dulles International Airport in Virginia to Dakar and then on to Johannesburg, South Africa. Recent new arrivals to Senegal include IBM, Cummins, Google, Hewlett Packard and APR Energy.

## Web Resources

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[www.apix.sn](http://www.apix.sn)

[www.investinsenegal.com](http://www.investinsenegal.com)

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## Chapter 7: Trade and Project Financing

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### How Do I Get Paid (Methods of Payment)

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New-to-market U.S. exporters should request an irrevocable confirmed letter of credit drawn on one of the major banks. Large Senegalese importers often have sources of foreign exchange outside Senegal; consequently, they can offer credit documents issued by non-Senegalese banks.

### How Does the Banking System Operate

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Senegal's banking system is governed by the Central Bank (BCEAO) common to the eight members (Benin, Burkina Faso, Cote d'Ivoire, Guinea-Bissau, Mali, Niger, Senegal and Togo) of the West African Economic and Monetary Union), (WAEMU or UEMOA. Along with BCEAO, the "Commission Bancaire" is a supranational supervisory entity created in April 1990 to control financial institution. The eight-member countries use the CFA franc (XOF) as its currency. The French Treasury guarantees the conversion rate of 1 Euro = CFA franc 655.957. Member countries of the West African Economic and Monetary Union are required to keep at least 50% of their foreign exchange reserves in the French Treasury. This arrangement places representatives of the French Treasury on the board of BCEAO and allows the International Monetary Fund (IMF) to issue aid denominated in Euros rather than the CFA franc.

There are seventeen registered banks in Senegal. Recently, Senegal's banking sector has attracted a procession of foreign entrants keen to tap the informal economy and use Dakar as an anchor for regional expansion. They include the largest Nigerian Bank United Bank of Africa - UBA, Attijari Bank and BMCE from Morocco. The largest commercial banks are still predominantly French, although their dominant position is somewhat threatened by new arrivals – Ecobank, UBA, and the merger of Attijari, CBAO and Banque Senegalo-Tunisienne. Citibank, the only U.S. bank in Senegal, specializes in corporate finance. Moroccan banks are also very active in Senegal. Ecobank has an impressive network spread throughout West and part of Central Africa. Other financial institutions, such as insurance companies, a venture capital firm and a leasing company are also present here. The International Finance Corporation (IFC), the private sector lending arm of the World Bank, has an office in Dakar.

### Foreign-Exchange Controls

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Senegal lifted all restrictions related to foreign exchange controls in 1998. Foreign exchange payments are no longer submitted to the Ministry of Finance for authorization, but are directly executed by Senegal's commercial banks instead. There is free

convertibility of the CFA franc via the banking system for commercial transactions. The rate varies daily according to the Euro-U.S. dollar rate. CFA franc currency (XOF, XAF) is not legal tender outside of the CFA franc zone which includes the countries of CEMAC (Cameroun, Central Africa, Congo Gabon Equatorial guinea and Chad) as well as WAEMU. Travelers may exchange foreign currency for CFA francs without limit at commercial banks. Outgoing travelers may obtain a maximum of CFA Francs 6,000,000 in Euros or other foreign currencies or travelers checks, upon presentation of a valid airline ticket at banks or at privately run foreign exchange bureaus

## **U.S. Banks and Local Correspondent Banks**

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Citibank is the only U.S. bank with a presence in the country.

## **Project Financing**

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The African Development Bank (AfDB), the World Bank (WB), the West African Development Bank (WADB) and the Islamic Development Bank (IDB) finance public projects dealing with infrastructure. The private sector-lending arm of the World Bank, the International Finance Corporation (IFC), has financed major infrastructure projects.

The U.S. Trade and Development Agency, along with the AfDB, offers funds for feasibility studies.

In September 2009, the Millennium Challenge Corporation (MCC) signed a \$540 million Compact with Senegal. The project will focus on road rehabilitation and irrigation projects in the southern Casamance region and Senegal's River Valley situated in the north of the country. For specific details on these opportunities, please visit: <http://www.mcc.gov/pages/business/compactprocurements>

## **Web Resources**

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Export-Import Bank of the United States: <http://www.exim.gov>  
Country Limitation Schedule: [http://www.exim.gov/tools/country/country\\_limits.html](http://www.exim.gov/tools/country/country_limits.html)  
OPIC: <http://www.opic.gov>  
Trade and Development Agency: <http://www.tda.gov/>  
SBA's Office of International Trade: <http://www.sba.gov/oit/>  
USDA Commodity Credit Corporation: <http://www.fsa.usda.gov/cc/default.htm>  
U.S. Agency for International Development: <http://www.usaid.gov>  
The African Development Bank: <http://www.afdb.org>

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## Chapter 8: Business Travel

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### Business Customs

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Senegal's business customs are similar to French business customs. Americans should expect a high level of sophistication among Senegalese businesspersons.

The official business attire is suit and tie, even during the hottest months of the year (June-November).

The Senegalese concept of "Teranga" transpires in business dealings and contacts. The concept centers on a philosophy that welcomes other nationalities to share the Senegalese culture. In a business environment, Senegalese are welcoming and they usually don't say no, even though they may not be in a position to deliver what they have promised.

### Travel Advisory

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Although a cease-fire agreement was signed in December 2004 between Casamance separatists and the Senegalese military, the U.S. Embassy in Dakar advises U.S. citizens to plan carefully all travel to the Casamance region of southern Senegal, excluding the City of Ziguinchor and the resort area of Cap Skirring. In recent years, however, rural areas have been the sites of sporadic violent attacks on Senegalese military and civilian personnel and, on rare occasions, tourists.

U.S. citizens contemplating travel to the Casamance area are urged to contact the U.S. Embassy in Dakar for the latest safety and security information. In addition to a prolonged insurgency, armed bandits and land mines present a threat to travelers and residents in rural areas of the Casamance. The U.S. Embassy recommends that U.S. citizens not drive in certain areas of the Casamance. There are flights between Dakar and Ziguinchor and charter flights are available to Cap Skirring from Europe.

Due to the potential for violence, U.S. citizens should avoid political gatherings and street demonstrations, and maintain security awareness at all times.

For the latest security information, Americans traveling abroad should regularly monitor the Department of States Internet web site at <http://travel.state.gov> where the current Worldwide Caution/Public Announcement , Travel Warnings and Public Announcements can be found.

Up-to-date information on security can also be obtained by calling 1-888-407-4747 toll free in the United States, or, for callers outside the United States and Canada, a regular toll line at 1-317-472-2328. These numbers are available from 8:00 a.m. to 8:00 p.m. Eastern Time, Monday through Friday (except U.S. federal holidays).

## Visa Requirements

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A passport and proof of return/onward ticket is required. Evidence of a vaccination for yellow fever may be required at the port of entry.

In an effort to prevent international child abduction, many governments have initiated procedures at entry/exit points. These often include requiring documentary evidence of relationship and permission for the child's travel from the parent(s) or legal guardian present. Having such documentation on hand, even if not required, may facilitate entry/departure.

Travelers should obtain the latest information on entry requirements from the Embassy of Senegal, 2031 Florida Avenue, N.W., Washington, D.C. 20009, telephone (202) 234-0540. Overseas inquiries should be made at the nearest Senegalese embassy or consulate.

*Work and Residency Permits:* American citizens who expect to work in Senegal for an extended period of time must apply for a work permit (carte de séjour) at the local immigration office located at the Ministry of Interior. The following documents should support the application:

- Photocopy of the passport
- Birth certificate
- Police or criminal record
- Completed application form
- Proof of employment (a businessperson should submit the statutes of his/her company, and a deportation bond of approximately \$175 reimbursable at the time of departure from Senegal)
- Medical certificate
- Fiscal stamps worth \$20.

U.S. Companies that require travel of foreign businesspersons to the United States should be advised that security evaluations are handled via an interagency process. Visa applicants should go to the following links.

State Department Visa Website: <http://travel.state.gov/visa/>

U.S. Embassy Dakar: <http://dakar.usembassy.gov>

## Telecommunications

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International calls to most countries can be dialed directly. The country code for Senegal is 221. Since October 2007, Senegal has changed its numbering system. The numbers 33, 76 and 77 have to be added when dialing a fixed line (33) or a cellular line - 77 for Orange, 76 for Tigo, and 70 for Sudatel Espresso. Internet services are available. The Internet penetration rate is low (2.80 percent). Blackberries can be used in Senegal. A number of cyber cafés are located in Dakar and other cities.

Senegal has an excellent digitized telecommunications infrastructure. The country has around 9.35 million cell phone accounts and 346,406 landlines for 14 million inhabitants. Cellular service has grown significantly since its introduction in the late 1990s. The cellular penetration rate is 76.84 percent while internet and landline penetration rates are 2.8 and 2.85 percent respectively.

## Transportation

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*Air Transportation:* The Léopold Sédar Senghor International Airport is the hub of the sub-region. A total of 28 airlines are operating out of Dakar's Leopold Sedar Senghor International Airport. Dakar is linked to numerous African cities by air, and daily flights go to Europe. Delta flies to/from /New York/Dakar. Service to Cape Town is available. SAA flies daily to and from Washington, D.C. to and from Johannesburg via Dakar.

*Port:* Dakar has one of the largest deep-water seaports along the West African coast. Its deep-draft structure and 640 foot-wide access channel allows round-the-clock access to the port. Its current infrastructure includes tanker vessel loading and unloading terminals, a container terminal with a storage capacity of 3000 20-foot-equivalent units, a cereals and fishing port, a dedicated phosphate terminal and a privately-run ship repair facility. Dubai Ports World (DP World) has taken over management of Dakar's container terminal. DP World plans to invest USD 700 million for a state-of-the art container facility. The port's location at the extreme western point of Africa, at the crossroad of the major sea-lanes linking Europe to South America, makes it a natural port of call for shipping companies. A number of shipping companies sail to Dakar from U.S. ports, usually by transshipment from Europe. The main direct-call U.S./West Africa carriers are Wilhemsen Lines, Torm Line, America Africa Delmas Line, and Atlantic Container Lines. In addition, Maersk Line offers weekly sailings from the U.S. to Dakar with transshipment in Algeciras in southern Spain. Grimaldi offers bi-monthly sailings from the U.S. direct to Dakar. Transit time from Houston, New Orleans and Miami is 34, 36 and 40 days, respectively. Total freight traffic averages 10 million metric tons.

*Ground Transportation:* Taxis (black-yellow, and blue in color) are cheap, numerous and available everywhere in Dakar. It is customary to negotiate the fare since most meters installed in the taxis are broken or missing. For travel outside Dakar, public transportation is available but often unreliable and uncomfortable.

U.S. visitors who plan to stay in Dakar a few days may want to rent a car and driver. Numerous car rental agencies offer first-class service and have a desk at the airport and in hotels. Credit cards are accepted for payment, but should be used with caution..

## Language

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The principal language of international business in Senegal is French. Many Senegalese businessmen can conduct basic business in English but are not comfortable with extended or technical conversations, although this is changing as more and more Senegalese choose to study in the U.S. High-level professional interpretation is available at \$640-700 per day for business meetings, but less expensive (\$200-300) competent interpreters are also available.

## Health

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### *Medical Facilities*

Several hospitals and clinics in the capital, Dakar, can treat major and minor injuries and illnesses. There is inadequate inpatient psychiatric care, though there is very good office-based psychiatry. There are no facilities in Senegal that are at the level of Western European hospitals or U.S. community hospitals but there are some that are good and can be used in case of an emergency. The Embassy maintains a list of physicians and other health care professionals though the Embassy does not guarantee their services or recommend physicians. Medical facilities outside Dakar are limited.

French medications are far more readily available than American drugs and the limited selection of American drugs in stock are often listed under the French trade names. Medications may be obtained at pharmacies throughout Dakar and in other areas frequented by tourists and are usually less expensive than those in the U.S. Travelers should carry a supply of any needed prescription medicines along with copies of the prescriptions including the generic name for the drugs and a supply of preferred over-the-counter medications.

### *Medical Insurance*

Travelers should be strongly urged to purchase evacuation insurance prior to traveling abroad. In addition, travelers should expect to pay cash for medical services obtained in Senegal. Medical facilities in Senegal will only accept cash and will not accept medical insurance or even credit cards. U.S. medical insurance may cover overseas medical expenses on a pay-and-claim basis but this is not guaranteed.

Useful information on medical emergencies abroad, including overseas insurance programs, is provided in the Department of State's Bureau of Consular Affairs brochure, *Medical Information for Americans Traveling Abroad*, available via the Bureau of Consular Affairs home page.

### *Other Health Information*

Information on vaccinations and other health precautions, such as safe food and water precautions and insect bite protection, may be obtained from the Centers for Disease Control and Prevention's (CDC's) hotline for international travelers at 1-877-FYI-TRIP (1-877-394-8747), fax 1-888-CDC-FAXX (1-888-232-3299), or via the Cdc's Internet site at <http://www.cdc.gov/travel>. For information about outbreaks of infectious diseases abroad consult the World Health Organization's website at <http://www.who.int/en> Further health information for travelers is available at <http://www.who.int/ith>

Malaria is a serious risk to travelers in Senegal. Chloroquine resistant *P. falciparum* malaria is a severe form of the disease that is found in many parts of West Africa, including Senegal. Because travelers to Senegal are at high risk for contracting malaria they should take one of the following anti-malarial drugs: mefloquine (Lariam - tm), doxycycline, or atovaquone/proguanil (Malarone – tm). The Centers for Disease Control and Prevention have determined that a traveler who is on an appropriate anti-malarial drug has a greatly reduced chance of contracting the disease. In addition, other personal protective measures, such as the use of insect repellents, help to reduce malaria risk. Travelers who become ill with a fever or flu-like illness while traveling in a malaria-risk area and up to one year after returning home should seek prompt medical attention and tell the physician their travel history and what anti-malarials they have been taking. For additional information on malaria, protection from insect bites and antimalarials, visit the CDC Travelers' Health website at <http://www.cdc.gov/travel/malinfo.htm>

Other vaccines may be recommended for travel to Senegal. Please visit the CDC's website for more information.

### **Local Time, Business Hours, and Holidays**

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#### *Local Time*

Dakar is on Greenwich Mean Time, four time zones ahead of Eastern Standard Time (EST). Daylight Savings Time (DST) is not observed in Senegal, thus there is a five-hour time difference during DST in the U.S.

Business Hours:

Business hours are typically from 0800 to 1800, with a long lunch break (2 hours) mostly in government offices.

#### *Holidays*

January 1 (New Year's)  
April 4 (Independence Day)  
May 1 (International Labor Day)  
August 15 (Assumption Day)  
November 1 (All Saints Day)  
December 25 (Christmas Day)

In addition, the following holidays are observed according to the religious calendars: Korite, Tabaski, Mawlud, Easter Monday, Ascension and Pentecost.

### **Temporary Entry of Materials and Personal Belongings**

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Several types of items -- including computers and computer parts, video cameras and players, stereo equipment, tape players, auto parts, and various tools and spare parts -- can be brought into Senegal without clearance by Senegalese customs officials.

### **Web Resources**

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The U.S. Council for International Business: [www.uscib.org](http://www.uscib.org)

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## Chapter 9: Contacts, Market Research and Trade Events

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### Contacts

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American Chamber of Commerce in Senegal – [www.amchamsen.org](http://www.amchamsen.org)  
Agence de Promotion des Investissements et des Infrastructures (APIX) – [www.apix.sn](http://www.apix.sn)  
Dakar Chamber of Commerce and Industry [www.cciad.sn](http://www.cciad.sn)  
Trade Point Senegal – [www.tpsnet.org](http://www.tpsnet.org)  
CNP - The National Council of Business Leaders: [www.cnp.sn](http://www.cnp.sn)  
CNES - The National Employers' Association [www.cnes.sn](http://www.cnes.sn)

#### U.S. Embassy Resources

U.S. Embassy - Dakar, Senegal  
Avenue Jean XXIII  
BP 49, Dakar, Senegal  
Tel: +221 33-829-21-00  
Fax: +221 33-842-98-21

#### U.S. Economic and Commercial Section – U.S. Embassy

Steve Perry, Economic and Commercial Officer  
Email: [PerrySJ@state.gov](mailto:PerrySJ@state.gov)

Youhanidou Wane, Commercial Specialist  
Email: [WaneBaY@state.gov](mailto:WaneBaY@state.gov)

### Market Research

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To view market research reports produced by the U.S. Commercial Service please go to the following website: <http://www.export.gov/mrktresearch/index.asp> and click on Country and Industry Market Reports.

Please note that these reports are only available to U.S. citizens and U.S. companies. Registration to the site is required, and is free.

### Trade Events

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Please click on the link below for information on upcoming trade events.

<http://www.export.gov/tradeevents/index.asp>

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## Chapter 10: Guide to Our Services

The President's National Export Initiative aims to double exports over five years by marshaling Federal agencies to **prepare U.S. companies to export successfully, connect them with trade opportunities** and **support them once they do have exporting opportunities**.

The U.S. Commercial Service offers customized solutions to help U.S. exporters, particularly small and medium sized businesses, successfully expand exports to new markets. Our global network of trade specialists will work one-on-one with you through every step of the exporting process, helping you to:

- Target the best markets with our world-class research
- Promote your products and services to qualified buyers
- Meet the best distributors and agents for your products and services
- Overcome potential challenges or trade barriers
- Gain access to the full range of U.S. government trade promotion agencies and their services, including export training and potential trade financing sources

To learn more about the Federal Government's trade promotion resources for new and experienced exporters, please click on the following link: [www.export.gov](http://www.export.gov)

For more information on the services the U.S. Commercial Service offers to U.S. exporters, please click on the following link:  
<http://www.buyusa.gov/westafrica/en/usbusiness.html>

U.S. exporters seeking general export information/assistance or country-specific commercial information can also contact the U.S. Department of Commerce's Trade Information Center at (800) USA-TRAD(E).

We value your feedback on the format and contents of this report. Please send your comments and recommendations to: [Market\\_Research\\_Feedback@trade.gov](mailto:Market_Research_Feedback@trade.gov)

To the best of our knowledge, the information contained in this report is accurate as of the date published. However, **The Department of Commerce** does not take responsibility for actions readers may take based on the information contained herein. Readers should always conduct their own due diligence before entering into business ventures or other commercial arrangements. **The Department of Commerce** can assist companies in these endeavors.

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