

**THE MAURITIAN EXPERIENCE WITH THE SPS AGREEMENT  
FROM THE INDIAN OCEAN PERSPECTIVE**

Communication by Mauritius

The following communication, received on 25 October 2004, is being circulated at the request of the Delegation of Mauritius.

**I. THE MAURITIAN EXPERIENCE WITH THE SPS AGREEMENT**

**A. INTRODUCTION**

1. With the accession of Mauritius to the WTO in January 1995, Mauritius found itself being party and committed to a whole range of agreements, decisions and understandings, including the SPS Agreement. Being a net food importer, we are aware of the fact that SPS measures imposed by our trading partners should not represent disguised trade barriers, should be scientifically based and be established on the basis of an appropriate risk assessment. Regarding our exports, we are fully cognizant that the most promising option to maintain and expand our agricultural and food exports is to become able to respond to the exigencies which are emerging in our target markets by providing high quality and safe products. Our main concern is how to ensure that consumers of our country are being supplied with food that is safe to eat while at the same time ensuring that strict health and safety regulations are not being used as an excuse for protecting domestic producers. With the globalization process trade is expanding and Mauritius is having to address various policy issues such as strengthening our national and regional capacity to conduct risk analysis and increasing our participation in international standards development.

**B. MEETING OUR INTERNATIONAL OBLIGATIONS WITH THE ADVENT OF THE SPS AGREEMENT**

**Measures initiated by the Government**

2. With the advent of the WTO SPS Agreement we found ourselves in a situation whereby priority had to be geared towards food safety, animal health and plant health based on scientific evidence. We had no other alternatives than to amend and review our legislation so as to be in line with international standards. We are thus proposing to amend our Plants Act, the Animal and Disease Act and have enacted a Food Act and a Genetically Modified Organism Act, coming shortly are Seed legislation and a Plants Breeder's Right legislation. A particular concern for the horticultural sector is the potential impact of European pesticide regulations whereby import tolerances for pesticide residues for as many as 450 chemical active ingredients have been reduced. In this context Mauritius is benefiting from the Pesticides Initiative Programme (PIP) of the Liaison Committee Europe-Africa-Caribbean-Pacific (COLEACP), whose purpose is to work for the promotion of ACP horticultural products. The setting up of a quality system for the horticultural export sector is another important

initiative. The project has the overall objective of enhancing the competitiveness of Mauritian horticultural producers/exporters on the world market through increasing the capacity of stakeholders in the horticultural sector in order to ensure regular production, supply and export of higher quality horticultural products. The key activities include implementation of a National Code of Practice for the industry, capacity building, training and the overall upgrading of skills and know-how in the horticultural sector.

3. The Government is also setting up a modern Food Technology laboratory, accredited for the control of the quality of agricultural produce destined for local consumption as well as for exportation.

### **Familiarisation with the SPS Agreement**

4. Abiding by our obligations under the SPS Agreement was initially not an easy task. Slowly we became familiar with the Agreement by attending workshops, seminars and the SPS Committee in Geneva. We have entered into a number of trade protocols for import and export of agricultural commodities with our trading partners on the basis of pest free areas, equivalence and other science-based conditions.

### **New Challenges faced by our local stakeholders**

5. With globalization our importers and exporters are now confronted with new challenges arising from new markets. Our traditional import markets in South Africa, Australia and Europe are giving way to imports from other countries like South America (e.g Brazil, Argentina), with the result that our country is being exposed to the formulation of new import conditions based on the necessary pest risk assessment. In order to meet the challenges under the SPS Agreement, a number of alterations are being carried out by our services while others are being awaited. .

### **Special and differential treatment and the need for technical assistance**

6. The exigencies of applying the various SPS measures cannot be underestimated, though effort is being done locally to meet our international commitment. It is not an easy task for our economy to take the load of extra expenditure for the upgrading of our services. In this context, the provision is of utmost importance.

7. An evaluation of our SPS capacity has been carried out by two international teams, namely from (a) the Commonwealth Secretariat and the International Trade Centre; and (b) The USAID. A certain number of recommendations have been made in their reports, in order to help Mauritius meet its sanitary and phytosanitary obligations on the international market and thereby promote our agricultural exports on the international market, including the European Communities. These recommendations include:

- (a) Promulgation of laws that contribute to an effective food regulatory authority and that enable it to issue and enforce standards and other regulatory requirements for food and agricultural products;
- (b) Training of staff in relation to international standards and the SPS Agreement e.g. in relation to capacity to carry pest risk assessment and quarantine procedures, preparation of a pest list and a disease list, certification and inspection procedures, epidemiological surveillance procedures and for risk analysis;
- (c) Hard infrastructure development and development/strengthening of national infrastructures for demonstrating compliance with technical regulations and SPS

measures in export market, e.g. upgrading of existing laboratories for determination of pesticides residues and acceptable tolerance levels of pests and diseases;

- (d) Soft infrastructure development like the development of pest list and capacity to conduct pest risk assessment especially as technical assistance in combination with local efforts could have a key role to play in developing the infrastructure and programmes needed to support export certification of targeted products;
- (e) Technical assistance to help in identification and implementation of equivalent measures. Recognition of equivalence is a great tool for achieving greater market access to developed country markets and facilitating trade among all Members. Many difficulties could be foreseen for the implementation of equivalence, these include the cost (administrative, technical knowledge and financial) of entering into equivalence agreements and the North-South dimension. The ultimate goals for regional or international harmonization can only be achieved when the countries involved have implemented equivalent standards and mechanisms to assure that standards actually will be met in line with the "farm to table approach";
- (f) Setting up of an appropriate framework for conducting scientific risk assessment and thereby securing the phytosanitary status of our imports;
- (g) Technical assistance for the accreditation of our laboratories to EC standards;
- (h) Creation of the necessary framework for quality assurance and certification/indexation of our agricultural produce (HACCP, food safety and hygiene) as well as auditing systems for quality control procedures. Technical assistance for the broad implementation of the Good Manufacturing Practices (GMPs), HACCP, or similar regulatory programmes as they facilitate trade and contribute to the equivalence and harmonization of SPS/food safety systems;
- (i) Participation in international standard-setting bodies because having national representatives at international meetings makes the work of the organizations more relevant to the domestic setting and draws in stakeholders in the preparation of national positions on issues;
- (j) Establishment of regional permanent SPS/ Food Safety Directorate similar to the one currently under implementation in the European Communities, the European Food Safety Authority (EFSA).

The analyses and recommendations above indicate the need for a more broad-based approach for dealing with issues of SPS and food safety in Mauritius both to improve trade in agriculture and protect the health of consumers.

### **Progress in the Implementation of the Transparency Provisions of the SPS Agreement**

8. In respect of the transparency provisions of the SPS Agreement, Mauritius has achieved a reasonable level of compliance with its obligations. Notification and enquiry points are well established and functioning effectively. The SPS Enquiry Point notifies domestic SPS measures taken to the WTO, through the National Notification Authority of the Ministry of Foreign Affairs, Regional Cooperation and International Trade. The SPS Enquiry Point is also actively involved in all decision-making processes relating to SPS matters including emergency measures. The SPS Enquiry Point also receives regular requests and responds to requests for information regarding domestic SPS

measures. The Enquiry Point is also acting as a facilitator and provides up-to-date, relevant information on SPS requirements for specific products.

9. We have also established a local SPS Committee chaired by the national SPS Enquiry Point and comprising representative from the Ministry of Health, Ministry of Commerce, Ministry of Fisheries, Standard Bureau, Veterinary Services, Chamber of Agriculture, Chamber of Commerce/industry and our Research and Extension Unit. The committee meets at least once monthly as a forum for the exchange of information among the different members on all aspects related to SPS and to discuss matters with potential trade impact.

## **II. THE INDIAN OCEAN PERSPECTIVE FOR MAURITIUS**

### **A. PARTICIPATION IN A REGIONAL CROP PROTECTION PROGRAMME**

10. At the level of the Indian Ocean, Mauritius has been sharing special relationships with all the neighbouring islands through the Commission de L'Océan Indien through trade protocols for the export/import of horticultural produce or through phytosanitary protocols to protect the country from the incursion of exotic pests and diseases.

11. An important recent initiative is the Regional Crop Protection Program (RCP) covering Mauritius, Comoros, Madagascar, Reunion and the Seychelles (Countries of the Indian Ocean Commission), and funded by the European Commission. These countries have a number of phytosanitary problems in common and accordingly regional solutions are being sought. These initiatives will further assist Mauritius

- In the critical areas of regional market integration;
- To increase co-operation in the management of shared natural resources; and
- To expand commercial markets for agricultural technologies and commodities.

The project principally aims at:

(a) Creation of an Indian Ocean Crop Protection network:

The regional harmonization of phytosanitary legislations which is imperative to develop a common framework of practices and standards for governing trade in agricultural products. In developing such a framework, a regional perspective would be incorporated to ensure that local requirements are not unduly protectionist, and fit with the harmonization/mutual recognition provisions of the SPS Agreement;

- (b) Quality control with emphasis on a pesticide quality control campaign and quality control of planting material moving in the region;
- (c) Recognition of reference laboratories for the region for disease diagnosis and quality control of chemicals used for crop protection;
- (d) Usage of alternative controls of plant pests and disease;
- (e) Training activities for extension workers, quarantine inspectors, scientists, field workers, etc.;
- (f) Promotion of expertise available from the region, emergence of regional dynamics as well as transfer of knowledge. Regional plant protection organizations would have

the possibility to pool their resources and bring together the experts from the different regions to discuss and to exchange information about potential quarantine pests. This would considerably improve our ability to identify potential problems and to act in advance.

## B. EXPLORING TRADE POTENTIAL WITHIN THE REGION

12. Specific problems arise from the interplay of such factors as our smallness, remoteness, geographical dispersion; vulnerability to natural disasters; high susceptibility to incursion and easy establishment of exotic agricultural pests and diseases coupled with the inherent difficulties in their control; inability to shift agricultural production system from one location to another in cases of disease epidemics and pest outbreaks due to our smallness; the fragility of our ecosystems; constraints on transport and freight for agricultural produce; isolation from markets; vulnerability to exogenous economic and financial shocks; a highly limited internal market; lack of natural resources; difficulty in achieving economies of scale, amongst others. Conscious of the situation, Mauritius as a net food importing country has been taking advantage of the region as a production base. We are also aiming at producing selected commodities in other countries of the region to benefit from economies of scale and to process them in Mauritius prior to exportation. This is being done with the objective of meeting our policy to emerge as a regional agro-processing hub by taking advantage of our technological, infrastructural, Freeport and communications facilities available locally.

13. At the level of the different regional blocks to which Mauritius is a party, like the Southern African Development Community (SADC), the African Union and Common Market for Eastern and Southern Africa (COMESA), we are seizing every opportunity through the different venues being organized for joint consideration of, *inter alia*, phytosanitary and sanitary issues and for finding solutions to problems on a regional basis where appropriate, through, for example:

- (a) Development of coherent programmes for the control and eradication of pests and diseases;
- (b) Regional harmonization and upgrading of phytosanitary systems;
- (c) Plant health policy alignment and upgrading;
- (d) Development of a regional policy position and legislation on GMO; and
- (e) Harmonization of pesticide regulation within African countries and analysis of pesticide residues.

14. A team from the SADC Food, Agriculture and Natural resources Unit visited Mauritius for a stock-taking exercise of our sanitary and phytosanitary legislation, regulations and structures with the ultimate aim of drafting a detailed sanitary and phytosanitary annex to the SADC Trade Protocol. The Annex would facilitate trade of agricultural commodities within the region. The initiative of the SADC to harmonize phytosanitary legislation and norms of SADC member countries is another important measure taken by the region to facilitate trade between SADC Member States.

## III. SHARING OUR EXPERIENCE ON IMPLEMENTATION OF THE SPS AGREEMENT WITH COUNTRIES OF THE REGION

15. We have had the opportunity to share our experience with certain African countries like the Ivory Coast, Burkina Faso, Benin, Senegal, other North and West African countries, with members of the SADC, and the Caribbean.

16. We participated also in a Video conferencing organized by the World Bank on the Inter Agency Coordinating mechanism for SPS for South East Asian Countries.

#### **IV. CONCLUSION**

17. From the Indian Ocean perspective, Mauritius and other developing countries of the region need a strong strategy for the development of a truly multifunctional agricultural sector, which would form the basis for sustainable development. This strategy should integrate the above positive aspects of our agricultural sector with natural wealth, and socio-cultural traditions, stimulating cooperation of the agri-sector with tourism, small businesses on a local as well as a regional level. Regional solutions are being sought to common problems of countries within the region in the same line as the Regional Crop protection programme. This should reduce costs; stimulate regional co-operation and bilateral agreements and help to smoothen trade of agricultural produce.

18. Finally we would like to place on record the role played by Ms G. Stanton and the staff of the SPS Secretariat of the WTO in their endeavour to facilitate the transmission of notifications to all Members and their commitment to assist Members to meet their commitments under the SPS Agreement. We highly appreciate all the seminars organized at the level of Africa in order to familiarize the developing countries of the continent with the benefits of the SPS Agreement and how to meet the obligations under this Agreement.

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