

EXPERIENCE WITH THE IMPLEMENTATION OF THE SPS AGREEMENT

Information for the Workshop on 31 March 2006

Communication from Mauritius

The following communication, received on 24 March 2006, is being circulated at the request of Mauritius.

I. INTRODUCTION

1. With the accession of Mauritius to the WTO, 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 at this time is how to ensure that consumers in 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 globalisation process, trade is expanding and Mauritius has 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. This is more so given that the country will be facing a stringent economic environment following the erosion of our trade preferences in the context of our sugar protocol with the European Communities. Given this difficult situation, developments initiated for compliance with the SPS Agreement will experience considerable impediments in their implementation and therefore any technical assistance would be most welcome.

II. PARTICIPATION IN MEETINGS OF THE SPS COMMITTEE

2. For the past years, participation in the informal and formal meetings of the SPS Committee was once or twice yearly. However due to local economic constraints, Government is currently finding itself unable to fund the participation of capital-based experts to the SPS Committee. Whenever capital-based experts are unable to participate, the representative from our Geneva-based mission participate. However given the technical/scientific nature of discussions of the SPS Committee, they find it difficult to contribute to the Committee effectively and to initiate follow-up action.

3. Information regarding meetings of the SPS Committee is usually received in the form of the airgram through our Mission based in Geneva or through capital-based experts whenever they participate.

III. FUNCTIONING OF THE NATIONAL SPS COMMITTEE

4. In respect of the transparency provisions of the SPS Agreement, Mauritius has achieved a high level of compliance with its obligations. Notification and enquiry points are well established and functioning effectively. The SPS Enquiry Point is located with the Ministry of Agriculture, Food Technology and Natural Resources, which is 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 receives regular requests for information regarding domestic SPS measures and provides up-to-date, relevant information on SPS requirements for specific products.

5. We have also established a local SPS Committee chaired by the National SPS Enquiry Point, comprising of representative from the Ministry of Health, Ministry of Commerce, Department of Fisheries, Standard Bureau, Veterinary Services, Chamber of Agriculture, Chamber of Commerce/industry, Consumer Protection Organisation, Association of our horticultural produce exporters and our Research and Extension Unit. The committee meets at least three to four times yearly and act 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. In cases of national emergency or SPS issues requiring urgent action, an urgent meeting of the national SPS Committee is called.

6. The committee also serve as a forum for de-briefing the members of the committee of works going on at the level of the SPS Committee in Geneva and to circulate information received during the meeting and to brief our local stakeholders on new SPS issues raised during the meeting so that necessary precautions and actions are initiated at their level to counteract any possible effect on trade.

7. This is also a forum whereby our local stakeholders, through their representative in the committee can express their concern on SPS matters that need to be address either locally or internationally in order to facilitate trade of agricultural commodities and identify their technical assistance requirements in order for them to be compliant with the SPS requirements of the WTO.

IV. NEW SPS REQUIREMENTS FOR OUR EXPORTERS

8. At the level of the SPS Enquiry Point, all notifications of WTO Members that are circulated by the SPS Secretariat, and that are regularly received both electronically and through hard copies, are screened. Notifications of relevance to Mauritius that might have possible impact on trade are circulated to our local stakeholders for their comments and any other actions they deem necessary to address the impact. Comments received by our local stakeholders are then forwarded to the notifying Member for consideration. We also act as a facilitator by providing up-to-date, relevant information on SPS requirements for specific products. In cases where our local stakeholders are facing problems as a result of SPS problems in their export market, the SPS Enquiry Point intervenes by, either:

- (a) Seeking, through the cooperation of our local stakeholder, to determine how the matter can be solved on a bilateral or regional basis through our Ministry of Foreign Affairs, OR

- (b) Taking SPS issues raised by our local stakeholders, after discussion in our local SPS Committee, chaired by the SPS Enquiry Point, to the SPS Committee meetings in Geneva. Fortunately, we have never reached this stage, as we have always been able to resolve the matter either bilaterally or at the regional level e.g., Indian Ocean Commission (IOC), SADC or COMESA.

V. NATIONAL MECHANISM IN PLACE

9. The exigencies of applying the various SPS measures cannot be underestimated, though efforts are being made done locally to meet our international commitment. It is not an easy task for our economy to take the load of extra expenditures for the upgrading of our services.

10. At the level of the SPS Enquiry Point, and that despite the various constraints being faced locally in term of resources available like trained human resource and logistic arrangements, we are making every effort to ensure that local stakeholders are informed in a timely manner of new SPS requirements and that their views are taken into account when responding to SPS notifications. There is still scope for upgrading the existing mechanism by creating a local SPS website as well as a local SPS network including a rapid alert system, linking the different local stakeholders like the private sector, the consumer protection unit, association of exporters, with the different authorities involved in the SPS sector like the Ministry of Agro Industry, Ministry of Health and the other various departments. As locally we are already having a Government Online Service, the possibility of having a website dedicated to SPS issues is being envisaged. The website would help: To provide answers to all reasonable questions from interested Members of the WTO as well as any relevant document regarding:

- Any sanitary or phytosanitary regulations adopted locally;
- Control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures in force locally;
- Risk assessment procedures, the factors taken into consideration as well as determination of the appropriate level of sanitary or phytosanitary protection;
- Bilateral or multilateral agreements and arrangements falling within the scope of the SPS Agreement.

In this context, technical assistance from any Members would be most welcome.

VI. NATIONAL PLANNING

Measures initiated by the Government

11. Previously, priority was given to trade over food safety, animal and plant health. However, with the SPS Agreement we found ourselves in a situation whereby priority has to be given to food safety, animal health and plant health over trade, provided there is a demonstrable scientific basis. Initially, abiding to our obligations under the SPS Agreement seemed very complicated but as we became familiar by attending workshops, seminars and the SPS Committee in Geneva, we found it to be more in the interest of our consumers, importers and exporters. 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. Like other countries, Mauritius is having to make choices about how best to allocate limited resources to the many potential uses in the broad field of sanitary and phytosanitary control. It is apparent that much more could usefully be done, given additional resources and provided that care is taken to achieve the best possible internal co-ordination of SPS matters.

12. A number of initiatives are currently being implemented locally with respect to the implementation of the SPS Agreement:

- (a) The administrative and legal framework has been consolidated in the enactment of new laws namely the Genetically Modified Organism Act (GMO), the Dangerous Chemical Control Act and the Food Act. At regional level, laws are being harmonized and made compatible with SPS Agreement. We are proposing necessary amendments in our new Plant Protection Bill to cater for development of quality standards of Pest Free areas, Pest Risk analysis. More powers are being given to officers performing quarantine duties, amongst others.
- (b) We are convinced that for a small country like Mauritius, equivalence should be based on bilateral agreements with a special consideration to historical trade, and full technical cooperation of the importing country so that we can demonstrate the equivalence of our treatments. In this context bilateral agreements are being developed with a number of countries like India, Pakistan, Madagascar, etc.
- (c) Strengthening of our institutional and technical capacity

Most of the institutional set up, for implementing SPS requirements exists or is in the process of being set up by the Government. Some institutions need to be upgraded in order to meet certification, testing, inspection and standard-setting needs, which are very important for demonstration of compliance. It is generally accepted locally to create an umbrella institution, a Certification Body, to consolidate the basis for the production sector by setting up local norms, codes of practice for agricultural production and also to facilitate the operation of our local stakeholders in a quality framework. Stakeholders are aware that the technical regulations and standards put in place will improve the quality and safety of their produce, thereby helping them to achieve the necessary competitive edge in order to gain market access at both regional and international level, including consumer satisfaction on the local market. Mauritius is on the right path with respect to the infrastructural set up, having set up the national accreditation service, is considering the setting up of a certification body, as well as the creation of additional infrastructure like a food technology laboratory, etc. Logistic and financial support is being provided to laboratories in Mauritius for accreditation so that proper certification procedures are established in conformity to international norms. Private institutions are also concerned and involved in total quality management systems. Although much has to be done in the production sector in relation to testing procedures and traceability, some issues remain to be addressed, for example labelling and traceability requirements.

Mauritius is lagging behind in the implementation process for standards developed by the international standard-setting bodies, e.g., ISPM 15, given our limited infrastructural capability in terms of treatment facilities.

Government has to reinforce capacity building, strengthen our local expertise in pest risk assessment, facilitate participation in training facilities via workshops and seminars, fund participation in standard setting bodies and WTO committees. The area of pest risk assessment is one where Mauritius finds difficulty in following international norms. Participation in engaging in an effective and influential way at the technical level in standard setting bodies is also difficult, and is mainly attributed to lack of scientific back up, limitation of financial resources and difficulty in maintaining continuity of participation.

VII. TECHNICAL ASSISTANCE

13. Mauritius received the visit of two teams of consultants for case studies and stock-taking exercises of our SPS framework as well as our technical assistance needs. They were:

- (a) A Joint Commonwealth Secretariat and International Trade Centre Team under the sponsorship of UNCTAD, for a case study in areas of technical regulations and phytosanitary measures for technical assistance needs of Mauritius in the area of SPS/TBT. Their reports have been very beneficial to our service in the formulation of our technical assistance needs and help in the formulation of our policy for compliance with the provisions and rules of the SPS Agreement.
- (b) The USAID team for a stock taking exercise of our key sanitary, phytosanitary and food safety measures, with the ultimate aim of drafting a SPS annex to the SADC Trade Protocol. The SADC Trade Protocol, whose implementation began on 1 September 2000, provides the framework for reform measures aimed at liberalizing intra-SADC trade. With globalisation and increased trade volumes, both within SADC and with the outside world, issues of SPS and food safety concerns have taken on renewed prominence. In many SADC countries, efforts to improve national SPS and food safety management systems are being hampered by technological, capacity and institutional constraints. Their report has also helped us to formulate our SPS policy with respect to the SADC and other regional blocks like the Indian Ocean Commission.
- (c) A particular concern for the horticultural sector was the potential impact of impending European pesticide regulations whereby import tolerances for pesticide residues for as many as 450 chemical active ingredients was set to zero in July 2003. Mauritius benefited under the Pesticide Initiative Project of the COLEACP, whose purpose is to work for the promotion of ACP horticultural products.
- (d) The setting up of a quality system for the horticultural export sector is another important initiative. The project has the overall objective of enhancing competitiveness of the 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 and training, upgrading of skills and know-how in the horticultural sector. This programme benefited from EC funding.

VIII. MAURITIAN NEEDS FOR FURTHER TECHNICAL ASSISTANCE

14. Despite the above there is still requirement of technical assistance in the form of:

Participation in International Standard setting Process

15. The inability to participate effectively in international standardization activities poses serious actual and potential problems to trade. Therefore, assistance for improved and effective participation in the work of international organizations is very important for the development of technical regulations and SPS measures based on international standards. Having national representatives at international meetings make the work of the organizations more relevant to the domestic setting and draws in stakeholders in the preparation of national positions on issues.

Capacity Building

16. The exigencies of applying the various SPS measures cannot be underestimated, though efforts are being made locally to meet our international commitments. 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, technical assistance from developed countries is being awaited specially for capacity building in terms of human resource development and setting up or upgrading of infrastructures.

- (a) Human resource development
 - (i) 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, testing for compliance, etc;
 - (ii) Upgrading of human resources in identification and implementation of equivalent measures, development of bilateral trade protocols and formulating of negotiation positions with respect to SPS. Recognition of equivalence is a great tool for achieving greater market access to developed country markets and to facilitate trade among all Members. 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.
 - (iii) Training of agricultural producers as well as scientists on the broad implementation of Good Manufacturing Practice (GMP), HACCP, or similar regulatory programmes as they facilitate trade and contribute to the equivalence and harmonization of SPS/Food Safety System.
- (b) Upgrading/setting up of infrastructure
 - (i) Mauritius has fairly adequate existing infrastructure for compliance, however with the coming into force of new requirements, especially those that are sometimes higher than international standards, and having the mandate to facilitate trade for our stakeholders, we are finding ourselves in a situation where we need either additional hard infrastructure development like treatment Plant Facility or the strengthening of national infrastructures in order to demonstrate compliance with technical regulations and SPS measures in export markets, e.g. upgrading of existing laboratories for determination of pesticide residues and acceptable tolerance levels of pests and diseases.
 - (ii) Soft infrastructure development is increasingly gaining importance, for example the development of a pest list, setting up of an appropriate framework for conducting scientific risk assessment and thereby securing the phytosanitary status and development support programme for export certification of targeted products.
 - (iii) Accreditation of our laboratories, processing plants, slaughter house and other supporting infrastructure to international standards, EC norms which most of the time are above international standards.

- (iv) Creation of the necessary framework for quality assurance and certification/indexation of our agricultural produce (HACCP, food safety and hygiene) as well as auditing system for quality control procedures.
- (v) 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).

17. We think that in order for supply and demand to be more effectively matched, a database of technical assistance requirements for each country in order of priority should be established, similar to the one developed by the Standard and Trade Development Facility, but it should be broader so that the requirements of the different countries are listed as well as a list of donor institutions. Countries requiring technical assistance should be encouraged to enter into Mentor and Twinning arrangements, with the international organisations playing the role of coordinator. In this type of arrangement, a country having the technical capacity to provide assistance in particular fields, agrees to provide assistance to those countries which are in need of it. The international organisations play the role of the co-ordinator and catalyst by assisting countries in negotiating such arrangements on a bilateral or plurilateral basis, by bringing together those countries which can act as "mentors" and "twine" with them those countries which need assistance.

IX. VOTE OF THANKS

18. We wish to thank the SPS Secretariat of the WTO in their endeavour to facilitate the transmission of notification to all Member and their commitment to assist Members to meet their commitments under the SPS Agreement, despite their limited resources.

19. We highly appreciate all the seminars organized in 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.

20. Our thanks go also to our Mauritius Mission in Geneva, who is coordinating all matters related to SPS with the WTO.
