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Working Party on the
Accession of Seychelles

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ACCESSION OF SEYCHELLES

Check-list of Illustrative Sanitary and Phytosanitary (SPS)
and Technical Barriers to Trade (TBT) Issues for Consideration in Accessions

Revision

The following submission, dated 15 February 2012, is being circulated at the request of the Delegation of the Republic of Seychelles.

Checklist of Illustrative SPS Issues for Consideration in Accessions

Commitments (by the time of accession)	WTO Reference	Status (as of 30 April 2010)
1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.	1. Generally agreed principle in WTO accession negotiations.	The Government of Seychelles is committed to complying with the requirements of the SPS Agreement. As a small island state, Seychelles recognises that it will require financial and technical resources to achieve the required level of compliance. Seychelles would require the support of its trade cooperation partners.
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7 and Annex B.3.	<p>Seychelles has established and is operating a single contact point for information. The details are as follows:</p> <p align="center">Ministry of Finance Trade Division P.O. Box 313, Victoria, Mahe, Seychelles</p> <p>Tel: (+248) 382000 Fax: (+248) 225791</p> <p>E-mail: enquirywto@finance.gov.sc Website: Not Available</p>
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, Also G/SPS/7.	
(a) identification of authority responsible for making notifications to the WTO and ensuring transparency obligations are met on an ongoing basis;	(a) Annex B.5.(b) and Annex B.10.	The authority responsible for making notifications to the WTO for Seychelles is the Trade Division in the Ministry of Finance.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5.(a).	The current legislations require a review to incorporate this provision.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5.(c).	The current legislations require a review to incorporate this provision.
(d) require in law or administrative procedure, a reasonable period of time for comment from Members and the public, and establishment of a process to take comments into account without discrimination.	(d) Annex B.5(d).	The current legislations require a review to incorporate this provision.

Commitments (by the time of accession)	WTO Reference	Status (as of 30 April 2010)
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	Animals (Diseases and Imports) Act, Plant Pests Act, Public Health Act and the Quarantine Act. These Acts provide for measures to be applied only to the extent necessary to protect human, animal or plant health.
5. Regulations Based on Science: regulations governing animal and plant health and food safety shall be based on scientific evidence.	5. Articles 2.2, 3.3 and 5.2.	The Acts mentioned in 4 above do not have explicit provisions that establish or describe or require animal and plant health, and food safety to be based on scientific evidence.
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Articles 3.1, 3.3 and 3.4.	Seychelles is a member of the Codex Alimentaris and IPPC and, as of May 2010, the OIE, and implements the international standards set by these Organisations. This provision is currently being addressed through the proposed Biosecurity Bill which is presently at the office of the Attorney General.
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	The current legislations require a review to incorporate this provision.
8. Risk Assessment: developing scientific evidence and conducting risk assessments to ensure that measures are based on science and applied only to the extent necessary to protect health.	8. Article 5.1, 5.2 and 5.3.	The current legislations require a review to incorporate this provision.
9. Regional conditions: measures take into account the regional characteristics both of the areas from which products originate and the areas for which they are destined.	9. Article 6 and Annexes A.6 and A.7.	The current legislations require a review to incorporate this provision.
10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.	10. Article 2.3, and Annex C.1.(a) and (d).	The current SPS-related legislations mentioned in 4 above do not prescribe measures which discriminate between members or non-members of WTO or between domestic and foreign suppliers.
11. Control, inspection and approval procedures: ensure that procedures, including systems for approval of the use of additives or for establishing tolerances for contaminants in foods, beverages or feedstuffs comply with the Agreement.	11. Article 8 and Annex C.	The current legislations require a review to incorporate this provision.

Checklist of Illustrative TBT Issues for Consideration in Accessions

Commitments (by the time of accession)	WTO Reference	Status (as of 30 April 2010)
1. Standstill: the introduction of new standards, technical regulations and conformity assessment procedures should be fully compatible with the TBT Agreement	1. Generally agreed principle in WTO accession negotiations	The Government of Seychelles is committed to complying with the requirements of the TBT Agreement. As a small island state, Seychelles recognises that it will require financial and technical resources to achieve the required level of compliance. Seychelles would require the support of its trade cooperation partners.
2. Submission of Statement on Implementation	2. Article 15.2 and TBT Committee Decision (G/TBT/1)	The Trade Division in the Ministry of Finance in cooperation with the Seychelles Bureau of Standards will be responsible to implement the provisions of the TBT Agreement.
3. Establishment and operation of a single Contact Point for Information ("inquiry point")	3. Article 10	<p>Seychelles has established and is operating a single contact point for information. The details are as follows:</p> <p align="center">Ministry of Finance Trade Division P.O. Box 313, Victoria, Mahe, Seychelles</p> <p>Tel: (+248) 382000 Fax: (+248) 225791</p> <p>E-mail: enquirywto@finance.gov.sc Website: Not Available</p>
4. Identification of authority responsible for notifications, publications and other internal procedures to ensure transparency obligations are met on an ongoing basis:	4. Articles 2, 3, 5, 7, 10, 15.2, Annex 3 and G/TBT/1	
(a) identification of publication where notices of proposed technical regulations and conformity assessment procedures will appear;	(a) Articles 2.9.1, 3.1, 5.6.1, 7.1, 10.1.5	All standards are advertised in the national daily newspaper "Nation" and on the SBS website at the following address (www.seychelles.net/sbsorg).
(b) identification of authority responsible for making notifications to the WTO;	(b) Article 2.9.2, 2.10.1, 3.2, 3.3, 5.6.2, 5.7.1, 7.2, 7.3, 10.7, 10.10	The authority responsible for making notifications to the WTO for Seychelles is the Trade Division in the Ministry of Finance.
(c) guidance/law to ensure regulatory authorities afford non-discriminatory consideration of comments in the preparation of a final regulation;	(c) Articles 2.9.4, 2.10.3, 3.15 3.3, 5.6.4, 5.7.3, 7.1, 7.3	Current provisions in the SBS Act and Regulations provide for this.

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(d) guidance/law to ensure regulatory authorities allow a reasonable period of time between the final publication of a technical regulation and conformity assessment procedure and its entry into force so that suppliers can adapt;	(d) Articles 2.11, 2.12, 3.1, 5.8, 5.9, 7.1	Current provisions in the SBS Act and Regulations provide for this.
(e) publication and notification of work programme for standards and non-governmental conformity assessment procedures, including publication of notices of draft standards and an opportunity for public comment.	(e) Article 4, Annex 3 (J, K, L, N, O); Article 8.1	Draft Standards are put on public review for 60 days as per the Code of Good Practice for review and comments by stakeholders.
5. Development and Application of Technical Regulations and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	5. Articles 2, 3, 5, 6, 7	
(a) non-discrimination with respect to the treatment of products;	(a) Articles 2.1, 3.1, 5.1, 5.2, 7.1	The technical regulations currently in place accords non-discrimination provisions with respect to the treatment of products.
(b) the prohibition of unnecessary obstacles to international trade and the consideration of less trade-restrictive alternatives to fulfilling legitimate objectives;	(b) Articles 2.2, 3.1, 5.1, 5.2, 7.1	The current legislations require a review to incorporate this provision.
(c) the ongoing review of technical regulations to ensure they are appropriate to achieve the desired legitimate objective;	(c) Article 2.3, 3.1, 7.1	The current legislations require a review to incorporate this provision.
(d) the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures;	(d) Article 2.4, 3.1, 5.4, 7.1	Standards prescribed by CODEX, ISO and IEC are taken into consideration in the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures.
(e) the consideration of equivalent technical regulations of other Members;	(e) Article 2.7, 3.1, 7.1	The current legislations require a review to incorporate this provision.
(f) the acceptance of the results of conformity assessment procedures conducted by bodies in an exporting Member country;	(f) Article 6, 7.1	Current provisions allow for the acceptance of the results of conformity assessment procedures conducted by bodies in an exporting country, however, they are subject to an agreement.

Commitments (by the time of accession)	WTO Reference	Status (as of 30 April 2010)
(g) non-discriminatory and cost-based fee structure.	(g) Article 5.2, 7.1, 10.4	Current legislation does allow for non-discriminatory and cost-based fee structure.
6. Development and Application of Standards and Conformity Assessment Procedures: Existence of legal and/or administrative underpinnings (or "reasonable measures" as appropriate) to ensure ongoing compliance with provisions of the agreement concerning, in particular:	6. Article 4 and Annex 3, Article 8	
(a) non-discrimination with respect to the treatment of products;	(a) Annex 3 (D), Article 8.1	The technical regulations currently in place accords non-discrimination provisions with respect to the treatment of products.
(b) the prohibition of unnecessary obstacles to international trade;	(b) Annex 3 (E), Article 8.1	The current legislations require a review to incorporate this provision.
(c) the consideration of appropriate international standards, guides and recommendations as a basis for standards;	(c) Annex 3 (F), Article 8.1	Standards prescribed by CODEX, ISO and IEC are taken into consideration in the consideration of appropriate international standards, guides and recommendations as a basis for technical regulations and conformity assessment procedures.
(d) non-discriminatory and cost-based fee structure.	(d) Annex 3 (M), Annex 3 (P), Articles 8.1, 10.4	Current legislation does allow for non-discriminatory and cost-based fee structure.