



6 March 2013

(13-1240)

Page: 1/3

**Working Party on the
Accession of the Republic of Seychelles**

Original: English

ACCESSION OF SEYCHELLES

**CHECK-LIST OF ILLUSTRATIVE SANITARY AND PHYTOSANITARY (SPS) ISSUES FOR
CONSIDERATION IN ACCESSIONS**

The following submission, dated 5 March 2013, 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 20 February 2013)
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 may require financial and technical resources to achieve the required level of compliance. Seychelles may 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.	Seychelles has established a National SPS Committee and its Secretariat will operate as the enquiry point for information. The details are as follows: Seychelles Agricultural Agency (Enquiry Point): P.O. Box 166, Victoria, Mahe, Seychelles Tel: (+248) 4611478 E-mail: seypro@seychelles.net Website: Under construction
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 and ensuring transparency obligations are met is the Principal Secretary of the Ministry of Natural Resources and Industry. The Animal and Plant Protection Service of the Seychelles Agricultural Agency within the Ministry of Natural Resources and Industry is responsible for ensuring SPS related bilateral and multilateral obligations are met, as per Section 46 of Seychelles Biosecurity Bill.
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	Section 46 of the Animal and Plant Biosecurity Bill states that the agency responsible for animal and plant biosecurity is mandated to ensure SPS related bilateral or multilateral obligations including the WTO SPS Agreement are met. A specific Statutory Instrument or administrative procedures may be required to elaborate the notification process.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5(c).	Section 46 of the Animal and Plant Biosecurity Bill states that the agency responsible for animal and plant biosecurity is mandated to ensure SPS related bilateral or multilateral obligations including the WTO SPS Agreement are met. A specific Statutory Instrument or administrative procedures may be required to elaborate the notification process.
(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).	Section 46 of the Animal and Plant Biosecurity Bill states that the agency responsible for animal and plant biosecurity is mandated to ensure SPS related bilateral or multilateral obligations including the WTO SPS Agreement are met. A specific Statutory Instrument or administrative procedures may be required to elaborate the notification process.

Commitments (by the time of accession)	WTO Reference	Status (as of 20 February 2013)
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	The following Acts provide for measures to be applied only to the extent necessary to protect human, animal or plant health: Animals (Diseases and Imports) Act and the Plant Pests Act, both of which will be repealed upon implementation of the Animal and Plant Biosecurity Bill during the first quarter of 2013; the Public Health Act; Food Act; Export of Fishery Products Act; and, the Quarantine Act. The Food Act is currently under revision whereby necessary amendments will be made to include aspects governing food safety.
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 Animal and Plant Biosecurity Bill allows for regulations and administrative procedures governing animal and plant health to be based on science. The Bill further allows for SPS measures to be applied commensurate to the SPS risk and one that confers the appropriate level of protection (ALOP) for Seychelles. The Food Act is currently under revision, whereby necessary amendments will be made to include aspects governing food safety.
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 Alimentarius and the IPPC and as of May 2010, the OIE, and implements the international standards set by these Organisations. The Animal and Plant Biosecurity Bill provides for application of IPPC and OIE standards, recognitions of risk analysis results of pest and diseases undertaken by other SPS authorities, application of measures developed by other SPS authorities that meets the Seychelles' ALOP when applied.
7. Equivalence: members shall recognize different measures that achieve the same level of protection.	7. Article 4.	The Animal and Plant Biosecurity Bill provides for application of IPPC and OIE standards, recognitions of risk analysis results of pest and diseases undertaken by other SPS authorities, application of measures developed by other SPS authorities that meets the Seychelles' ALOP when applied.
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 Animal and Plant Biosecurity Bill ensures that all imports of animals, plants and their products are subject to risk analysis and measures are applied commensurate to the risk.
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 Animal and Plant Biosecurity Bill is conscious of the regional SPS conditions in its application of the SPS measures and all measures are based on science including the pest and disease situation or status of the region.
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 legislation mentioned in 4 above does not prescribe measures which discriminate between Members or non-Members of the 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 Animal and Plant Biosecurity Bill adequately covers inspection and control provisions for animals, plants and their products. The Food Act is currently under revision, whereby necessary amendments will be made to include aspects governing food safety and necessary amendments will be made to the Additives and Contaminants Regulations.