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

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ACCESSION OF SEYCHELLES

CHECKLIST OF ILLUSTRATIVE SANITARY AND PHYTOSANITARY (SPS) ISSUES FOR CONSIDERATION IN ACCESSIONS

Revision

The following submission, dated 13 September 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 September 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.	1. 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. All new related regulations will be in accordance with the SPS Agreement.
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7 and Annex B.3.	2. 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.	(a) 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. The Animal and Plant Protection Service of the Seychelles Agricultural Agency within the Ministry of Natural Resources is responsible for ensuring SPS related bilateral and multilateral obligations are met, as per Section 46 of Seychelles' Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19). The contact details for the Principal Secretary of the Ministry of Natural Resources is: Principal Secretary Ministry of Natural Resources Caravelle House Mahe Seychelles Tel: 4611478 Email: spsnotification@gov.sc
(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a).	(b) Section 46(2)(c) of the Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19) 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 Regulation stipulating the notification process is being drafted and is expected to be circulated to Members in November 2013.
(c) provision in law or administrative procedure to provide copies of proposed measures to WTO Members; and	(c) Annex B.5(c).	(c) See (b) above.

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(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).	(d) See (b) above
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2.	<p>4. Seychelles has developed and continues to develop SPS regulations that are applied only to the extent necessary to protect human, animal or plant health.</p> <p>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 1981 (notified in WT/ACC/SYC/4) and the Plant Protection Act 1996 (notified in WT/ACC/SYC/36), both of which will be repealed upon enactment of the Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19), which will be gazetted in September 2013.</p> <p>The Food Act 1987 (notified in WT/ACC/SYC/4) and food safety related laws are currently under revision and a new food bill will be drafted to align it to the SPS Agreement and the CODEX Alimentarius. The date of completion of the review is set for 31 October 2013 and subsequent enactment of the Act is expected to be completed in November 2013.</p> <p>The Export of Fishery Product Act 1996 (notified in WT/ACC/SYC/9/Add.1) and its subsequent implementing Regulations (as notified in WT/ACC/SYC/37), the Export of Fishery (Sanitary) Regulations, 2010, Export of Fishery Products (Aquaculture Feed) Regulations, 2010, Export of Fishery Products (Aquaculture) Regulations 2010, Export of Fishery Products (By-Products) Regulations 2010, makes provision for the Sanitary control of fish and fishery products for export purposes. These measures are based on international standards, guidelines and recommendations, in this particular case the CODEX Alimentarius and where appropriate, the OIE aquatic code is applied.</p>
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.	<p>5. Seychelles has adopted a number of international guidelines and standards, such as international agricultural trading norms, measures and standards, as set by the International Plant Protection Convention (IPPC); the CODEX Alimentarius; and the World Organisation for Animal Health (OIE), which are based on the principle of sound science.</p> <p>Section 46(2)(c) and Section 14 (5) of the Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19) ensure that regulations and administrative procedures governing animal and plant health are 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.</p> <p>The Food Act 1987 (notified in WT/ACC/SYC/4) and food safety related laws are currently under revision and a new food bill will be drafted to align it to the SPS Agreement and the CODEX Alimentarius.</p> <p>Where international standards do not exist, Seychelles would ensure measures were based on appropriate risk assessment as per the standards and guidelines developed by the international standard-setting organisations, and would inform the parties concerned of these procedures.</p>

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<p>6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.</p>	<p>6. Articles 3.1, 3.3 and 3.4.</p>	<p>6. Seychelles is a member of the Codex Alimentarius, the OIE and the IPPC, and is using international standards, guidelines and recommendations as the basis for establishing SPS measures.</p> <p>Section 46(2)(c) and Section 146(5) of the Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19) took into consideration the provisions of the SPS Agreement and the requirements of the IPPC and the OIE, ensuring that SPS measures are undertaken on the basis of sound science.</p> <p>The Food Act 1987 (notified in WT/ACC/SYC/4) and food safety related laws are currently under revision and a new food bill will be drafted to align it to the SPS Agreement and the CODEX Alimentarius.</p>
<p>7. Equivalence: members shall recognize different measures that achieve the same level of protection.</p>	<p>7. Article 4.</p>	<p>7. The Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19) 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.</p> <p>Sections 78, 79 and 80 of the Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19) recognize equivalent measures applied by trading partners in developing import conditions for regulated articles imported by Seychelles.</p> <p>The Food Act 1987 (notified in WT/ACC/SYC/4) and food safety related laws are currently under revision and a new food bill will be drafted to align it to the SPS Agreement and the CODEX Alimentarius.</p>
<p>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.</p>	<p>8. Articles 5.1, 5.2 and 5.3.</p>	<p>8. The provisions of Section 78 of the Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19) ensure that all imports of animals, plants and their products are subject to risk analysis and measures are applied commensurate to the risk.</p> <p>Seychelles has adopted a number of international guidelines and standards, such as international agricultural trading norms, measures and standards, as set by the International Plant Protection Convention (IPPC); the CODEX Alimentarius; and the World Organisation for Animal Health (OIE), which are based on risk assessments.</p> <p>Where international standards do not exist, Seychelles would ensure measures were based on appropriate risk assessment as per the standards and guidelines developed by the international standard-setting organisations, and would inform the parties concerned of these procedures.</p> <p>The Food Act 1987 (notified in WT/ACC/SYC/4) and food safety related laws are currently under revision and a new food bill will be drafted to align it to the SPS Agreement and the CODEX Alimentarius.</p>

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<p>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.</p>	<p>9. Article 6 and Annexes A.6 and A.7.</p>	<p>9. As a Member of the OIE and the IPPC, Seychelles takes into account regional conditions for the purpose of applying SPS measures.</p> <p>The content of Section 78 of the Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19) 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.</p> <p>Seychelles has adopted a number of international guidelines and standards, such as international agricultural trading norms, measures and standards, as set by the International Plant Protection Convention (IPPC); the CODEX Alimentarius; and the World Organisation for Animal Health (OIE), which are based on risk assessments.</p> <p>Where international standards do not exist, Seychelles would ensure measures were based on appropriate risk assessment as per the standards and guidelines developed by the international standard-setting organisations, and would inform the parties concerned of these procedures.</p> <p>The Food Act 1987 (notified in WT/ACC/SYC/4) and food safety related laws are currently under revision and a new food bill will be drafted to align it to the SPS Agreement and the CODEX Alimentarius.</p>
<p>10. Non-discrimination: measures do not arbitrarily or unjustifiably discriminate between different members or between domestic and foreign suppliers.</p>	<p>10. Article 2.3, and Annex C.1(a) and (d).</p>	<p>10. The Government of Seychelles attaches great importance to environmental protection and the conservation of its biodiversity. SPS measures would, therefore, only be applied in order to prevent the entry and spread of pests and diseases and any such measures would be in accordance with the WTO SPS Agreement.</p> <p>In adopting and implementing SPS measures, Seychelles fully recognizes the importance of applying the principles of non-discrimination, proportionality, necessity and reasonableness in accordance with the WTO SPS Agreement.</p> <p>Section 46(2)(c) and Section 146(5) of the Animal and Plant Biosecurity Bill allow for regulations and administrative procedures governing animal and plant health to be based on science. Through Section 78(2)(c), 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.</p> <p>The Food Act 1987 (notified in WT/ACC/SYC/4) and food safety related laws are currently under revision and a new food bill will be drafted to align it to the SPS Agreement and CODEX.</p>

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<p>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.</p>	<p>11. Article 8 and Annex C.</p>	<p>11. The Animal and Plant Biosecurity Bill (notified in WT/ACC/SYC/19) adequately covers inspection and control provisions for animals, plants and their products.</p> <p>Under the Animal and Plant Biosecurity Bill, plants and plant products, as well as animals and animal products, would be subject to import licence requirements, based on risk assessment in line with IPPC and OIE standards. The application forms for such an import licence were contained in Schedule 1 of the Biosecurity Bill.</p> <p>Operational manuals and work instructions for officers in the inspection service of the Seychelles Agricultural Agency (SAA) have been notified in WT/ACC/SYC/39. These have been aligned to the Customs Management Act 2011, particularly provisions governing trade facilitations and border management.</p> <p>Part 5, Sections 66 to 75 of the Animal and Plant Biosecurity Bill deals with border control for all products of SPS concerns imported into the Seychelles.</p> <p>Part 6, Sections 76 to 87 of the Animal and Plant Biosecurity Bill deals with import procedures for all products with SPS concerns imported into Seychelles.</p> <p>Part 10, Sections 125 to 131 of the Animal and Plant Biosecurity Bill deals with export procedures for products exported out of the Seychelles.</p> <p>The Food Act 1987 (notified in WT/ACC/SYC/4) and food safety related laws are currently under revision and a new food bill will be drafted to align it to the SPS Agreement and CODEX. The operational aspects will be aligned to the Customs Management Act 2011, particularly provisions governing trade facilitations and border management.</p>