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**Working Party on the Accession of the  
Union of the Comoros**

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## **ACCESSION OF THE UNION OF THE COMOROS**

### **CHECK-LIST OF ILLUSTRATIVE SPS ISSUES FOR CONSIDERATION IN ACCESSIONS**

The following submission, dated 28 September 2016, is being circulated at the request of the delegation of the Union of the Comoros.

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Commitments (by the time of accession)	WTO Reference	Status (as of August 2016)
<p>1. Standstill: the introduction of new standards, animal health regulations and food safety regulations shall conform to SPS Agreement principles.</p>	<p>1. Generally agreed principle in WTO accession negotiations</p>	<p>There is a national legal and regulatory frame of reference for health standards and food safety that is in line with the principles of the SPS Agreement. Fourteen basic texts are the main elements of this frame of reference:</p> <ul style="list-style-type: none"> <li>- Law No. 12-018/AU of 25 December 2012 on food legislation, enacted by Decree No. 13-016/PR of 6 February 2013 in accordance with the SPS Agreement</li> </ul> <p>This relatively recent law constitutes a notable advance with regard to conformity with the principles of the SPS Agreement and in legal terms, as it introduced fundamental concepts such as risk analysis, the obligation to market only healthy products, the obligation to inform consumers about product characteristics by means of labelling, the obligation to respect conditions of hygiene in production, the obligation to observe use-by dates, etc.</p> <ul style="list-style-type: none"> <li>- Law No. 06-010/AU of 2 December 2006 on plant protection in the Comoros (see document WT/ACC/COM/12, No. 28)</li> </ul> <p>This law introduces phytosanitary import and export controls in the Union of the Comoros, together with control of the distribution and use of phytopharmaceutical products in the fight against plant and plant product pests.</p> <ul style="list-style-type: none"> <li>- Law No. 95-009 of 20 June 1995 on the creation, organization and operation of the National Institute for Research in Agriculture, Fisheries and the Environment (INRAPE) (see document WT/ACC/COM/12, No. 26)</li> </ul> <p>INRAPE's main objective is to design and facilitate agricultural, fisheries-related and environmental programmes, research and studies.</p> <ul style="list-style-type: none"> <li>- Decree No. 87-024 of 20 August 1987, regulating imports of animals and animal products</li> </ul> <p>This decree is the basic charter governing veterinary sanitary control of live animals and animal products. In particular, it introduces:</p> <ul style="list-style-type: none"> <li>• the obligation for importers to obtain authorization from the competent veterinary services prior to any importation of live animals;</li> <li>• the obligation for imported animals to undergo sanitary inspection before landing, which, in principle, can only be done at certain specified ports and airports;</li> </ul>

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		<ul style="list-style-type: none"> <li>• presentation of a sanitary certificate for each import, specifying a certain amount of information for the animal species concerned;</li> <li>• application of quarantine measures to all animals authorized for landing (for a minimum duration of 21 days).</li> </ul> <p>- Decree No. 87-018/PR regulating animal health protection in the Federal Islamic Republic of the Comoros (See document WT/ACC/COM/12, No. 29)</p> <p>- Decree No. 7-019/PR establishing regulations on the production, marketing, and safety inspection of food products</p> <p>- Decree No. 5-050/PR implementing Law No. 07-011/AU of 29 August 2007 on the Fisheries and Aquaculture Code of the Union of the Comoros</p> <p>- Decree No. 15-051/PR establishing the National Fishery Product Quality Control and Certification Office (ONCQCPH)</p> <p>The ONCQCPH is tasked with monitoring hygiene conditions applicable to fishery products throughout the fisheries sector and export certification.</p> <p>- Decree No. 5-052/PR on ascertaining violations of the sanitary regulations and administrative measures taken in respect of the sale and safety of fishery products</p> <p>- Decree No. 4/081/PR enacting Law No. 14-010/AU of 21 April 2014 on the Code regulating the marketing and distribution of breastmilk substitutes in the Union of the Comoros</p> <p>The Code governs the production, import, marketing, distribution and practices relating to the following products:</p> <ul style="list-style-type: none"> <li>• breastmilk substitutes, including infant formula;</li> <li>• any other milk product, food or beverage, including bottle-fed supplements, when sold or otherwise presented as appropriate for use, with or without modification, as a partial or total substitute for breast milk;</li> <li>• feeding bottles and teats.</li> </ul> <p>It also applies to the quality and availability of these products and information for use.</p>

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		<ul style="list-style-type: none"> <li>- Decree N° 87-018/PR of 9 July 1987 on health protection regulations in the Republic of the Comoros</li> <li>- Decree N° 87-09/PR of 9 July 1987 regulating the production, storage, marketing and safety inspection of food products</li> <li>- Order No. 3-042/ of 18 November 2013 on the establishment, functions and organization of the national stockbreeding policy platform committee</li> <li>- Order No. 09/13/VP-MAPEEIA/CAB creating the National Codex Alimentarius Committee (see document WT/ACC/COM/12, No. 25)</li> </ul>
2. Establishment and operation of a single Contact Point for Information ("enquiry point").	2. Article 7 and Annex B.3	<p>A national enquiry point (PIN) was appointed by note No. 024 of 6 February 2014, with responsibility for answering all reasonable questions and providing relevant documents concerning:</p> <ul style="list-style-type: none"> <li>- Any sanitary or phytosanitary regulations adopted or proposed within the country.</li> <li>- Any control and inspection procedures, production and quarantine treatment, pesticide tolerance and food additive approval procedures.</li> </ul>
3. Transparency: notification and access to documentation:	3. Articles 7 and Annex B, also G/SPS/7	The above-mentioned contact point is the only point of access to documentation and information dissemination point.
(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 WTO reference centre in the Ministry of the Economy and Foreign Trade is the authority responsible for notifications to the WTO.

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(b) establish guidance or law requiring publication of proposed measures at an early stage for comment;	(b) Annex B.5(a)	The duty of publication lies with the national notification authority.
(c) provision in law or administrative procedure to provide copies of proposed measures to Members; and	(c) Annex B.5(c)	The national notification authority is responsible for all communications in this connection.
(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)	There are no plans for a law as yet.
4. Necessity: measures are applied only to the extent necessary to protect human, animal or plant health.	4. Article 2.2	<p>Yes, Article 1 of the food law stipulates that "This law has as its purpose:</p> <ul style="list-style-type: none"> <li>a. to protect consumers against foodstuffs and materials in contact with foodstuffs which could endanger health;</li> <li>b. to ensure the quality, hygiene and food safety of every food chain;</li> <li>c. to protect consumers against food-related fraud and deception;</li> <li>d. to define the criteria for control of local, imported and exported food products."</li> </ul>

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		Similarly, the principle of necessity forms part of the International Plant Protection Convention (IPPC) standards which the National Plant Protection Organization (NPPO) will be required to uphold once the draft phytosanitary law is adopted.
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>Regulations based on science: regulations governing animal and plant health and food safety shall be based on scientific evidence.</p> <p>Yes, the monitoring system is based on scientific elements provided for in Articles 4, 25 and 26 of the current food law.</p> <p>Article 4 - "Control measures must be coordinated in order to coherently cover the entire food chain. They must be carried out on a scientific and legal basis, with full independence and in a uniform manner throughout the Union of the Comoros."</p> <p>Article 25 - "Monitoring systems to prevent any risk of food contamination by extraneous matter, harmful emissions, undesirable chemical substances and ionizing radiation shall be established by regulatory means."</p> <p>Article 26 - "Biological specifications must be based on sound scientific principles and indicate, where appropriate, follow-up procedures, methods of analysis and action limits."</p> <p>This is also provided for in the draft phytosanitary law.</p>
6. Harmonization: to the extent possible, members shall follow international standards, guidelines, and recommendations in establishing SPS measures.	6. Article 3.1, 3.3 and 3.4	<p>In order to comply with international standards, guidelines and recommendations in establishing SPS measures, the Union of the Comoros has mobilized the Standards and Trade Development Facility (STDF), whose purpose is to help developing countries to improve their food safety, animal health and plant protection capacity by increasing awareness, mobilizing resources, strengthening collaboration and identifying and disseminating good practice in SPS-related technical cooperation. It also provides support and financing for the development and implementation of projects that encourage compliance with international SPS requirements. For this purpose, the Union of the Comoros has taken advantage of the project entitled "Strengthening the sanitary and phytosanitary system in the Comoros", funded by the STDF and implemented by the Government in collaboration with the UNDP and FAO. The phytosanitary aspects of this project are intended: (i) to help the country to establish an efficient phytosanitary system and (ii) to take steps to secure access to international markets for its cash crops and thus generate income. The IPPC collaborates with the UNDP and FAO to strengthen phytosanitary capacities in compliance with the SPS Agreement. Indeed, the rules of international trade are administered by the World Trade Organization (WTO), which relies on the International Plant Protection Convention (IPPC) to define international standards for the implementation of the SPS Agreement. These partners have provided support to the Union of the Comoros in preparing a draft phytosanitary law with due regard for the standards recognized by the IPPC and the WTO, as well as raising awareness for the authorities to adopt this law in order to facilitate and maintain market access for plant products.</p>

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7. Equivalence: Members shall recognize different measures that achieve the same level of protection.	7. Article 4	There is no provision for this in the existing food law. However, the National Plant Protection Organization (NPPO) provided for in the draft law should apply the phytosanitary principle of the IPPC consisting of acceptance of proposed alternative measures when they serve to obtain the same level of protection.
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	<p>According to the results of the analysis conducted by the FAO:</p> <ul style="list-style-type: none"> <li>- The Union of the Comoros has no food-related risk assessment mechanism based on the approach recommended at international level.</li> <li>- Risk assessment is known to be an essential stage in developing an appropriate risk management policy.</li> <li>- Scientific data that could possibly be used in risk assessments might be available to different national entities, even if such data are undoubtedly very limited (lack of operational laboratories for conducting analyses and efficient epidemiological structures), but no procedure has been established to make use of these data.</li> </ul>
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	<p>The risk analysis provided for in the draft law on phytosanitary protection in the Comoros entails a process of evaluating biological or other scientific and economic evidence to determine whether an organism is a pest, whether it should be regulated, and the strength of any phytosanitary measures to be taken against it.</p> <p>This draft law takes account of the characteristics of the production areas:</p> <ul style="list-style-type: none"> <li>- Area of low pest prevalence, defined by the draft law as an "area, whether all of a country, part of a country, or all or parts of several countries, as identified by the competent authorities, in which a specific pest occurs at low levels and which is subject to effective surveillance, control or eradication measures".</li> <li>- Pest-free area: "Area in which a specific pest does not occur as demonstrated by scientific evidence and in which, where appropriate, this condition is being officially maintained".</li> </ul> <p>In this context, the NPPO provided for in the above-mentioned draft law is responsible for protecting endangered areas and designating, maintaining and monitoring pest-free areas and areas of low pest prevalence. It is responsible for conducting the pest risk analysis and for ensuring, through appropriate procedures, that the phytosanitary security of consignments after certification regarding composition, substitution and reinfestation is maintained up to the time of export.</p>

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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)	Article 1 of the draft law on phytosanitary protection of the Union of the Comoros lays down the principles and rules governing prevention of the spread and introduction of pests of plants and plant products in all sectors of the national economy, and the adoption of appropriate measures for their control. It is supplemented by Article 2, which specifies that the draft law "applies on the entire territory of the Union of the Comoros to any legal or natural person, public or private, without distinction of nationality". Moreover, the draft law provides for the application of the IPPC principles of non-discrimination: "requirements for imports should not be more stringent than the effect of official control in an importing country". The Comoros' commitment to implementing IPPC principles leads to compliance with this principle.
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	<p>The NPPO is required to apply the principles and international standards of the IPPC with regard to control, inspection and approval procedures, which are in compliance with the provisions of the WTO SPS Agreement.</p> <p>Please provide a list of all quarantine pests and diseases for which the government has set official controls.</p> <p>A list of regulated quarantine pests that may not be introduced whether singly or on or in plants or plant products, has been drawn up and is the subject of an implementing text which has not yet been signed.</p>