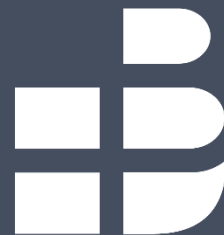


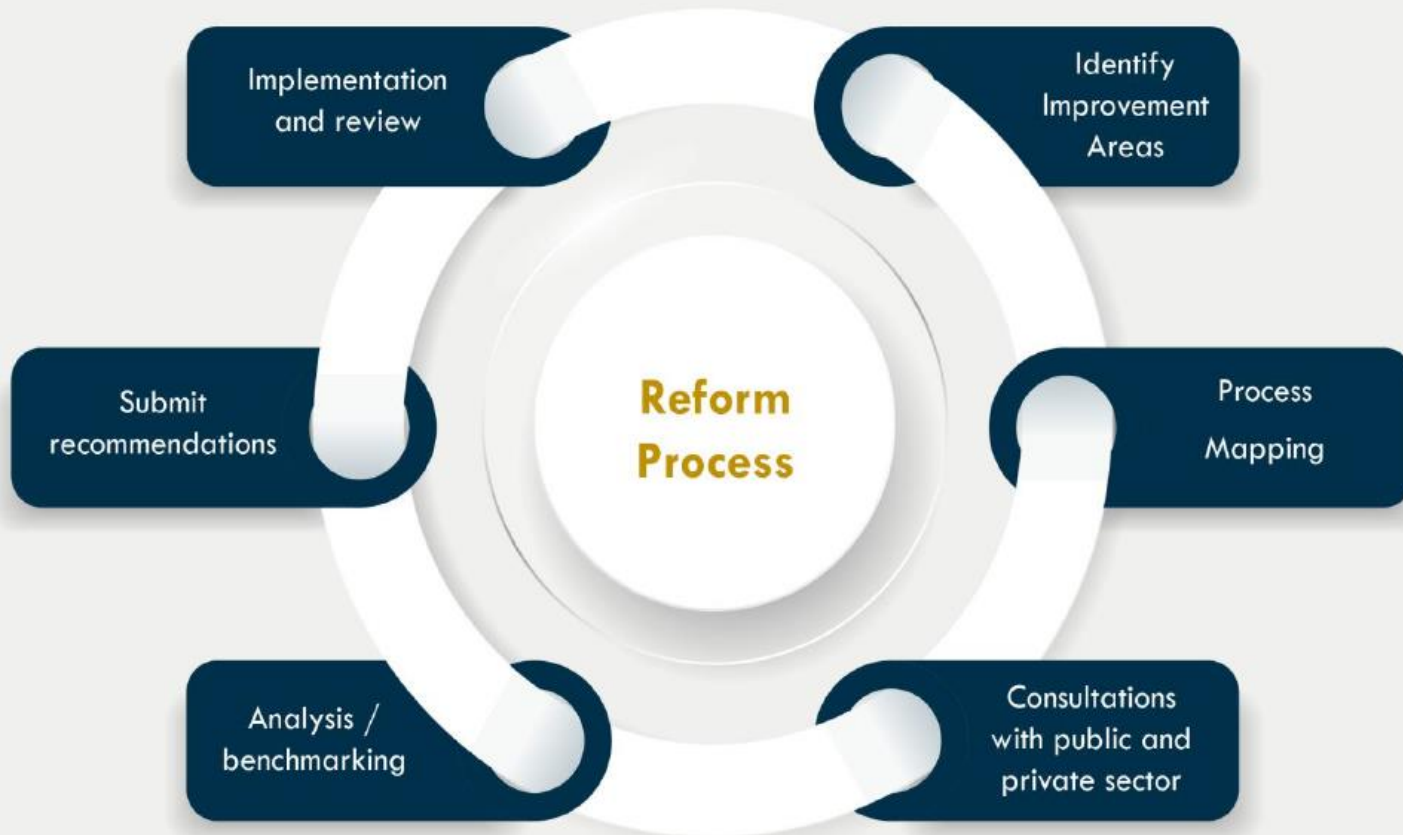
The Business Facilitation (Miscellaneous Provisions) Act 2019

For a more conducive business environment



**ECONOMIC
DEVELOPMENT
BOARD** MAURITIUS

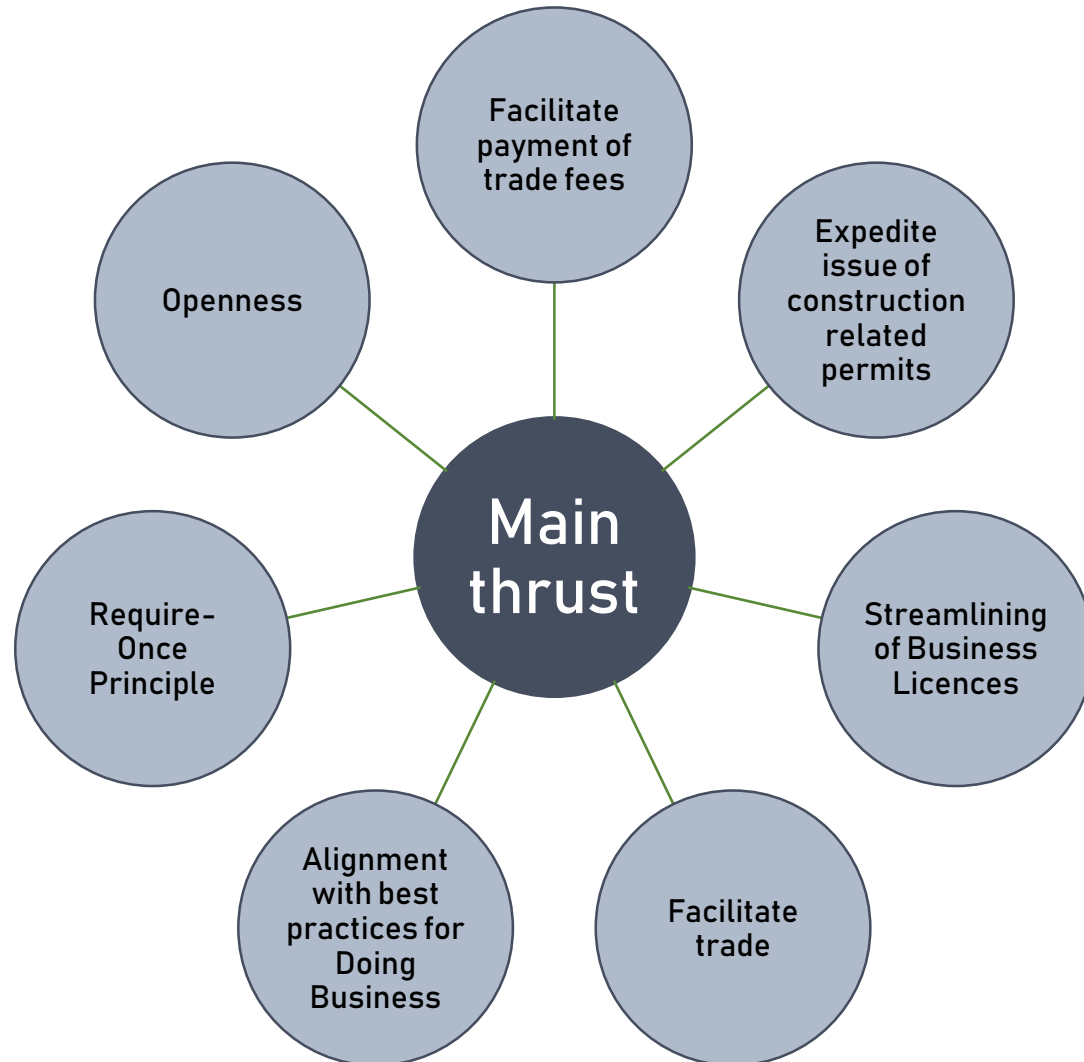
Doing Business &
Reforms Implementation



1. Prime Minister's Office (Home Affairs Division)
2. Ministry of Local Government
3. Ministry of Energy and Public Utilities
4. Ministry of Foreign Affairs, Regional Integration and International Trade
5. Ministry of Health and Quality of Life
6. Ministry of Business and Cooperatives
7. Ministry of Labour
8. Ministry of Industry and Commerce
9. Ministry of Education
10. Ministry of Ocean Affairs, and Fisheries
11. Ministry of Agro Industry
12. Ministry of Gender Equality, Child development and Family Welfare
13. Ministry of Arts and Culture
14. Mauritius Revenue Authority
15. Agencies and/or departments related to the above Ministries and public sector agencies

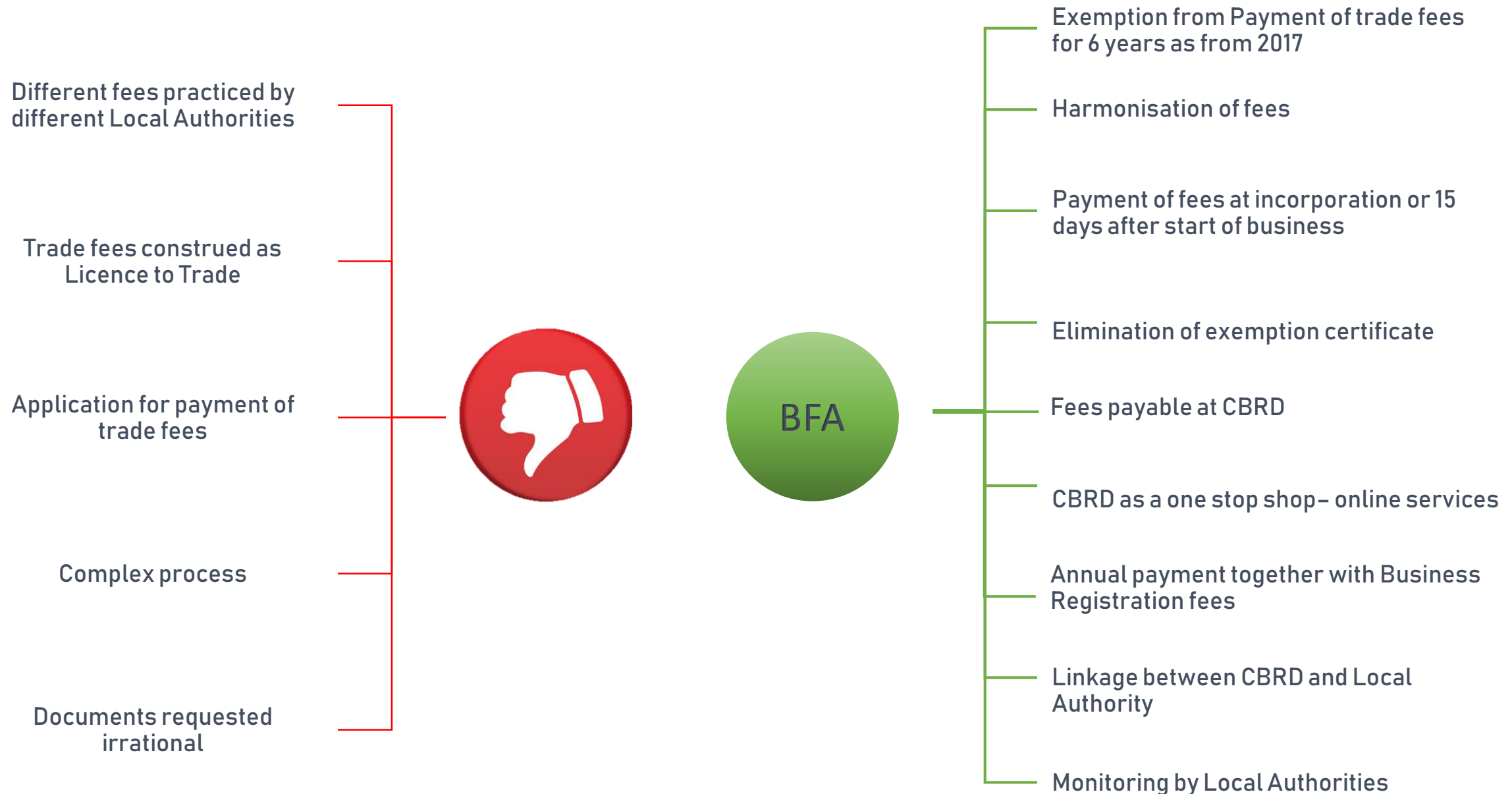
Business Facilitation (Miscellaneous Provisions) Act 2019

Gazette date: 25 July 2019



- 29 Legislations amended
- 22 Regulations being amended
- 4 new Regulations being introduced
- 13 Regulations being revoked

Facilitate payment of trade fees



❑ Application for BLP > 150m2

- Mandatory through E-Licensing system

❑ Processing fees for plan approval from CEB, CWA and WMA waived (upcoming)

- Local Government (Application for Building and Land Use Permit) (Collection and Transfer of Fees) Regulations 2017 being revoked
- Waste Water (Miscellaneous Waste Water Services) (Fees) Regulations 2012 being amended

Types of premises requiring a Fire Certificate

1. Residential premises exceeding 7 storeys
2. Commercial premises
3. Industrial premises
4. Premises where explosives are used or stored and which require a licence under the Explosives Act
5. Premises where highly inflammable liquid or gas or dangerous chemical, biological, radiological, nuclear or hazardous materials is used or stored
6. Any premises, other than those specified in items 1 to 3, to which the public has access

Review of types of premises requiring a Fire Certificate)

1. Residential premises exceeding 5 floors
2. Establishments used for treatment or care of persons suffering from disabilities, for educational purposes and for the purpose of accommodation
3. Office (> 4 floors with at least 20 employees)
4. Commercial (> 4 floors with at least 20 employees)
5. Supermarkets, Hypermarkets and Departmental Stores (> 4 floors with at least 10 employees)
6. Factory (with at least 20 employees)
7. Place of public resort (hotels, night clubs, convention centres ..)
8. Storage (Explosives, inflammable gas, dangerous chemicals)
9. Warehouse (area > 1,500m²)

- Publication of Fire Code – set out precautions to be taken in case of Fire
- Fire and Rescue Service (Fire Safety Plan and Fire Certificate) Regulations 2018 being amended (yet to be effective)

- ☐ Clearance from Mauritius Fire and Rescue Services removed
 - Pre-construction consultation process for reducing the risk of non-compliance to fire safety norms (Fire and Rescue Service (Fire Safety Plan and Fire Certificate) Regulations 2018 being amended)
- ☐ Duplication as regards fire safety notes under OSHA removed
- ☐ Amendment to:
 - ☐ Inflammable Liquids and Substances Regulations 1953
 - ☐ Inflammable Gases Regulations 1962
 - ☐ Carbide of Calcium Regulations 1967
 - to remove Fire Registration
 - Only Fire Certificate will be issued

Application to be determined with 21 days

- No process defined in the law
 - No effective date (as from when the 21 days run)
- BFA – define new process (already in force)

Step 1

- Submit application
- Verification of application within 3 days



Step 2

- Payment of application fee



Step 3

- MFRS carry out site visit within 5 days



Step 4

- Within 5 days approve or recommend additional safety measures in case of non compliance

- ❑ Mauritius Qualifications Authority Act amended
- ❑ Mauritius Qualifications Authority (Training Institutions) 2009 Regulations (to be effective)
- ❑ Registration issued by MQA
 - Eliminate requirement to register managers, programme officers and trainers
 - Introduction of guidelines
 - Empower the Director to grant final approval for the registration of a training institution and accreditation of courses
 - Eliminate the requirement for approval for Non-Award courses (to be effective as from 1 April 2020)

Licences issued under the Excise Act (S17(b) Finance Act)

- ❑ Clearance of police removed for items under Part I and II of the second schedule
 - ✓ Part I: Manufacturing of liquor or alcoholic products
 - ✓ Part II: Retailer of liquor and alcoholic products

- ❑ Licence for items under Part III of second schedule issued after submission of clearance from the Commissioner of Police
 - ✓ Retailer of liquor and alcoholic products (Occasional)
 - ✓ Retailer of liquor and alcoholic products (Restaurant) (Extension)



**ECONOMIC
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TRADE FACILITATION

☐ Regulations being amended

1. Food Regulations 1999
2. Animal Diseases Regulations 1925
3. Films Regulations 2009
4. Mauritius Agricultural Marketing (Cess) Regulations 2017
5. National Agricultural Products Regulations 2013
6. Plants (Importation and Exportation) Regulations 1976
7. Consumer Protection (Control of Imports) Regulations 2017
8. Consumer Protection (Export Control) Regulations 2000
9. Plastic and Polyethylene Pipes and Fittings (Mauritius Standard Specifications) Regulations 2007
10. Toys (Safety) Regulations 1994
11. Fisheries and Marine Resources (Export of Fish and Fish Products) Regulations 2009
12. Fisheries and Marine Resources (Import of Fish and Fish Products) Regulations 2012
13. Dangerous Chemicals Control (Fees) Regulations 2005

☐ New Regulations

1. Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019
2. Radiation Safety and Nuclear Security (Control of Import and Export of Radiation Sources and Other Controlled Items) Regulations 2019
3. Consumer Protection (Safety Requirements) Regulations 2019

- ❑ Mandatory application of permits through TradeNet
- ❑ Introduction of statutory timeframe for issue of permits
- ❑ Introduction of the concept of authorised officers – delegation of powers of Permanent Secretaries/ Ministers
- ❑ Section 25B Customs Act – Director General may release goods from Customs Control pending clearance from a Government Agency (import and export)

❑ Food Regulations 1999 being amended (yet to be effective)

❑ Main changes:

- Pre-market approval
 - Introduction of guidelines setting out procedures, fees, conditions etc
 - Application for pre-market approval permit through TradeNet
 - Issue of permit within 2 days of application or verification or analysis
- Clearance on import
 - Application made through TradeNet
 - Issue of permit within 2 days of application or verification or analysis
 - Director General shall release or clear the goods imported in accordance with section 25B of the Customs Act

☐ Amendments made to:

- National Agricultural Products Regulatory Office Act
- National Agricultural Products Regulations 2013 (yet to be effective)

☐ Fees

Clearance fee for Instant tea mix, concentrates containing tea extract, concentrates for dilution containing tea extracts based on the % of tea content in the mix

- ☐ Plants (Importation and Exportation) Regulations 1976 being amended (yet to be effective)
- ☐ Application for
 - Plant Import Permit
 - Export phytosanitary certificate
 - Re-export phytosanitary certificate
 - Any permit, certificate or authorisation required in respect of importation and exportation under the Plant Protection Act,
- ☐ Made through TradeNet
- ☐ Permit issued within 2 days of application or verification or analysis
- ☐ Director General shall release or clear the goods imported in accordance with section 25B of the Customs Act
- ☐ Publication of guidelines

- ❑ Animal Diseases Regulations 1925 being amended (yet to be effective)
- ❑ Main changes
 - Application for import permit through TradeNet
 - Head of Veterinary services can designate an authorise officer to process the application and issue an import permit not later than 2 working days after the effective date of receipt of the application/verification.
- ❑ Application for export certificate through TradeNet
- ❑ Certificate issued within 2 days

❑ Amendment to:

- Fisheries and Marine Resources Act
- Fisheries and Marine Resources (Export of Fish and Fish Products) Regulations 2009 (to be effective)
- Fisheries and Marine Resources (Import of Fish and Fish Products) Regulations 2012 (to be effective)

❑ Main changes

- Import regulations amended in the definition of “fish products” to exclude pharmaceutical products containing derivatives from fish (to be effective)
- Application through TradeNet for:
 - Registration as fish business operator
 - ✓ Registration as importer
 - ✓ Import Permit
 - ✓ Export Permit

- ❑ Amendments made to:
 - Dangerous Chemicals Control Board Act amended
 - Dangerous Chemicals Control (Fees) Regulations 2005 being amended (yet to be effective)
- ❑ Time frame of 15 days added for Registration of extremely dangerous chemical
- ❑ Import of Dangerous Chemicals
 - Issue of guidelines
 - Delegation of powers to an authorised officer to administer licence
 - Application made through TradeNet
 - Application fee for Import Permit for an application to import dangerous chemical waived (only a once- off Registration fee of Rs 1,000 payable)

☐ Regulations being amended

- Consumer Protection (Export Control) Regulations 2000 (yet to be effective)
- Consumer Protection (Control of Imports) Regulations 2017 (yet to be effective)

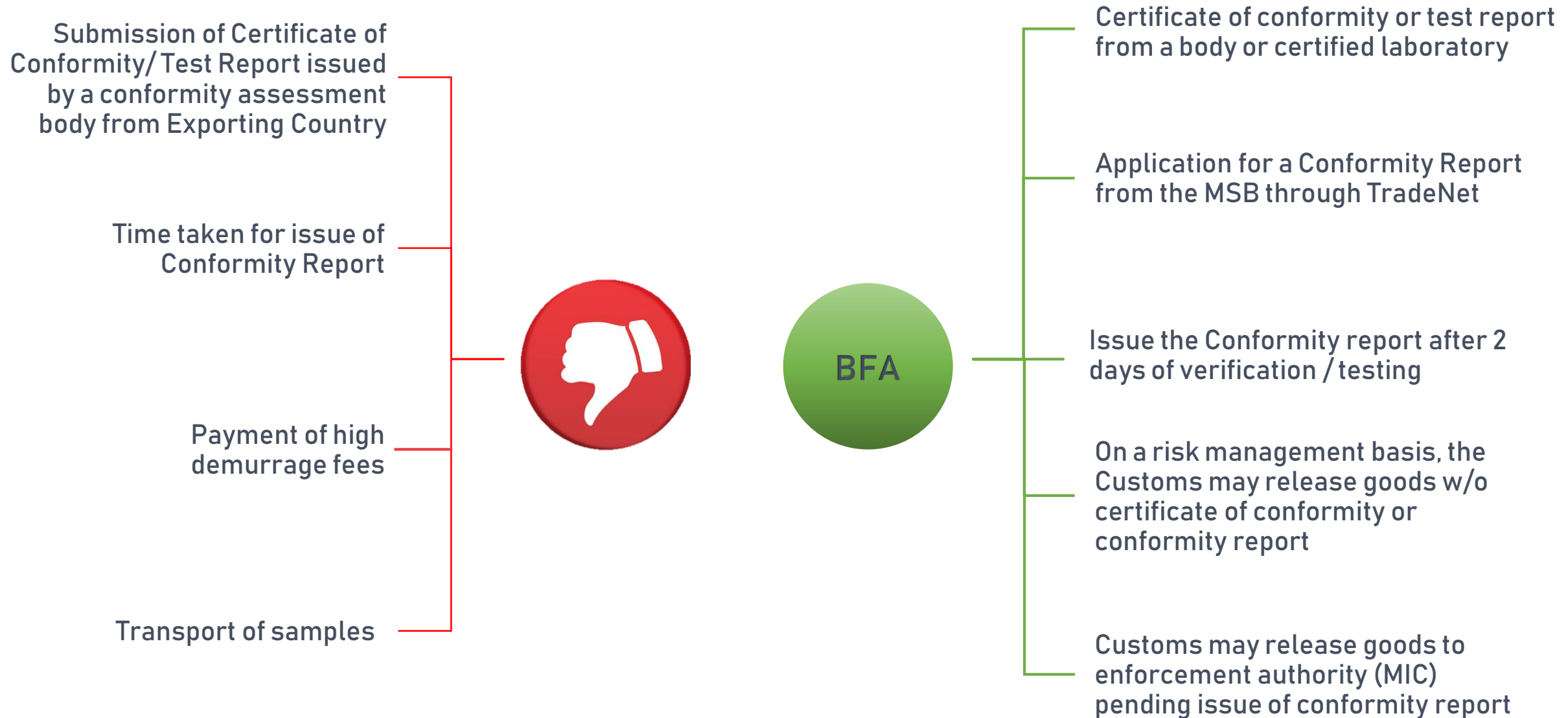
☐ Main changes

- Application made through TradeNet
- Permit issued within 2 working days from effective application date or verification of goods

- ❑ Amendment to
 - Toys (Safety) Regulations 1994 (to be effective)
 - Plastic and Polyethylene Pipes and Fittings (Mauritius Standard Specifications) Regulations 2007(to be effective)

- ❑ Main changes
 - Submission of Certificate of Conformity (COC) or test report from a Conformity Assessment Body (a body or a certified laboratory including MSB) to MSB
 - MSB to inform whether the toys/pipes comply with the essential safety requirements within 2 days after verification of COC/ test report
 - No COC/Test report
 - ✓ Submission of application for a Conformity Report through TradeNet
 - ✓ Conformity Report issued within 2 days after verification / receipt of COC
 - Director General shall release or clear the goods imported in accordance with section 25B of the Customs Act to authorized officer

Consumer Protection (Safety Requirements) Regulations 2019 (yet to be effective)



- ☐ Apply for Conformity Report through TradeNet and submit of COC/Test Report
- ☐ Within 2 days of verification of COC/ test report / sample, MSB issues conformity report
- ☐ Conformity report shows compliance, Customs releases goods on arrival
- ☐ In case of non-compliance / no COC or test report
 - Bureau can ask for additional information (test report from a conformity assessment agency)
 - Enforcement Agency takes a sample
 - Customs release goods from its control to Enforcement Agency
 - MSB carries out verification / testing
 - Conformity report issued after verification
- ☐ Trade facilitation initiatives
 - DG may release goods on a risk basis even where no COC/ test report has been submitted
 - DG may clear goods listed in Part III of the First Schedule prior to obtaining a conformity report from the Bureau (Ovens, Microwave oven, Coffee or tea maker, Toaster, Vacuum cleaner, Spin extractor centrifugal clothes dryer, Electric shavers, hair clippers)

- ❑ Submit application to MSB for a conformity report through TradeNet

- ❑ On arrival of consignment
 - DG may release goods and allow enforcement authority to take sample
 - Enforcement authority hands over samples to MSB for testing
 - MSB issues conformity report
 - Where goods are compliance, DG may release and clear goods

In case of non-compliance, goods may be re-exported at the cost of the Importer

- ☐ Goods listed in First and Second Schedules cannot be supplied for local consumption unless it has obtained a COC from a conformity assessment agency
- ☐ Where a COC is issued by a conformity assessment agency other than the MSB, the latter shall issue a conformity report.

- ☐ Duty of importer and supplier to ensure that goods present no risk to a person/property
- ☐ Goods present any risk, supplier should notify enforcement authority and recall goods
- ☐ Market surveillance
 - Enforcement authority shall take samples for verification/testing
 - In case of non compliance –
 - ✓ issue public notice,
 - ✓ Cease supply of goods
 - ✓ Allow supplier to export the goods

Information and Communication Technologies (Clearance to Import ICT Equipment) Regulations 2019 (Yet to be effective)

Different categories of equipment defined in guidelines:

- ☐ Prohibited items – cannot be imported
- ☐ Clearance required from ICTA
 - Equipment for commercial use (Holder of a Dealers' Licence)
 - ✓ which requires a licence and type approval certificate
 - ✓ which requires no licence but a declaration of compliance
 - Equipment for non-commercial use
 - ✓ which requires a licence and type approval certificate
 - ✓ which requires no licence but subject to submission of documentation/ verification
 - ✓ Free entry equipment
- ☐ Process
 - No person shall import an ICT equipment unless a clearance for importation is obtained by the Authority
 - Application for clearance made through TradeNet
 - Application issued within 2 days of application or verification
 - Customs can release and clear equipment pending clearance
 - Where a type approval granted no other type approval certificate required for the same type of equipment

Radiation Safety and Nuclear Security (Control of Import and Export of Radiation Sources and Other Controlled Items) Regulations 2019

(Yet to be effective)

Process

- Application for import or export permit submitted through TradeNet
- Permit issued within 5 days
- Where verification, testing, analysis is required,
 - ✓ Director may release/clear goods imported in accordance with S25B Customs Act
 - ✓ Permit is issued 2 days after verification
- Any fees may be payable at Customs
- Customs notified of issue of permit and issue final clearance (import)
- Regulations applicable to products listed with H.S Code

- ❑ Coordinated border management
 - Ministry of Environment;
 - Ministry of Industry, Commerce and Consumer Protection;
 - Mauritius Standards Bureau;
 - Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping;
 - Dangerous Chemicals Control Board;
 - Food Import Unit;
 - Pharmacy Board;
 - Division of Veterinary Services;
 - National Agricultural Products Regulatory Office;
 - National Plant Protection Office;
 - Information and Communications Technology Authority; and
 - Radiation Protection Authority.

- Ministries and agencies will be physically based within Customs Premises
- MRA Customs will be empowered to collect fees

- ❑ A Maritime Single Window will be set up by the Mauritius Port Authority to expedite the process for vessel clearance.
- ❑ The Mauritius Port Authority will reduce the cut-off time from 24 hours to 12 hours for compliant traders for export consignment.
- ❑ The Merchant Shipping Act and the Ports Act will be amended to allow the Mauritius Port Authority to issue clearances.
- ❑ Cargo Handling Corporation Ltd will implement an electronic payment system to expedite the payment process.

- ❑ Amendments to Companies Act
 - Disclosure of individual compensation of directors in the annual report
 - Dividend declared by the board shall be paid within a maximum period of 12 months, subject satisfying the solvency test
 - Allow disqualification of a director by the Court

- ❑ Amendment to Securities Act
 - An acquisition is considered significant when the value of the asset represents at least 10% of the net assets of the reporting issuer

- ❑ Amendment to Income Tax Act (Incentives for Mediation and Arbitration)
 - Allowable deduction of an amount equivalent to 150% of the case filing fee, from the taxable income

- ❑ Amendment to Listing rules (upcoming)
 - To provide for shareholders' approval for related party transactions where the percentage ratios represent 10% or more.

Amendments to Insolvency Act

- An “Insolvency Practitioner” shall be ordinarily a resident in Mauritius;
- A body corporate shall not be appointed or act as a liquidator;
- The remuneration of the liquidator shall be prescribed;
- Assignment of priority for payment in case of receivership by regulations
- An administrator shall call for separate meetings for each class of creditors. Each class shall vote separately, and each class of creditors shall be given equal treatment.
- An administrator shall ascertain during the watershed meeting that dissenting creditors will not discriminated against or placed in a position that is worse than if the company had been liquidated.
- To repeal reciprocity provisions requirement by the Minister to enable cross-border insolvency; and
- An appeal against a judgement there is no stay of execution and does not cause a delay in carrying out a court order.

❑ Introduction of Post-Study Visa: Young Professional Occupation Permit (YPOP)

- Foreign students having completed at least an undergraduate degree in a tertiary education institution in Mauritius are eligible to apply for a YPOP
- Valid for a maximum period of 3 years
- Eligible Fields: Artificial Intelligence, Biotechnology, Fintech, Robotics, Financial services, Information technology and such other field as the Minister may approve

❑ Significant Employer Scheme

- A foreign worker, employed by a company under this scheme, will obtain an entry permit at arrival, valid for a period not exceeding 3 months, allowing them work while the employer completes the Occupational Permit Procedure

❑ Residence Permit

- Monthly transfer required for retired non-citizens reduced from USD 2,500 to USD 1,500

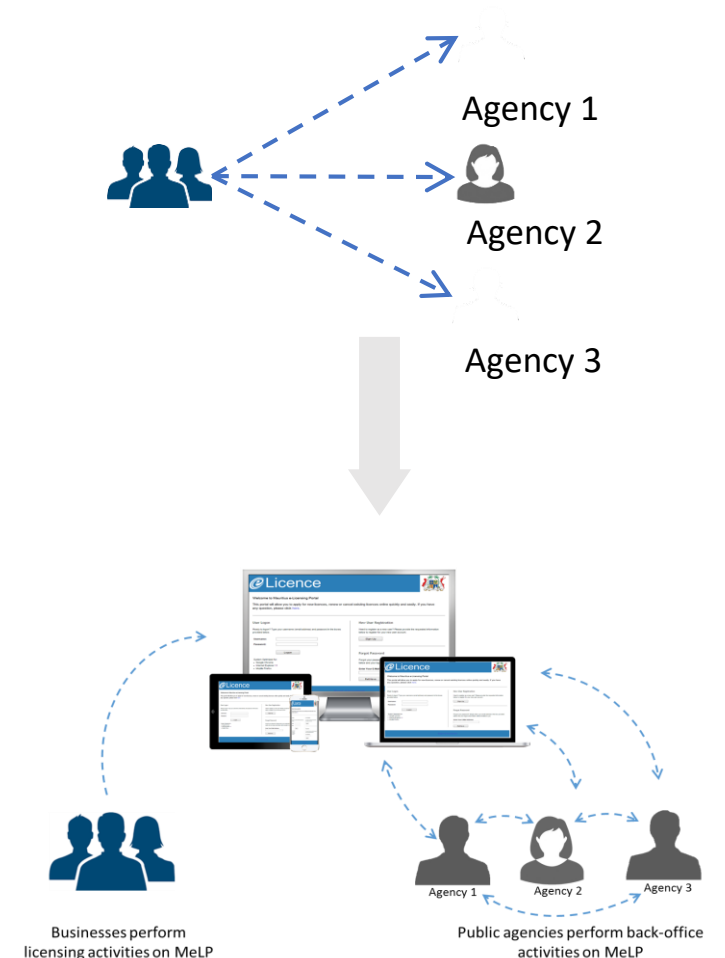
- ☐ Banks and Shipping Agents will be provided access on the Mauritius Cargo Community System
- ☐ Access to the InfoHighway will be provided to private institutions

National E-Licensing System (NELS)

- ❑ Single point of entry for all business licences (Budget 2016/2017)
- ❑ Live since October 2018
 - Occupation/Residence Permit
 - Building and Land Use Permit
- ❑ Features of the project
 - Move from 'agency centric' to 'customer centric' system
 - Central repository of licences
 - Online application, e-payment and delivery of e-permits and licenses
 - Online monitoring and tracking of application by agency and applicant
 - Communication with the applicant through the system
 - Issue regular reports
- ❑ Upcoming licences
 - Film Rebate Scheme
 - Morcellement Permit
 - Land Conversion Permit
 - EIA and PER

Applications processed on NELS:

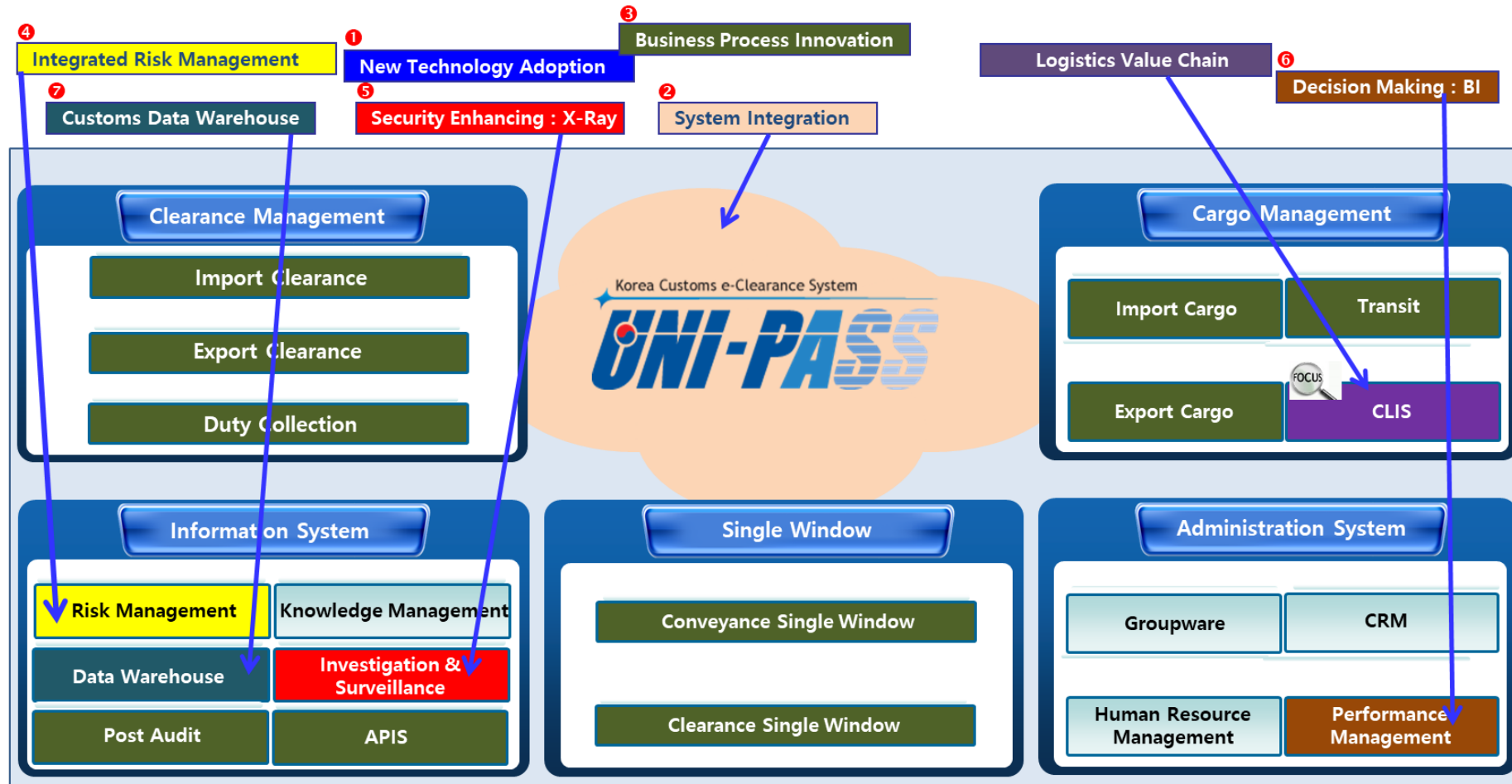
- 3200+ Applications for Occupation Permit
- 2000+ Applications for BLUP
- 130+ Applications for Occupation Certificate



Single window environment

UNIPASS offers a physically and logically single window environment by linking and integration the whole business modules.

The MRA target modules are matched up to key functions provided by UNIPASS



RIA, a tool and a process in support of decision making

Tool

Formal tool to examine and measure the expected benefits, costs and effects of new regulation

- Announced in Budget 19/20

Process

Systemic decision process to help policy-makers on whether and how to regulate

- Project kick-off: September 2019

Approach

Institutional approach promoting whole-of-government policy

- Project to be conducted by the OECD
- Proposed institutional set up and procedural framework
- Run a pilot RIA on an existing regulation under review or on a newly developed

Platform

Governance platform to facilitate consultation within and outside government

3 purposes, each purpose consists of 2 phases :
Recommendation and Implementation

Carry out a review of the regulatory framework as regards to the licensing requirements, institutional arrangement, monitoring and enforcement to operate or to carry out business in the following sectors:

- Land Use and Construction
- Trade & logistics
- Tourism
- Healthcare and Lifesciences

1

Overall assessment of the enabling business environment in Mauritius

2

Propose a model which best fits Mauritius for the setting up of the Single Licensing Agency under the Economic Development Board

3

Cost:

USD \$1,070,000 over 2 years



Secured Transactions Legal Reforms :

- Advice on improvements to institutional, legal and regulatory infrastructure
- Advice on implementation/ improvement of Collateral Registry
- Training and awareness-building workshops on compliance with new laws and regulations

Insolvency:

- CPD training for Insolvency
- Practitioners in line with best practices
- Capacity building of judiciary

Doing Business Coordination :

- Implementation support
- Formulation and delivery of a reform communication strategy
- Capacity building/exposure to best-practice jurisdictions

Thank You



**ECONOMIC
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Doing Business &
Reforms Implementation