

## 9.1 National Vision for Environmental Protection in Mauritius

Though the Constitution of Mauritius has no clause that specifically ensures the protection of the environment and promotes the concept of sustainable development, it does ensure the right to life and the right to health.<sup>1</sup> However, commitment to the environment and sustainable development has been expressed at the highest level. The Prime Minister, Sir Aneerood Jugnauth, reaffirmed the commitment in his foreword to the “State of the Environment in Mauritius”<sup>2</sup>, prepared for the 1992 United Nations Conference on Environment and Development in Rio:

*“My government is committed: (a) to care for the natural environment; (b) to protect the health and welfare of Mauritians; and (c) to preserve the quality of our national and international commons. ... Mauritians, by their nature as well as because of their cultural heritage, have a greater appreciation of the linkages between environment, economic development, quality of life, social and cultural values, economic, commercial, business and governmental decision-making. It is for this purpose that we must work together to achieve sustainable development, and prepare for a prosperous future based on a healthy environment.”<sup>3</sup>*

More recently, “Vision 2020: The national long-term perspective study”<sup>4</sup> further strengthens this commitment to the vision of sustainable development by observing that:

*Our physical environment sets the boundaries in which we live. In Mauritius its quality is high – but vulnerable. We need to protect and enhance it, both for ourselves and for generations to come.<sup>5</sup>*

A National Environment Action Plan for Mauritius (NEAP I)<sup>6</sup> was prepared for 1990–2000, followed by another, NEAP II,<sup>7</sup> which sets out the national environment strategy for the period

<sup>1</sup> Boucherville Baissac, P (2003). Country chapter on Mauritius in “EIA in Southern Africa”, Southern African Institute for Environmental Assessment, Windhoek, Namibia, pp109-124.

<sup>2</sup> Ministry of Environment and Quality of Life (1991). “State of the Environment in Mauritius”. Report presented at the United Nations Conference on the Environment and Development, Rio de Janeiro.

<sup>3</sup> Op. Cit. Footnote 1.

<sup>4</sup> Ministry of Economic Development and Regional Cooperation (1997). “Vision 2020: The National Long-term Perspective Study.” Government of Mauritius, Port Louis.

<sup>5</sup> Op. Cit. Footnote 1.

<sup>6</sup> World Bank (1990). “National Environmental Action Plan for Mauritius (NEAP I).” Unpubld Report prepared and presented to the Government of Mauritius.

<sup>7</sup> Government of Mauritius (1999). “National Environment Strategies for the Republic of Mauritius: National Environmental Action Plan for the Next Decade (NEAP II).” Government of Mauritius, Port Louis.

2000–2010. This has led to new environmental measures which include the strengthening of the Ministry of the Environment, and replacing the Environment Protection Act (EPA), No. 34 of 1991 with the strengthened Environment Protection Act, No. 19 of 2002, and improved enforcement of the EPA through the creation of a *Police de l'Environnement*.<sup>8</sup>

## 9.2 Administrative Structure for EIA in Mauritius

### 9.2.1 The Environmental Authority

The Ministry of Environment was created in 1992 following the promulgation of the Environment Protection Act (EPA) in 1991 which has subsequently been replaced by a new EPA in 2002. The Environment Protection Act is the most comprehensive piece of legislation in Mauritius dealing with management and protection of the environment. It lays emphasis on co-ordination of environmental matters through an administrative framework, which includes the National Environment Commission chaired by the Prime Minister.<sup>9</sup>

The key institution involved in environmental impact assessment (EIA) is the Ministry of the Environment (MoE). The MoE has established an EIA Committee<sup>10</sup> to examine applications for an EIA Licence referred to it after review by the Director of Environment. An Environment Coordination Committee<sup>11</sup> which advises the Minister on any matter relating to the protection and management of the environment, including national environmental standards, the process of application for the EIA Licence and the review of the EIA, is also constituted under the EPA. The Environment Coordination Committee is also the agency responsible for enforcing compliance with EIA legislation.<sup>12</sup>

The following bodies have been established within the Ministry of Environment under the Environment Protection Act, EPA (2002) so as to ensure effective coordination and collaboration among the stakeholders (see Figure 9.1):

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<sup>8</sup> Op. Cit. Footnote 1.

<sup>9</sup> Nairobi Convention on the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region: Draft Report on the Legal, Regulatory and Institutional Framework for Mauritius. Unpublished Report by UNEP/GEF, 2006.

<sup>10</sup> Members are the Permanent Secretary of the Ministry of Environment (Chairperson), Director of the Department of Environment (no vote) and the Permanent Secretaries or their representatives of the Ministries of Agriculture, Fisheries and Marine Resources, Health, Industry, Local Government, and Public Infrastructure, and representatives of the Town and Country Planning, the Water Resources, and the Waste Water Management authorities.

<sup>11</sup> Members are the Permanent Secretary of the Ministry of Environment (Chairperson), the Director (Vice-Chairperson), the Permanent Secretaries, or the Executive Directors or their representatives from the enforcing agencies, the Environmental Liaison Officer, and other such public officers, or officers of statutory bodies, designated by the Minister.

<sup>12</sup> Op. Cit. Footnote 1.

- (i) The National Environment Commission, a high-level inter-Ministerial Commission chaired by the Prime Minister, where environmental policy decisions are taken;
- (ii) The Environment Coordination Committee, comprising high-level officials from various ministries and authorities;
- (iii) The Department of Environment, the technical arm of the Ministry, which is administered by a Director with powers to implement policy and enforce environmental laws;
- (iv) The *Police de l'Environnement* (seconded Police Officers from the Police Force) which provides assistance to the Director on enforcement of environmental laws.
- (v) The National Network for Sustainable Development, a forum for discussion comprising several stakeholders, including NGOs and civil society, and chaired by the Minister of Environment;
- (vi) The Integrated Coastal Zone Management Committee comprising the Director of Environment, representatives of Ministries, Departments, organisations such as the University of Mauritius, and six NGOs. Its mandate is to make recommendations to the Minister on the management and protection of the coastal zone.
- (vii) Various Technical Committees and the Technical Advisory Committee (TAC) are set up as and when required, pursuant to specific sections of the EPA (2002), on matters pertaining to the scientific and technical aspects of environmental protection and management.

The institutional structure upon which the implementation of the environmental strategy is based enables the MoE to play its role as stimulator and co-ordinator, while the implementation is done by many other agencies - governmental and non-governmental - according to the programmes contained in the National Environment Action Plan II (NEAP).<sup>13</sup>

### **EIA Committee**

The EIA process itself requires a strong level of inter-ministerial collaboration and information sharing and therefore provision is made in section 22 of the EPA for the establishment of an EIA Committee. This committee comprises the Permanent Secretary of the MoE and the Permanent Secretaries of other Ministries which have responsibility for environmental management.<sup>14</sup> The EIA Committee is required to examine applications for an EIA Licence

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<sup>13</sup> Op. Cit. Footnote 9.

<sup>14</sup> The Ministries are listed in the Sixth Schedule to the EPA and include: Agriculture, Fisheries and Marine Resources, Health, Industry, Local Government, Public Infrastructure, Town and Country Planning, Water Resources, and Waste Water

referred to it after review by the Director and must make recommendations regarding the application under consideration (see Figure 9.2).

## 9.2.2 Inter-sectoral co-operation

Responsibility for the enforcement of the EPA is dispersed across a number of different ministries which has the potential to be very effective in resolving the many institutional and enforcement issues that arise. However, the institutional and procedural mechanisms for ensuring coordination and consistency in enforcement of the EPA appear to be ineffective and the institutions established by the EPA appear to lack high-level support and significant influence.<sup>15</sup>

The EPA 2002 also provides for other relevant ministries to enforce the law in relation to an environmental medium or pollutant for which those ministries already have responsibilities under their respective legislations prior to the enactment of the EPA. The roles of the various enforcing agencies under the EPA are summarised in Table 9.1 below.<sup>16</sup>

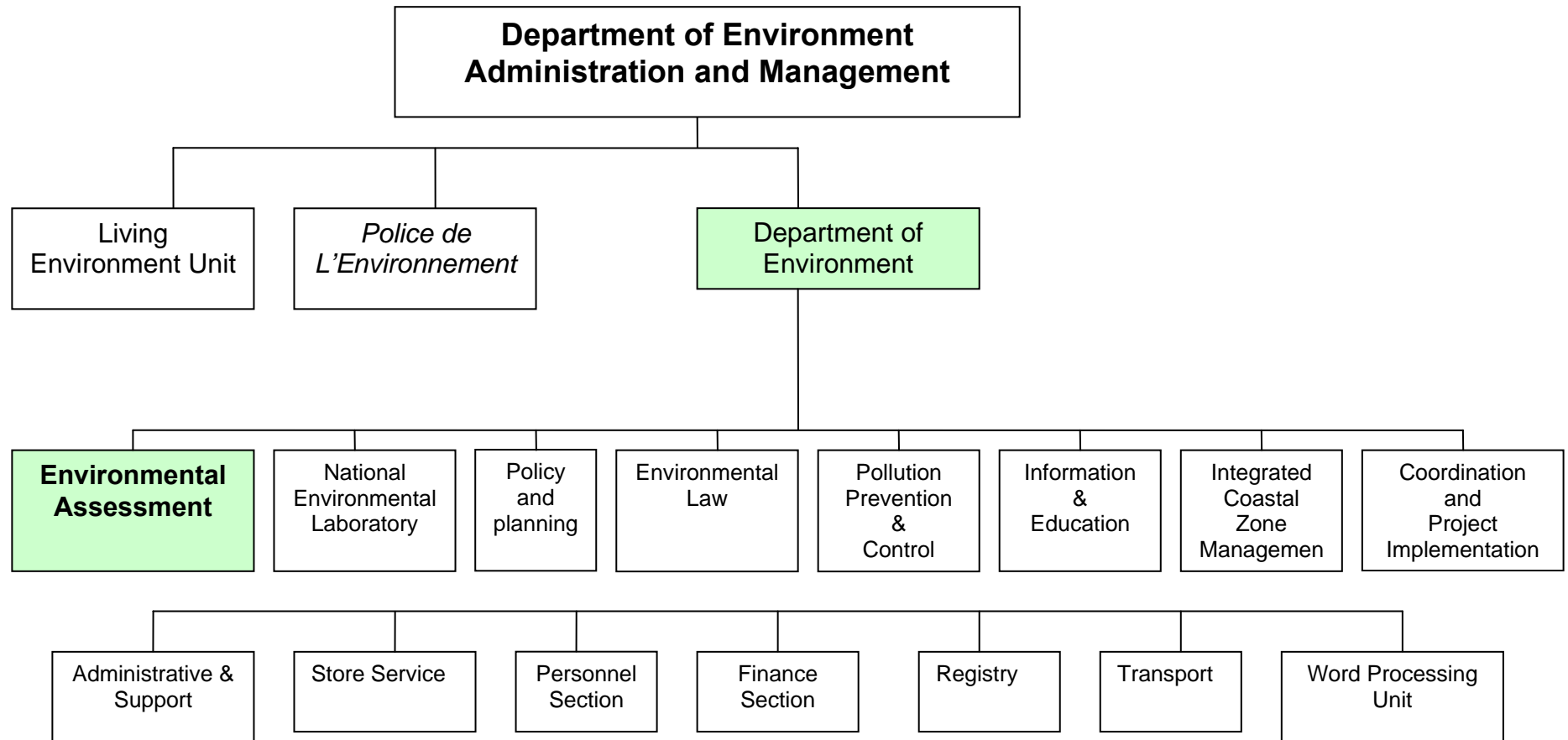
**Table 9.1: Division of Responsibilities for Pollution Control**

Medium/Pollutant	Enforcing Agency
Noise, quality control of drinking water and odour.	Ministry of Health and Quality of Life.
Inland waters and effluents.	Ministry of Public Utilities.
Solid wastes and hazardous wastes.	Ministry of Local Government and Solid Waste Management.
Pesticide residues.	Ministry of Agro-Industry and Fisheries (Agro-Industry Division)
Waters in the zone other than waters in the Port.	Ministry of Agro-Industry and Fisheries (Fisheries Division)
Waters in the Port.	Port Master.
Air and any of the above media or pollutants.	Director of Environment (Ministry of Environment).

<sup>15</sup> Op. Cit. Footnote 1.

<sup>16</sup> Op. Cit. Footnote 9.

**FIGURE 9.1: ORGANISATIONAL DIAGRAM OF THE MINISTRY OF ENVIRONMENT, MAURITIUS**



Under Section 13 of the Environment Protection Act 2002, the enforcing agencies for the different environmental media or pollutants are as follows:

**Table 9.2: Division of Responsibilities for Environmental Management**

Environmental Aspect	Enforcing Agency
Land Management	Ministry of Agriculture, Food Technology & Natural Resources (Land Use Division).
Water Management	Ministry of Public Utilities (Water Resources Unit).
Air Quality Management	Department of Environment.
Integrated Coastal Zone Management	Department of Environment.
Biodiversity	National Parks and Conservation Service (NPCS).
Integrated Solid Waste Management	Ministry of Local Government and Solid Waste Management.
Industrial Management	Ministry of Industry, Financial Services & Corporate Affairs.
Tourism Management	Ministry of Tourism and Leisure.
Agricultural Management	Ministry of Agriculture, Food Technology and Natural Resources.
Transport Management	Ministry of Public Infrastructure, Land & Transport.

## 9.3 Policy and Legal Framework for EIA

### 9.3.1 Environmental Policies

The National Environmental Policy was first set out in the White Paper of 1990.<sup>17</sup> The main goal of the National Environmental Policy (NEP) can be briefly stated:

*“...to foster harmony between quality of life, environmental protection and sustainable development for the present and future generations. The GOM recognizes that a high quality environment is essential for the sustained development of the country’s economy and for the health and welfare of its people.”*

To achieve this, the following goals and objectives were declared:

<sup>17</sup> Ministry of Housing, Land and Environment (1990). *“White Paper on the National Environmental Policy.”* Government of Mauritius, Port Louis.

- (i) maintenance and enhancement of all aspects of the natural environment to conserve the variety and richness of life;
- (ii) national planning for economic development is to be based on sound ecological principles, with the necessary environmental impact assessments being a prerequisite for all new industrial, urban and rural, and transportation activities, incorporating appropriate environmental safeguards;
- (iii) the attainment of industrial development in a manner which will conserve the natural resources base and control the pollution of air, water, land, seas, and industrial accidents and yet continue to achieve higher standards of living;
- (iv) enhance the quality of life by improving, developing and managing urban and rural housing with access to essential amenities such as clean and safe drinking water, sanitation, sewerage, waste disposal, in a setting which is healthy and aesthetically satisfying;
- (v) provision of energy to meet rapidly expanding industrial, agricultural and consumer needs in ways that minimise the environmental damage in developing, producing, transportation, and use of energy, and to seek ways for renewable energy sources;
- (vi) promote the use of environmentally sound technologies for the recycling of resources used, and utilisation of wastes;
- (vii) safeguard the occupational health and safety of workers in all industrial, commercial and agricultural sectors, including the Export Processing Zone;
- (viii) conserve and enhance the quality of natural heritage of the State of Mauritius including wild life, biotic diversity, and sanctuaries for specific habitats such as mountains, forests, lakes and rivers, beaches, estuaries, lagoons, and islands;
- (ix) ensure the preservation of nationally important historical, cultural and religious heritages;
- (x) establish and enforce air and water quality standards, environmental codes of conduct, and related quality criteria for monitoring, surveillance, and control of pollution through necessary institutional machinery and legislative action; and

- (xi) continue co-operating with international organisations for the global protection of the environment, and to secure pollution abatement technologies and advice on environmental management.

In order to strengthen these objectives, the NEP stated that the Government shall:

- (a) promote environmental education at all levels;
- (b) provide Mauritians with environmental information, encourage their participation in decisions affecting their environment, and publish an annual report on the state of the environment;
- (c) create environmental awareness among the public, industries, NGOs, media, as well as amongst various governmental and parastatal agencies, and manufacturers;
- (d) establish training facilities and encourage research in environmental matters including studies pertaining to socio-economic and legal aspects so that the country has self sufficiency in trained professional manpower.<sup>18</sup>

Specific policy objectives with regard to EIA include:

- Land-use activities shall be planned in an environmentally sound manner so that there is a minimal threat to the natural environment and its aesthetic value and beauty, and in particular:
  - (a) An environmental impact assessment (EIA) will be required prior to the approval of any project having a significant impact on the environment;
  - (b) Requirement of EIA includes development of land reclaimed, inland and sea beaches, and coastal areas; and
  - (c) Any lease of Crown land for commercial, industrial or agricultural purposes will take into account the purpose of such use and its relevance to the preservation and conservation of the environment.<sup>19</sup>

While the 1990 White Paper on the National Environmental Policy was effective in developing environmental management in general and EIA in particular in Mauritius, a new White Paper is currently being drafted to update the 1990 NEP.

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<sup>18</sup> Op. Cit. Footnote 17.

<sup>19</sup> Op. Cit. Footnote 17.

As a result of the NEP, NEAP II and the NDS, a number of policies, action plans and strategies have been developed in Mauritius to deal with a range of environmental issues. These are listed in Table 9.3 below.

**Table 9.3: Existing and Emerging Policies on the Environment and Land Use**

Policy/Strategy/Action Plan	Responsible Agency	Status	Brief Description
National Solid Waste Management Strategy	Ministry of Local Government	Adopted	The National Solid Waste Management Strategy aims at reducing the generation of waste and the environmental impacts associated with their disposal as well as ensuring that the socio-economic development of the country, the health of its people and the quality of its environmental resources are not affected by an uncontrolled and uncoordinated waste disposal system.
National Sewerage Master Plan, 1994	Ministry of Public Utilities	Adopted	Provides a complete scheme for the development of the wastewater sector in Mauritius. It seeks to connect 50% of the population to the public sewerage system by 2010. On the completion of the plan, most of the existing effluent will be disposed of to sewers, prior to treatment. Furthermore, standards for treated wastewater for use in irrigation are now in force.
National Climate Change Action Plan, 1998	Meteorological Services	Adopted	A list of programmes is ongoing with a view to reduce the negative impacts of climate change covering adverse impacts, measures for abatement and enhancing sinks for greenhouse gases, policy options for monitoring systems and for strategies to respond to the impact of climate change, and policy frameworks for implementing adaptation measures and response strategies.
National Biodiversity Strategy Plan	Ministry of Environment	Draft	This includes the following thematic sectors: Forest Biodiversity; Terrestrial Biodiversity; Agro Biodiversity; Freshwater, Coastal and Marine Aquatic Biodiversity; Biotechnology and Sustainable Ecotourism. Progress in conservation of native flora has been made with support from NGOs, Government and foreign organisations. An Islets Biodiversity Management Plan has also been endorsed in 2001.
National Oil Spill Contingency Plan	Ministry of Environment	Adopted	Mauritius has strengthened its institutional and legislative framework to control oil pollution. In line with the provisions of the Environment Protection Act 2002, Mauritius has prepared a Contingency Plan with the support of the Indian Ocean Commission in order to respond to oil spills. The Plan includes a data directory and a Coastal Sensitivity Atlas of Mauritius.
Mauritius Strategy, 1994	Government of Mauritius	Adopted	The Mauritius Strategy involves the adoption of a proactive strategy for the further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (SIDS).  The Mauritius Declaration focuses on the full commitment of all stakeholders to support the efforts of SIDS to implement Sustainable Strategies.

### 9.3.2 The Environment Protection Act

As a result of the NEP, published in 1990, the first Environmental Protection Act (EPA) was promulgated in 1991. Part IV of this Act, which sets out formal procedures for environmental impact assessment (EIA) only came into force in 1993. The 1991 EPA was repealed and replaced by the Environment Protection Act, No. 19 of 2002, which aimed to further consolidate and reinforce the legal framework for environmental management, particularly the proper implementation of government policies and enforcement provisions. The new EPA provides for a licensing regime which requires either **preliminary environmental approval** or an **EIA Licence** for various activities – ranging from minor activities to strategic developments.<sup>20</sup>

The major provisions set out in the EPA 2002 include the following<sup>21</sup>:

- The concept of environmental stewardship (section 2);
- The requirement for environmental impact assessments for major scheduled undertakings;
- The establishment of Standards and Guidelines in respect of air, water, noise, odour, effluent, waste, including hazardous waste and pesticide residues in raw food commodities;
- The protection of natural resources and biodiversity conservation;
- Greater transparency and public participation in the EIA mechanism (section 20);
- Streamlining of the EIA procedure (section 21);
- The duty to report to the Director of Environment and to take prompt actions when accidental spills of a pollutant occur;
- The establishment of liabilities regarding environmental quality rehabilitation;
- The responsibilities of the various enforcing agencies in the enforcement of environmental laws;<sup>22</sup> and
- The list of undertakings requiring different levels of assessment has been revised.

#### Strategic Environmental Assessment

The concept of strategic environmental assessments (SEAs) has been introduced in the Act though it has only been alluded to in the First Schedule of the Act. No further mention or definition is made in the body of the Act leaving considerable room for interpretation. Schedule 1 of the Act lists activities which require an SEA. These include major plans and programmes, such as master plans, solid-waste management plans, water management plans and the National Physical Development Plan. However, there is concern that SEAs are

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<sup>20</sup> Op. Cit. Footnote 1.

<sup>21</sup> Op. Cit. Footnote 9.

<sup>22</sup> Under Government Notice 57/2005 other legislation has been declared environmental laws

not defined, nor is their role and function stated; further, no information is given on who should conduct them and no specifications are provided on their legal applications.<sup>23</sup>

### 9.3.3 Regulations

There are no regulations dealing with EIA at present. However, numerous regulations exist for other aspects of environmental protection, such as (see also Table 9.13):

- The Environment Protection (Standard for Effluent Discharged) Regulations, 2003 and amended in 2004
- The Environment Protection (Effluent Discharge Permit) Regulations, 2003 and amended in 2004
- The Environment Protection (Standard for Effluent Use in Irrigation) Regulations, 2003
- The Environment Protection (Standard for Effluent Discharged into the Ocean) Regulations, 2003
- Environment Protection (Drinking Water Standards) Regulations, 1996
- Groundwater Regulations, 1973
- Environment Protection (Standards for Air) Regulations, 1998
- Environment Protection (Hazardous Waste) Regulations, 2002
- Environmental Protection (Standards for Hazardous Wastes) Regulations, 2001
- Waste Audit Regulations, (draft)
- Local Government (Dumping and Waste Carriers) Regulations, 1997
- Public Health Act (Disposal of Refuse) Regulations, 1984
- Environment Protection (Standards for Noise) Regulations, 1997
- Various regulations relating to fisheries, coral and wildlife protection
- Environmental Protection (Collection, Storage, Treatment, Use and Disposal of Used Oil) Regulations, 2005.

### 9.3.4 Permits and Licences

**EIA Licences** are issued by the Director of the Department of Environment following the approval of the application by the Minister of Environment. This is done in consultation with the Sectoral/ Stakeholder Ministries as well as with the Local Authorities concerned.

The Local Authorities are empowered under the Town and Country Planning Act of 1954 to grant development permits for the development of any land. Development permits are granted under the guidance of the National Physical Development Plan and Outline

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<sup>23</sup> Op. Cit. Footnote 1.

Schemes.<sup>24</sup> However, a developer also needs to secure a number of other permits (Table 9.4), including an EIA Licence, for activities listed in the First Schedule of the EPA (Appendices 9-1 and 9-2). This can result in the same information being considered and the same issues being assessed and adjudicated twice by different authorities.<sup>25</sup>

**Table 9.4: Development Permits and Issuing Authority**

Type of permit	Issuing authority
EIA Licence	Ministry of Environment
Effluent Discharge Permit	Wastewater Management Authority
Development Permit	Local Authority and/or Ministry of Public Infrastructure
Trade Licence	Local Authority
Land Conversion Permit	Ministry of Agriculture
Zoning/re-zoning Certificate	Town and Country Planning Board
Hotel Development Certificate	Ministry of Tourism
Pleasure Craft Permit	Ministry of Tourism

Although there is some duplication of procedure, the Ministry of Environment believes that this process does not lead to conflict, since EIAs account for less than 1% of development permits granted annually. The processing of development permits, particularly for those projects that are not scheduled (see Appendices 9-1 and 9-2), is based on the Outline Schemes, site location and on building plans with no in-depth consideration being given to the environmental impacts associated with the development. The EIA Division uses a general guideline for EIAs and sectoral checklists to review EIAs in the different sectors: land parcelling (subdivision), coastal development, housing, poultry and livestock rearing, industrial development, etc.<sup>26</sup>

### 9.3.5 Penalties

Section 85 of the EPA sets out the penalties for various offences which may be committed in terms of the Act. These are summarised in Table 9.5 below.

**Table 9.5: Offences and Penalties**

Offence	Penalty
General offences under the Act, other than those specified below.	On first conviction, be liable for a fine not exceeding R50,000 and to imprisonment for a term not exceeding 2 years; On second or subsequent conviction, be liable to a fine not exceeding R100,000 and to imprisonment for a term not exceeding 8 years.
S15: Unauthorised commencement of a listed undertaking. S25: Failure to submit a fresh EIA when directed to do so.	On first conviction, a fine of between R50,000 and R100,000 and to imprisonment for a term not exceeding 2 years. On a second or subsequent conviction, a fine between

<sup>24</sup> Outline Schemes provide the local authorities with a guide for implementing the strategies and policies of the National Physical Development Plan (NPDP) – a strategic plan which defines the broad objectives, strategies and policies for the physical development of the country – at the regional and local levels.

<sup>25</sup> Op. Cit. Footnote 1.

<sup>26</sup> Op. Cit. Footnote 1.

Offence	Penalty
S52: Unauthorised dumping in the coastal zone. S56: Failure to comply with any decision, order, directive or notice handed down by the Environment Appeal Tribunal. S71: Failure to comply with an Enforcement Notice. S72: Failure to comply with a Prohibition Notice.	R100,000 and R500,000 and to imprisonment for a term of 6-12 years.
S24: Failure to comply with a directive from the Minister with regard to: the method of execution of an undertaking; actions required to mitigate adverse effects of the undertaking on the environment, people and society; research and monitoring programmes; and environmental reporting. S26: Failure to notify the Director of the transfer of an EIA Licence. S84: Failure to conduct compliance monitoring as directed and to submit reports as required to the Director.	On first conviction, a fine of between R10,000 and R25,000 and to imprisonment for a term not exceeding 4 years. On a second or subsequent conviction, a fine between R50,000 and R250,000 and to imprisonment for a term of 6-8 years.

### 9.3.6 Fees

No fees are prescribed in the EPA for EIA application or review. However, designated establishments are required to pay a monthly 'environmental protection fee' as prescribed in section 66 of the EPA. The class of 'designated establishments' and the applicable fees are set out in the Fifth Schedule of the Act and are shown below in Table 9.6.

**Table 9.6: Designated establishment and environment protection fee**

Enterprise or activity	Fee payable	Date payable
1. Hotels	0.75 percent of monthly turnover	Within 20 days after the end of every month
2. Boarding houses of more than 4 bedrooms	0.75 percent of monthly turnover	Within 20 days after the end of every month
3. Enterprise engaged in stone crushing or in the manufacture or processing of aggregates, concrete blocks, pre-cast units, coral sand, rock sand or basalt sand	0.75 percent of monthly turnover	Within 20 days after the end of every month

### 9.3.7 Guidelines

General guidelines have been prepared by MoE relating to the contents of the preliminary Environmental Report (PER) and EIA reports as well as for several sectors:<sup>27</sup>

- PER Guideline for Proposed Poultry Projects (under review)

<sup>27</sup> [www.gov.mu/portal/site/menvsite](http://www.gov.mu/portal/site/menvsite)

- EIA Guidelines for Proposed Desalination Plants
- EIA Guidelines for Proposed Stone Crushing Plants
- EIA Guideline for Proposed Residential *Morcellement* (sub-division) Projects (under review)
- A proponent's guide to Environmental Impact Assessment (EIA)
- EIA Guideline for Proposed Coastal Hotel Projects (under review)
- A Guide to Preliminary Environmental Report (under review)

The First Schedule of the Environment Protection Act (EPA) 2002 which pertains to the list of undertakings requiring an Environment Impact Assessment (EIA) or a Preliminary Environment Report (PER) was reviewed and amended in October 2006 to exclude certain undertakings from it. For those activities, environmental guidelines have been prepared in order to assist proponents in the implementation of their projects in order to include environmental safeguards. The guidelines which have been developed for various activities are listed in Appendix 9-3.

### 9.3.8 Environmental Standards

Part VI of the EPA provides for the issuing of standards and guidelines relating to water, effluent, air, noise, waste, pesticides, odour, radioactive emissions, built-up environments and landscape.

Although strong enforcement powers are given to the Director of the Department of Environment, in cases of breach of environmental laws, such laws have only been promulgated in a few limited areas, and consequently many harmful practices cannot be controlled. Additionally, some of the environmental standards that have been developed are likely to be difficult to enforce due to overlapping responsibilities with other ministries and enforcing agencies.<sup>28</sup>

**Table 9.7: Drinking Water Quality Standards**

Parameter	Standards
<b>MICROBIAL</b>	
<i>E. coli</i>	Must not be detectable in any 100ml sample
Coliform Organisms	0 in 95% of samples examined throughout the year. In the case of quantities of water needed for distribution throughout the year, when not less than 50 samples are examined for each period of 30 days, 3 in an occasional sample, but not in consecutive samples
<b>PHYSICO-CHEMICAL</b>	

<sup>28</sup> Op. Cit. Footnote 1.

Parameter	Standards
pH	6.5-8.5
Total dissolved solids	1000 mg/l
Turbidity	5 NTU
<b>ORGANOLEPTIC</b>	
Colour	20 Pt-Co
Taste and Odour	not objectionable
<b>TRACE METALS</b>	
Aluminium	0.2 mg/l
Arsenic	0.01 mg/l
Cadmium	0.003 mg/l
Copper	1 mg/l
Lead	0.01mg/l
Mercury	0.001 mg/l
Total chromium	0.05 mg/l
Zinc	3.0 mg/l
Nickel	0.02 mg/l
<b>ANIONS</b>	
Chloride	250mg/l
Fluoride	1.5 mg/l
Sulphate	250 mg/l
Nitrate	50 mg/l (as NO <sub>3</sub> )
Nitrite	3 mg/l (as NO <sub>2</sub> )
<b>PESTICIDES</b>	
Aldrin and dieldrin	0.03 microgram/l
DDT	2 microgram/l
Lindane	2 microgram/l
HCB	1 microgram/l
Methoxychlor	20 microgram/l
Heptachlor and Heptachlor oxide	0.03 microgram/l

**Table 9.8: List of Parameters for Each Industrial Activity**

Industrial Activity	Parameters
Beverages Industries	Temperature, pH, COD, BOD, TSS, Sodium, Zinc, Detergents
Breweries and Distilleries	Temperature, pH, COD, BOD, TSS, Nitrate as N, Selenium, Zinc, Oil & Grease, Detergents, Ammonia as NH <sub>4</sub>
Canning and Food Processing	Temperature, pH, COD, BOD <sub>5</sub> , Free Chlorine, TSS, Chloride, Nitrate as N, TKN, Sodium, Oil & Grease, Total Coliforms.
Dairy Processing	Temperature, pH, COD, BOD, TSS, Selenium, Oil & Grease, Detergents, Ammonia as NH <sub>4</sub>
Dye houses and Washing Units in the textile sector	Colour, Temperature, pH, COD, BOD, Reactive Phosphorus, Free Chlorine, TSS, Chloride, Sulphate, Sulphide, Ammonia as NH <sub>4</sub> , Nitrate as N, Detergents, Cadmium, Total Chromium, Cobalt, Copper, Molybdenum, Sodium, Zinc, Oil & Grease, Total Pesticides, Total Organic Halides
Edible Oil Refining	Temperature, pH, COD, BOD, TSS, Chloride, Sodium, Oil & Grease, Total Organic Halides, Phenols, Detergents.
Industrial Slaughtering	Temperature, pH, COD, BOD, TSS, Chloride, Nitrate as N, TKN, Oil & Grease, Total Coliforms, E. Coli
Laundry processes	Temperature, pH, COD, BOD <sub>5</sub> , Reactive Phosphorus, Free Chlorine, TSS, Nitrate as N, Oil & Grease, Total Organic Halides, Detergents
Livestock Breeding	pH, COD, BOD <sub>5</sub> , Reactive Phosphorus, TSS, Nitrate as N, TKN, Total Coliforms, E. Coli, Ammonia as NH <sub>4</sub> .

Industrial Activity	Parameters
Manufacture of Chemical Fertilizers	Temperature, pH, COD, BOD, Reactive Phosphorus, TSS, Sulphate, Oil & Grease, Ammonia as NH <sub>4</sub> .
Manufacture of Soaps/Detergents and Bulk Storage of raw materials	Temperature, pH, COD, BOD <sub>5</sub> , Reactive Phosphorus, Free Chlorine, TSS, Oil & Grease, Total Organic Halides, Detergents, Ammonia as NH <sub>4</sub>
Mechanical Workshop	pH, COD, BOD <sub>5</sub> , Oil & Grease, Total Chromium, Lead, Manganese, Zinc.
Metal Plating and Galvanising	Temperature, pH, COD, Free Chlorine, TSS, Chloride, Sulphate, Sulphide, Nitrate as N, Cyanide, Cadmium, Total Chromium, Cobalt, Copper, Iron, Lead, Nickel, Zinc, Oil & Grease, Total Organic Halides.
Paint Manufacturing	Colour, Temperature, pH, COD, BOD <sub>5</sub> , TSS, Chloride, Sulphate, Sulphide, Aluminium, Cadmium, Total Chromium, Cobalt, Copper, Lead, Mercury, Molybdenum, Zinc, Oil & Grease, Total Organic Halides.
Tanning	Colour, Temperature, pH, COD, BOD <sub>5</sub> , Reactive Phosphorus, TSS, Sulphate, Sulphide, Nitrate as Nitrogen, Cadmium, Total Chromium, Mercury, Oil & Grease, Total Organic Halides, Total Coliforms, E. Coli, Ammonia as NH <sub>4</sub> .
Thermal Power Plant	Temperature, pH, TSS, Oil & Grease, Total Chromium, Copper, Iron, Zinc.

**Table 9.9: Effluent Discharge Standards**

Parameter	Unit	Maximum permissible limit	
		Land/ Underground	Surface water courses
Total coliforms	MPN per 100 ml	-	<400
E. Coli	MPN per 100 ml	<1000	<200
Free Chlorine	mg/l	-	0.5
Total Suspended Solids (TSS)	mg/l	45	35
Reactive Phosphorus	mg/l	10	1
Colour	-	Not objectionable	
Temperature	°C	40	
pH	-	5 - 9	
Chemical Oxygen Demand (COD)	mg/l	120	
Biochemical Oxygen Demand (BOD)	mg/l	40	
Chloride	mg/l	750	
Sulphate	mg/l	750	
Sulphide	mg/l	0.002	
Ammonia as NH <sub>4</sub>	mg/l	1	
Nitrate as N	mg/l	10	
Total Kjeldahl Nitrogen (TKN)	mg/l	25	
Nitrite as N	mg/l	1	
Aluminium	mg/l	5	
Arsenic	mg/l	0.1	
Beryllium	mg/l	0.1	
Boron	mg/l	0.75	
Cadmium	mg/l	0.01	
Cobalt	mg/l	0.05	
Copper	mg/l	0.5	
Iron	mg/l	2.0	

Parameter	Unit	Maximum permissible limit	
		Land/ Underground	Surface water courses
Lead	mg/l	0.05	
Lithium	mg/l	2.5	
Manganese	mg/l	0.2	
Mercury	mg/l	0.005	
Molybdenum	mg/l	0.01	
Nickel	mg/l	0.1	
Selenium	mg/l	0.02	
Sodium	mg/l	200	
Total Chromium	mg/l	0.05	
Vanadium	mg/l	0.1	
Zinc	mg/l	2	
Oil & Grease	mg/l	10	
Total Pesticides	mg/l	0.025	
Total organic halides	mg/l	1	
Cyanide (as CN <sup>-</sup> ) or Free cyanide	mg/l	0.1	
Phenols	mg/l	0.5	
Detergents (as LAS*)	mg/l	15	

\* Linear Alkylate Sulphonate

Note that any industry existing prior to the promulgation of the Environment Protection (Standard for Effluent Discharge) Regulations, 2003 and which is within a distance of 200 metres from the high water mark must comply with the permissible limits set out in the Third Schedule of the Regulations.

**Table 9.10: Atmospheric Emission Standards**

Pollutant	Applicable to	Standard (maximum limit)
Smoke	All stationary fuel burning source	Ringelmann No. 2 or equivalent opacity (not to exceed more than 5 minutes in any period of one hour)
Particulates	(a) Any trade, industry, process, industrial plant or fuel-burning equipment	200 mg/m <sup>3</sup>
	(b) Any existing trade, industry process or industrial plant using bagasse as fuel	400 mg/m <sup>3</sup>
Sulphuric acid mist or sulphur trioxide	(a) Any trade, industry or process (other than combustion processes and plants for the manufacture of sulphuric acid)	120 mg/m <sup>3</sup> as sulphur trioxide
	(b) Any trade, industry or process in which sulphuric acid is manufactured	30 000 mg/m <sup>3</sup> as sulphur trioxide
Fluorine compounds	Any trade, industry or process in the operation of which fluorine, hydrofluoric acid or any inorganic fluorine compounds are emitted	100 mg/m <sup>3</sup> as hydrofluoric acid
Hydrogen	Any trade, industry or process	200 mg/m <sup>3</sup> as hydrogen chloride

Pollutant	Applicable to	Standard (maximum limit)
chloride		
Chlorine	Any trade, industry or process	100 mg/m <sup>3</sup> as chlorine
Hydrogen sulphide	Any trade, industry or process	5 ppm as hydrogen sulphide gas
Nitric acid or oxides of nitrogen	Any trade, industry or process in which the manufacture of nitric acid is carried out	2 000 mg/m <sup>3</sup> as nitrogen dioxide
Nitric acid or oxides of nitrogen	Any trade, industry or process other than nitric acid plant	1 000 mg/m <sup>3</sup> as nitrogen dioxide
Carbon monoxide	Any trade, industry or process	1 000 mg/m <sup>3</sup> as carbon monoxide

**Table 9.11: Ambient Air Quality Standards**

Ambient Pollutant	Averaging Time	Standards (ug/m <sup>3</sup> )	ppb or ppm
Total Suspended Solids	24-hour	150	-
	Annual average	50	-
Dust (PM 10)	24-hour	100	-
Sulphur Dioxide	1-hour	350	122 ppb
	24-hour	200	70 ppb
	Annual Average	50	17 ppb
Nitrogen Dioxide	24-hour	200	98 ppb
Carbon Monoxide	1-hour	25000	20 ppm
	8-hour	10000	8 ppm
Ozone	1-hour	100	47 ppb
Lead	3-month average	1.5	-

**Table 9.12: Noise Exposure Limits**

Noise type	Hours	Limit (dB(A) Leq)
Industrial noise	07h00 – 21h00	60*
	21h00 – 07h00	55*
Neighbourhood noise	07h00 – 18h00	60
	18h00 – 21h00	55
	21h00 – 07h00	50
Power station noise in residential area	07h00 – 21h00	60
	21h00 – 07h00	55
Power station noise in any other area	At any time	70

\* Apply a tonal character adjustment of +5 dB(A) to the measured value where the noise has a definite continuous note such as a whine or hiss

### 9.3.9 Certification of Environmental Consultants

There is no formal requirement for EIA consultants to be certified in Mauritius. However, the Director will specify in the Terms of Reference, the nature of specialist studies to be undertaken and the level of expertise and qualifications of the consultant who will be signing off the EIA report. Furthermore, the EIA report must contain the name, address and qualifications of the consultants who prepared the EIA.

## 9.4 EIA Procedural Framework in Mauritius

The EIA process, as legislated in the EPA, requires that:

- at the inception stage, i.e. at least three months before submitting the application for an EIA licence, the project developer must inform the Director of the Department of Environment (DoE) by means of a brief document outlining the proposed undertaking, including the location, nature and scope of the project (see Figure 9.2);
- a copy of the project document is sent to all ministries likely to be involved in evaluating the project;
- the Ministry of Environment (MoE) arranges a joint site visit with the EIA committee, the consultants and the project developers;
- the Director then imposes the terms of reference for the EIA report, the fields of study that must be covered, and the levels of expertise and the qualifications of the consultants to sign the report;
- the EIA report is submitted to the Department of Environment and made available for public inspection;
- the DoE requests any additional information from the developer, if necessary;
- The Director may solicit comments from other government departments, enforcing agencies or NGOs;
- the Director of Environment reviews the application and makes a recommendation to the EIA Committee, which reviews the documents and advises the Minister whether or not to grant an EIA Licence and what conditions to attach.<sup>29</sup>

Once the Minister of Environment receives all the relevant information from the EIA Committee he/she can take the decision to grant the EIA Licence. The notice of the decision has to be published in the Government Gazette and in the daily newspapers. If however, the Minister is unable to reach a decision, the EIA report can be referred to the Technical Advisory Committee (section 23(3) of the EPA) for comment.

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<sup>29</sup> Op. Cit. Footnote 1.

If the Director is of the opinion that there is insufficient local expertise or technical knowledge to adequately review the EIA report, consideration can be given to using an external reviewer to assist with the review process.

The detailed steps of the process are described in the following sub-sections and the process is shown schematically in Figure 9.2.

### **9.4.1 Screening**

The Act identifies (in Part A of the First Schedule) categories of minor activities – for example, common undertakings such as poultry-rearing and land parcelling (sub-division) – that require a preliminary environmental report (PER), which is a simplified, short form of an EIA. The Part A list of activities has been revised and came into effect from 1<sup>st</sup> October 2006 and is presented in Appendix 9-1 of this Handbook.

Major undertakings, such as coastal hotels, marinas, jetties etc, that may impact significantly on the environment (specified in Part B of the First Schedule) require a full impact assessment and an EIA Licence. The Part B list of activities is presented in Appendix 9-2 of this Handbook.

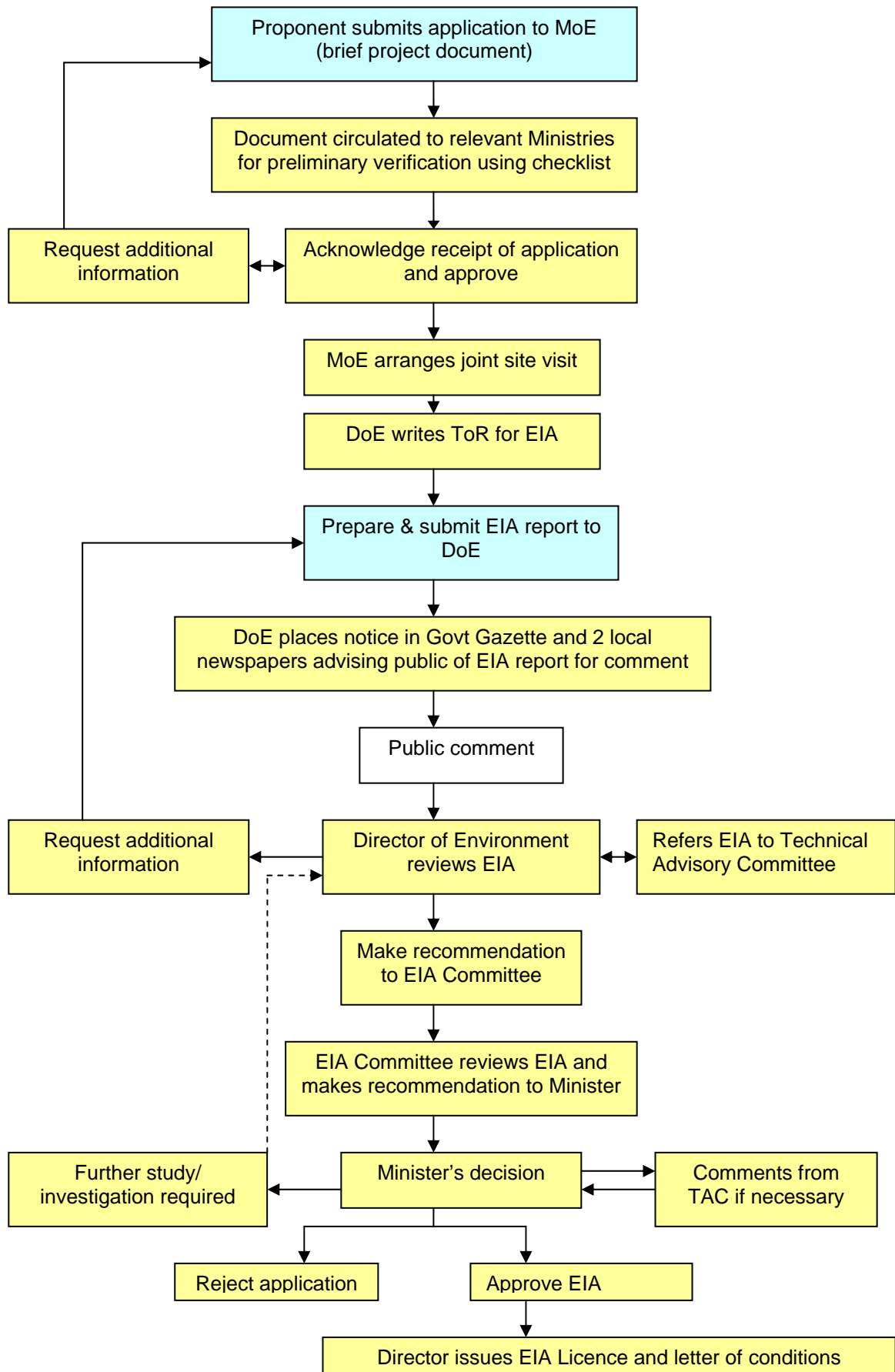
All other activities and projects not on the list are exempt, though the Minister may request the person carrying out or proposing to carry out a project or activity to submit a preliminary environmental report or an application for an EIA licence.<sup>30</sup> The MoE has in fact developed environmental guidelines for a variety of common, small undertakings, listed in Appendix 9-3.

Only new activities are subject to EIA and existing activities continue to operate without being subject to equivalent controls. Additionally, the list of activities subject to EIA is not comprehensive enough to cover all potentially environmentally harmful activities. However, the Director of the DoE may serve a prohibition notice on any enterprise or activity if it presents a serious pollution risk, irrespective of whether it has a licence or permit issued under any environmental law or any other enactment. In such cases the Minister may issue a directive to the operator of the enterprise to submit an EIA – also if there have been substantial changes or modifications to the enterprise, or in the manner in which it is being operated.

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<sup>30</sup> Op. Cit. Footnote 1.

**FIGURE 9.2: EIA PROCESS FLOW DIAGRAM FOR PART B ACTIVITIES**



### 9.4.2 Preliminary Environmental Report

The Preliminary Environmental Report (PER) is a rapid procedure provided for Part A projects by the Act, based on automatic project approval which shifts the burden of rejecting a project onto the Ministry. If no response on a project proposal is forthcoming from the Ministry within **45 days** of submission, it is deemed that the proposal has been approved. However, the report might only be approved under conditions that the Minister of Environment deems appropriate and he might request a full EIA to be carried out.<sup>31</sup>

The PER must contain a description of the undertaking including information on:

- (a) its location and its surroundings;
- (b) its process, design and size;
- (c) any data or information necessary to identify and assess the effects which the undertaking is likely to have on the environment, people and society;
- (d) the measures which the proponent proposes to take to avoid, reduce and, where possible, remedy any significant effect that the undertaking is likely to have on the environment; and
- (e) such other aspects of the undertaking as the Director may require.<sup>32</sup>

The PER must be submitted to the DoE together with:

- (a) a site plan indicating the location of the undertaking;
- (b) a non-technical summary, where the report is prepared by a consultant;
- (c) a certificate issued by a notary expressing his opinion as to the ownership of the land on which the undertaking is to be executed, or where the proponent is not the owner of the land, by a written evidence of the permission of the owner, and a certificate issued by a notary expressing his opinion as to the owner's title.<sup>33</sup>

### 9.4.3 Environmental Impact Assessment

At least 3 months prior to submitting an application for an EIA Licence, a proponent must furnish the Director with an outline of his proposed undertaking, including its location, nature and scope. On the basis of this outline, the Director will develop Terms of Reference for the EIA report, including a list of specialist studies to be conducted and the levels of expertise and the qualifications of the lead consultants.<sup>34</sup>

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<sup>31</sup> Op. Cit. Footnote 1.

<sup>32</sup> S. 16(2) of EPA

<sup>33</sup> S. 16(3) of EPA

<sup>34</sup> S.15 (3) and 15 (4) of EPA.

Section 18(2) of the EPA provides guidelines on the content of an EIA report. This is summarised below:

- the name /address of the proponent;
- the ownership of the undertaking and of the land on which it is being conducted;
- the name, address and qualifications of the consultant who prepared the EIA;
- the precise location and surroundings of the undertaking, the zoning of the site and the number of similar undertakings in the area;
- the principle, concept and purpose of the undertaking;
- the direct or indirect effects that the undertaking is likely to have on the environment;
- an assessment of the social, economic and cultural effects which the undertaking is likely to have on the people and society;
- any actions or measures which the proponent proposes to take to avoid, prevent, change, mitigate or remedy, as far as possible, the likely effects of the undertaking on the environment;
- an assessment of the inevitable adverse environmental effects that the undertaking is likely to have on the environment, people and society, where it is implemented in the manner proposed by the proponent;
- an accurate assessment of the irreversible and irretrievable commitment of resources which will be involved in the undertaking, where it is implemented in the manner proposed by the proponent;
- any alternative manner or process in which the undertaking may be carried out so as to cause less harm to the environment;
- an environmental monitoring plan;
- information pertaining to the decommissioning of the project at the end of its life and associated impacts, proposed measures to return the site as far as possible to its former state, or rehabilitation measures;
- in the case of a new infrastructure proposal, an environmental management plan (EMP) to be implemented during the construction phase; and
- such other information as may be necessary for a proper assessment and review of the potential impact of the undertaking on the environment, people and society.

Section 19(1)(b) of the EPA requires the proponent or the EIA consultant to include all relevant particulars relating to the public consultation process in the EIA report.

Once the EIA report has been completed, the proponent must submit 15 hard copies and one electronic copy of the EIA report to the Director. The reports have to be signed by the developer and all the principal consultants who prepared the report (s. 19(1)). The report also has to be accompanied by:

- Proof of ownership of the undertaking;
- A site plan signed by a land surveyor;
- An executive summary of the report;
- A certificate issued by a notary regarding the ownership of the land.<sup>35</sup>

The Act also clarifies the position regarding the provision for exempt activities. This provision (s. 17(1)) allows the Minister to request a proponent to submit an EIA in respect of any activity that, although unlisted, is likely to have major impacts on the environment. Finally, the Act stipulates that any EIA licence will lapse if the project is not implemented within two years from the date of issue.

Once the EIA has been submitted, it is open for public inspection at the DoE and at the municipal offices for the area in which the proposed development will take place. Notices to this effect are placed by the Director in two issues of the Government Gazette and two daily newspapers with an interval of 7 days between each publication. The notice must include a summary description of the project, the project location, the location where the EIA report may be inspected and the closing date for public comment. The law allows a period of **28 days** from the date of first publication for public comment, but the Director can extend this time if necessary (s.20(4)). The Director may also publish all or part of the EIA report on the Internet.

#### 9.4.4 Review and Approval of the EIA Report

Once the Director receives the EIA Report, he must review it and send it together with any comments to the EIA Committee no later than **42 days** after the expiry date for public comments. The Director may also make use of any of the following:

- Request observations and comments on the EIA in writing from any public department, enforcing agency or NGO;
- Set up a technical committee to advise him on any aspect of the undertaking and EIA;
- Ask the proponent to carry out further studies or to submit additional information to ensure that the EIA is as comprehensive as possible (Figure 9.2).

Once the Director has received all comments, he will pass the EIA Licence application and all related documentation to the EIA Committee, which will examine the application and make recommendations to the Minister within **14 days** of receiving the documentation from the Director.

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<sup>35</sup> S. 18(1)(c) of EPA.

The Minister will make his decision on the application within **14 days** of the receipt of the recommendations from the EIA Committee. The Minister may then:

- Approve the issuing of an EIA Licence with terms and conditions as required; or
- Reject the application; or
- Refer the application to a Technical Advisory Committee for comments within **14 days** (Figure 9.2).

In considering the approval of an EIA, the Minister and his advisors will take into account:

- (a) the environmental factors considered in the EIA;
- (b) the measures proposed to avoid or minimise adverse effects on the environment, people or society;
- (c) the alternatives proposed in the EIA;
- (d) such other matters that may be relevant in weighing the significance or insignificance of the potential environmental impact of the undertaking.

#### **9.4.5 Monitoring and Enforcement**

The lack of enforcement of environmental laws has historically, been a problem. This has been due to a shortage of staff, as well as a lack of understanding, awareness and sense of urgency on the part of the enforcement institutions. To remedy this situation, the Ministry of Environment, in collaboration with the Mauritius Police Force, created the *Police de l'Environnement* on 1 December 2000. This unit comprises 15–18 Police Officers under the charge of an Inspector. The mission of this unit is the protection of the environment through enforcing environment legislation and assisting the Ministry of Environment and other enforcing agencies in their work.

In addition, a post-EIA Monitoring Unit exists, which follows up on compliance with the conditions under which the EIA certificate is issued.<sup>36</sup>

#### **9.4.5 Appeals**

In terms of section 54(2) of the EPA, an appeal can be lodged against any of the Minister's decisions relating to the granting, refusal, conditions relating to these, and enforcement of preliminary environmental reports and EIAs with the Environment Appeal Tribunal (EAT). The appeal should be lodged within **30 days** of the decision being published in the Government Gazette. The Tribunal consists of a Chairman – a barrister at law of not less than ten years standing and appointed by the Public Service Commission – as well as other members

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<sup>36</sup> Op. Cit. Footnote 1.

appointed by the Minister, with at least three years' experience in a field related to the protection and management of the environment. The decision taken by the Tribunal will be communicated to the Minister. In addition, if any objection on a point of law does exist in the judgment of the Tribunal, an appeal can be made through the Supreme Court.<sup>37</sup>

## 9.5 Other Relevant Environmental Legislation in Mauritius

Environmental issues cut across a wide variety of sectors and, under the current situation, there are numerous pieces of legislation in Mauritius, which have a bearing on the environment and should be considered in EIA decision making. The sectors, titles of the legislative instruments, the responsible agency and the purpose of the legislation are summarised in Table 9.13.

**Table 9.13: Other Potentially Applicable Sectoral Requirements**

Information Required	Responsible Agency	Title and Date of Document	Purpose
Water Resources (use of)	Min of Housing	Water Supply for Domestic Purposes Regulation, 1992 of Act 4 of 1985	Regulation of drinking water quality
	MoE	Environment Protection (Drinking Water Standards) Regulations Gov Notice No 55 of 1996	
		Groundwater Act, 1982 and Regulations of 1973	
Effluent disposal	Ministry of Public Utilities/Waste Water Management Authority	Waste Water Management Authority Act, 2000	Sets up the Waste Water Management Authority
	MoE	Various Regulations (see section 9.3.3)	Several regulations have been made regulating the discharge of effluent into inland water bodies and the ocean
		Rivers and Canals Act, 1863	Prohibits pollution of rivers, streams and canals. This Act is outdated and needs revision.
		The Marine Pollution Bill, 2004	The Bill incorporates the obligations under MARPOL, CLC, FUND, OPRC and UNCLOS. The final draft of the Bill is at the Attorney General's office for vetting.
Noise	Local Authorities	Noise Prevention Act of	Provisions for noise control

<sup>37</sup> Op. Cit. Footnote 1.

Information Required	Responsible Agency	Title and Date of Document	Purpose
	MoE	1988 Environment Protection (Standards for Noise) Regulations, 1997	Regulations for noise emissions and standards.
Waste	MoE	Waste Audit Regulations (draft)	Will cover waste inventories, development and implementation of EMP and establish design criteria for waste disposal sites
	Min. of Health and Quality of Life	Public Health Act (Disposal of Refuse) Regulations of 1984	Covers the disposal of refuse and hazardous waste.
	Min. of Local Government or local authorities	Local Government Act of 1989 and associated Regulations, 1997	Solid waste disposal, other than hazardous waste
	MoE	Hazardous Waste, Regulations of 2002	Regulation of hazardous waste not covered by the Pesticides Control Act of 1925
Air Quality	Ministry of Health and Quality of Life and the Director of Environment	The Environment Protection (Standards for Air) Regulations, 1998	Sets up the national environmental standards for the emission of pollutants into the atmosphere and all factories in Mauritius have to comply with the standards.
Radiation		Radiation Protection Act, 1992	Controls radiation sources, radioactive substances, their importation into the country and storage of radioactive materials.
Planning and Zoning	Local authority &/or Min. of Public Infrastructure, Land and Transport	National Physical Development Plan (NDPD) and Outline Schemes. <sup>38</sup>	A Development Permit is required in terms of the NPDP. Development is defined as building operations, change in the use of land or buildings, or the subdivision of land.
	Town and Country Planning Board (of the Min. of Housing and Lands)	Town and Country Planning Act, No 6 of 1954	A Zoning/Re-zoning Certificate is required in terms of the Act.
Conservation	Min. of Agriculture, Food Technology and Natural Resources	Wildlife and National Parks Act, No 13 of 1993 Wildlife Regulations, 1998	Regulations for the protection of Mauritian native fauna and flora and the creation of national parks. Permit required to sell, export, import and exhibit any listed wildlife species.
	Ministry of Fisheries and Marine Resources	Fisheries and Marine Resources Act, 1999, as amended by Act 21 of 2002 and Act 10 of 2005 Fisheries Regulations	This Act gives power to the Minister to prescribe measures for the protection and management of fisheries and marine resources including the fishing by certain means in certain areas and during certain times of the year. Regulations have been made relating to gill net prohibition, reserved access on Rodrigues, toxic fish, vessel monitoring etc.
		Maritime Zone Act, 2005	Defines the maritime zone and Mauritian rights to marine resources

<sup>38</sup> See Footnote 24.

Information Required	Responsible Agency	Title and Date of Document	Purpose
	Ministry of Environment  National Parks and Conservation Service	Wetland Bill	Provides for the application of the principles of the Ramsar Convention, the wise use of wetlands and the prohibition of activities which may be detrimental to wetlands. Also makes provision for lists of threatened wetlands and catchments.
Agricultural and Land	Min. of Agriculture, Food Technology and Natural Resources	Pesticides Control Act, 1972 (repealed, see below) and Pesticides Control (Restricted Pesticides) Regulations, 1982  Dangerous Chemicals Control Act, 2004 (repeals Pesticides Control Act, 1972)  Chemical Fertilisers Control Act, 1981	Controls and regulates dangerous chemicals and emissions; sets up a regulatory board and establishes enforcing agencies.  Controls the sale, use and composition of fertilisers
Tourism	Tourism Authority	The Tourism Act, 2004	The objective of the Act is to optimise the social, economic and environmental benefits of tourism in Mauritius.

## APPENDIX 9-1

LIST OF UNDERTAKINGS REQUIRING A  
PRELIMINARY ENVIRONMENTAL REPORT

As per the FIRST SCHEDULE, Section 15(2)

## PART A

1. Construction of helipads
2. Coral crushing and processing
3. Creation of bathing areas by mechanical means
4. Depot for 50 buses or more
5. Discotheque and night-club
6. Food processing industry, excluding small and medium enterprises
7. Foundry, smelting plant or metallurgical work
8. Galvanising industry
9. Industrial-scale laundry and dry-cleaning within 1 kilometre from high water mark
10. Land reclamation and backfilling
11. Manufacture of animal feed
12. Manufacture of ceramics
13. Manufacture of paint, pigment and varnish
14. Manufacture of photographic films
15. Manufacture of plastics and plastic products
16. Manufacture of rubber products
17. Mechanical removal of marine flora such as sea grasses and marine algae
18. Parcelling out of land above 5 hectares for agricultural purposes involving infrastructural work
19. Quarantine station for livestock
20. Ready-mix concrete plant
21. Rearing of livestock including cattle, goat, pig and sheep
22. Rearing of poultry above 5000 heads
23. Recycling plant
24. Rendering plant
25. Sawmill
26. Slaughter house
27. Textile industry associated with washing, bleaching and printing
28. Timber treatment plant

## APPENDIX 9-2

# LIST OF UNDERTAKINGS REQUIRING AN ENVIRONMENT IMPACT ASSESSMENT

As per the FIRST SCHEDULE, Section 15(2)

## PART B

1. Asphalt plant
2. Assembly of motor vehicles
3. Block making plant manufacturing above 10,000 blocks per day
4. Bulk processing, storage and handling of petroleum products, liquefied gas, coal and petro-chemical products
5. Clinic and hospital, including animal hospital
6. Construction of airports and runways
7. Construction of breakwaters, groins, jetties, revêtements and seawalls
8. Construction of dam and dyke
9. Construction of marinas
10. Conversion of forest land to any other land use
11. Creation of, and/or development on, barachois
12. Desalination plant
13. Distillery
14. Dye house
15. Fishing port
16. Golf course
17. Harbour dredging operation, construction and development
18. Highway and mass transit system
19. Hotel and Integrated Resort Scheme, including extension, with first boundary within 1 kilometre from high water mark
20. Housing project and apartments above 50 units within 1 kilometre from high water mark
21. Incineration of municipal solid waste, quarantine waste, medical and clinical wastes
22. Industrial manufacture of beer, wine and spirit
23. Lagoon dredging and re-profiling of sea beds
24. Land clearing and development, including installation of high tension lines in environmentally sensitive areas such as water catchment areas, waterlogged areas, wetlands, mountain slopes and islets.
25. Landfill
26. Manufacture of batteries

27. Manufacture of dangerous chemicals, chemical fertilizers and pesticides
28. Manufacture of lime
29. Manufacture and packing of cement
30. Manufacture of pharmaceutical products
31. Modification of existing coastline such as beach re-profiling, coastal protection works and removal of basaltic and beach rock
32. Municipal wastewater treatment plant
33. Offshore sand mining
34. Parcelling out of land above 5 hectares:
  - (a) other than by way of division in kind among heirs;
  - (b) to be allocated to persons other than such persons as may be approved by the Minister responsible for the subject of agriculture and who are:
    - (i) occupiers of housing units forming part of sugar estate camps owned by sugar millers or sugarcane planters;
    - (ii) occupiers of housing units forming part of tea estate camps;
    - (iii) workers affected by the closure of a sugar factory; or
    - (iv) workers opting for the Voluntary Retirement Scheme
35. Petroleum refinery
37. Power generating plants
38. Pulp and paper manufacture
39. Rearing of monkeys
40. Rock quarrying
41. Sea outfall
42. Shipyard and dry dock
43. Stone crushing plant
44. Sugar factory or refinery
45. Tannery and leather finishing
46. Transfer station for solid waste
47. Used or waste oil treatment and disposal

## APPENDIX 9-3

LIST OF ENVIRONMENTAL GUIDELINES FOR  
NON-SCHEDULED UNDERTAKINGS UNDER  
EPA 2002

1. Poultry rearing below 5000 heads
2. Assembly of batteries
3. Cold rooms and refrigeration plants
4. Bus depot of less than 50 buses
5. Bakery
6. Demolition of buildings
7. Multi-purpose hall, including wedding hall
8. Filling station
9. Inland hotel
10. Food processing for small and medium enterprises
11. Food Canning Industry
12. Mirror Manufacture
13. Processing, bottling and canning of beverages, syrup and water
14. Pesticides formulation and packing
15. Refining and processing of edible oils and fats
16. Wastewater Treatment Plant
17. Re-treading of tyres
18. Traffic Centre
19. Residential Care Home
20. Manufacture of polyurethane foam
21. Nautical Centre
22. Block making plant manufacturing up to 10,000 blocks per day
23. Undersea walk
24. Electroplating
25. Bulk storage of pesticides and dangerous chemicals
26. Manufacture of soap and detergents
27. Timber warehousing
28. Decommissioning of wastewater treatment plant

## ACRONYMS

<b>CLC</b>	International Convention on Civil Liability for Oil Pollution
<b>DoE</b>	Department of Environment
<b>EAT</b>	Environmental Appeals Tribunal
<b>ECC</b>	Environment Co-ordination Committee
<b>EIA</b>	Environmental Impact Assessment
<b>EPA</b>	Environment Protection Act
<b>FUND</b>	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage
<b>GOM</b>	Government of the Republic of Mauritius
<b>I&amp;APs</b>	Interested and Affected Parties
<b>ICZM</b>	Integrated Coastal Zone Management
<b>MARPOL</b>	International Convention for the Prevention of Pollution from Ships
<b>MoE</b>	Ministry of Environment
<b>NDS</b>	National Development Strategy
<b>NDU</b>	National Development Unit
<b>NEAP</b>	National Environment Action Plan
<b>NEP</b>	National Environmental Policy
<b>NGO</b>	Non-Government Organisation
<b>NPCS</b>	National Parks and Conservation Service
<b>OPRC</b>	Oil Pollution Preparedness, Response and Co-operation
<b>PER</b>	Preliminary Environmental report
<b>PM<sub>10</sub></b>	Particulate matter less than 10 microns in size
<b>ppb</b>	Parts per billion
<b>ppm</b>	Parts per million
<b>SEA</b>	Strategic Environmental Assessment
<b>SIDS</b>	Small Island Developing States
<b>TAC</b>	Technical Advisory Committee
<b>TOR</b>	Terms of Reference
<b>UNCLOS</b>	United Nations Convention on the Law of the Sea
<b>µg/m<sup>3</sup></b>	Micrograms per cubic metre

## USEFUL CONTACTS

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