

Government Notice No. 74 of 2010

THE ENVIRONMENT PROTECTION ACT

Regulations made by the Minister under section 96((1) and (2)(d)) of the Environment Protection Act

1. These regulations may be cited as the Environment Protection (Designated National Authority) Regulations 2010.

2. In these regulations –

“Act” means the Environment Protection Act;

“CDM” means the Clean Development Mechanism referred to in Article 12 of the Kyoto Protocol;

“CDM project” means a Clean Development Mechanism project proposed or established under the rules adopted under the UNFCCC and the Kyoto Protocol;

“Chairperson” means the Chairperson of the National CDM Committee;

“Department” means the Department of Environment referred to in section 8 (1) of the Act;

“Designated Operational Entity” means a validator appointed by a project participant and accredited by the Executive Board of the CDM;

“DNA” means the Designated National Authority of the Republic of Mauritius referred to in regulation 3;

“Executive Board” means the Executive Board of the Clean Development Mechanism established under Article 12 of the Kyoto Protocol;

“Kyoto Protocol” means the Protocol to the UNFCCC adopted at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change in Kyoto, Japan on December 11, 1997;

“letter of approval” means a letter approving a CDM project;

“letter of no objection” means a letter encouraging a project participant to proceed with his CDM project on the basis that it is likely to achieve approval, but is not binding in nature;

“National CDM Committee” means the Committee referred to in regulation 6;

“PDD” means the Project Design Document, validated by a Designated Operational Entity;

“PIN” means a Project Identification Note;

“project participant” means any person or entity applying for a letter of approval or a letter of no objection for a CDM Project;

“UNFCCC” means the United Nations Framework Convention on Climate Change adopted in New York in 1992;

“validation” means the validation of the CDM project by a Designated Operational Entity, as required under the Kyoto Protocol.

3. (1) The Department is hereby designated as the Designated National Authority of the Republic of Mauritius, which shall –

- (a) be responsible for the approval of CDM projects; and
- (b) exercise the powers of a designated national authority as authorised in the Kyoto Protocol.

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- (2) The Department shall, in the exercise of its functions –
- (a) assist a project participant in applying for any proposed CDM project;
 - (b) identify CDM project opportunities with other agencies so as to attract investment in Mauritius;
 - (c) facilitate the effective and beneficial participation of the private and public sector entities in the activities of the CDM in Mauritius;
 - (d) establish links with the administrative bodies of the CDM, including its Executive Board;
 - (e) establish and maintain a register of all CDM projects approved by the DNA and validated or certified in terms of the Kyoto Protocol;
 - (f) fulfil such other requirements as provided under the UNFCCC and Kyoto Protocol; and
 - (g) report on any CDM projects and other related activities to the Minister.

4. No person shall carry out a CDM project in Mauritius unless he is issued with a letter of no objection or a letter of approval, as the case may be.

5. (1) Subject to paragraph (2), a person or entity may apply for a letter of no objection or a letter of approval to the DNA in the form set out in the First Schedule and the application shall be accompanied by –

- (a) a PIN in the form set out in the Second Schedule;
- (b) a performance summary in the form set out in the Third Schedule; and

(c) such other information as the DNA considers appropriate.

(2) In applying for a letter of no objection or a letter of approval, a project participant shall comply with the procedures specified in the Fourth Schedule.

(3) The DNA shall forward any application made under paragraph (1) to the National CDM Committee for its recommendations.

(4) The DNA may grant or reject an application made under paragraph (1).

(5) Where the DNA is satisfied that the CDM project complies with the sustainable development criteria and indicators specified in the Fifth Schedule, it may, upon the recommendations of the National CDM Committee, grant the application.

(6) Where an application has been granted under paragraph (5), the Director –

(a) shall issue to the project participant, a letter of approval or a letter of no objection, as the case may be, in the form set out in the Sixth or Seventh Schedule, respectively; and

(b) may impose such terms and conditions as he considers appropriate.

(7) where the DNA rejects an application, the Director shall, by registered post and within 7 working days of the decision, notify the project participant in writing of that decision and the reasons thereof.

(8) Where a project participant is dissatisfied with the decision of the DNA, he may appeal to the Minister, in such form and manner as the Minister may determine.

(9) An appeal under paragraph 8 shall –

(a) be made in writing within 21 days from the date of receipt of notice of the decision of the DNA; and

(b) contain the grounds of appeal.

(10) (a) The Minister may, within 30 working days from receipt of the appeal, confirm, reverse or alter the decision of the DNA.

(b) The decision of the Minister shall be forthwith notified to the project participant, by registered post.

6. (1) There shall be, for the purposes of these regulations, a National CDM Committee, which shall –

(a) examine any application for a letter of no objection or a letter of approval for a CDM project; and

(b) make recommendations to the DNA regarding the application, in such manner as it considers appropriate.

(2) The National CDM Committee shall, while examining an application, take into account the sustainable development criteria and indicators specified in the Fifth Schedule.

(3) The National CDM Committee shall consist of –

(a) a Chairperson, who shall be the Director;

(b) a representative of the Ministry responsible for the subject of finance;

- (c) a representative of the Ministry responsible for the subject of renewable energy and public utilities;
 - (d) a representative of the Ministry responsible for the subject of industry;
 - (e) a representative of the Ministry responsible for the subject of local government;
 - (f) a representative of the Ministry responsible for the subject of agriculture; and
 - (g) a representative of the Board of Investment.
- (4) The Permanent Secretary shall appoint –
- (a) an officer of the Department to act as Secretary to the National CDM Committee;
 - (b) such other officers of the Department as may be necessary to assist the National CDM Committee in the exercise of its functions.
- (5) The Chairperson may co-opt such other person who may be of assistance in relation to any matter before the CDM Committee and the co-opted member shall have no right to vote.
- (6) Four members shall constitute a quorum at any meeting of the National CDM Committee.
- (7) The National CDM Committee shall regulate its meetings and proceedings in such manner as it thinks fit.

Made by the Minister on 4 March 2010.

FIRST SCHEDULE

[Regulation 5(1)]

**APPLICATION FORM FOR LETTER OF APPROVAL
OR LETTER OF NO OBJECTION**

Project reference number (office use only)	
Date received (office use only)	

SUBMISSION OF CDM PROJECT**NOTES ON COMPLETING THIS APPLICATION FORM**

- Please provide this application form in both hard copy (one copy) and electronic formats (MSWord)
- Please ensure that all fields are filled in as far as possible to allow for proper consideration of the proposed Project. Please indicate if information is not available for any particular item and reasons for the unavailability of information.
- Please attach any other permits or authorizations that may be of relevance to the submission (such as Environmental Impact Assessment records of decision).

Project Participant**PROJECT DETAILS**

Project Name	
Submission of: (please put an X in the appropriate box)	Project identification Note (PIN) and/or
Note: this application form must be accompanied by the completed PIN or PDD	Project Design Document (PDD)
Date of submission	dd/mm/yy
Has this project been reviewed previously by the DNA?	Yes/No If yes – please give date of initial submission, whether it was a request for final approval or letter of no-objection, and summarise outcome of the DNA review (1-2 lines).

Project Location	Please give address
Type of Project	Please select from the following (<u>underline</u>): <ul style="list-style-type: none"> • Energy supply • Energy demand • Industrial processes • Transport • Waste managment • Forestry/land use • Other (please specify)
Greenhouse Gases Targeted	Specify – and provide estimated emissions reductions of each to be provided by the project (tonnes)
Project start date	
Project end date	
First year of CER delivery	
Total CDM Contribution Sought (rupees)	Give figure as total amount and as % of total costs of project
Name of organisation	
Organisational category	Select most applicable (<u>underline</u>): <ul style="list-style-type: none"> • National Government • Government Agency • Provincial Government • Local authority • Private Company • Non-Governmental Organisation • Other (specify)
Address	
Postal address (if different from above)	
Contact person(s)	
Email address(s)	

Telephone numbers	Office: Cell:
Fax Number(s)	
PROJECT PARTNERS	
Name(s) of organisation	
Organisational category	Select most applicable (underline): <ul style="list-style-type: none"> • National government • Government agency • Provincial Government • Municipality • Private company • Non-governmental organisation • Other (specify)
Postal Address	
Contact Person(s)	
Email Address(s)	
Telephone Number(s)	Office: Cell:
Fax Number(s)	

SECOND SCHEDULE

[Regulation 5(1)(a)]

PROJECT IDENTIFICATION NOTE (PIN)

Project reference number (office use only)	
Date received (office use only)	

NOTES ON COMPLETING THIS PROJECT IDENTIFICATION NOTE

- Please provide this PIN in both hard copy (one copy) and electronic formats (MS Word)
- The information submitted to the DNA in this PIN will remain confidential.
- Please ensure that all fields are filled in as far as possible to allow for proper consideration of the proposed Project.
- Please indicate if information is not available for any particular item and reasons for the unavailability of information.

PART 1: PROJECT PARTICIPANT DETAILS

Project Name	
Date of submission of PIN	

Project Participant	
Name	Name of project company / participant (Note: this is the name of the project owner NOT the name of any other party acting on behalf of the project owner)
Organisational category	Select most applicable: National government / government agency / provincial government/ municipality / private company / non-governmental organisation / other (give details)
Legal status	For example: privately held company / limited company/ limited partnership etc.
Address	
Postal address (if different from above)	

Website address	
Main activities (Not more than 1 paragraph)	
Summary of financial performance in last fiscal year	Summarise financials (total assets, revenues, profits etc) in 5 lines or less
Contact Person(s)	
Telephone	Work: Cell:
Fax	
Email address	
Contractual Arrangements	
Contractual arrangements between various entities involved	Provide a brief description of the contractual and/or legal relationship(s) between the various key business entities including owner(s) of the future CERs. (If applicable)

PART 2: PROJECT OVERVIEW (TECHNICAL SUMMARY, LOCATION AND SCHEDULE)

Technical Summary of the project	
Objective of the Project	Describe in less than 5 lines
<p>Project Description Present a brief description of the project (approximately ½ page A4) Identify the main processes and activities involved in the project. A flow diagram showing the processes/materials and/or products involved may be used to complement the description (over and above the ½ page A4).</p>	

Technical Summary of the project	
Project Constraints Are there any constraints affecting project operations or commissioning? (Brief description : 1 paragraph or less) Note: these may be due to energy supply, infrastructure, other resources etc.	
Technology to be employed	Describe in less than 5 lines. Is the technology one that has been previously tried and tested in Mauritius or internationally? If yes, provide details (1 paragraph) Have the project operators had any previous experience or expertise with operating the technology? If yes – provide brief details (1-2 lines)
Greenhouse gases targeted	Identify which greenhouse gas(es) this Project will target. [Note: CDM projects must result in a reduction of one of the following greenhouse gases: CO ₂ / CH ₄ / N ₂ O / HFCs/ PCFs/ SF ₆]
Emission reductions	Indicate the expected emission reductions that will occur due to the project. [Note: please provide annual and total emission reductions in tonnes CO ₂ equivalent]
Baseline and additionality assessment	Provide an indication of the baseline and additionality approach to be used, with a brief explanation of why the Project is additional as defined under the Kyoto Protocol.
Monitoring	Describe the parameters that will be used as performance indicators that will be monitored to verify that emissions reductions are taking place. [Note: parameters may include emissions output, energy production, energy sales, environmental impacts etc.]

Technical Summary of the project	
Type of project/activities	Identify which type of activity is involved in this project and for each, provide brief details
(a) Energy Supply	Select if applicable: renewable energy (excluding biomass)/ biomass/ cogeneration/ improving energy efficiency by replacing existing equipment/minimization of transport and distribution/ fuel switch/ other Provide details (1-2 lines)
(b) Energy Demand	Select if applicable: Replacement of existing household equipment/ improvement of energy efficiency of existing production equipment/ other Provide details (1-2 lines)
(c) Industrial process	Provide details (1-2 lines)
(d) Transport	Select if applicable: More efficient engines for transport/ modal shift/ fuel switch/ other Provide details (1-2 lines)
(e) Waste management	Select if applicable: Capture of landfill methane emissions/ utilisation of waste and waste water emissions/ other Provide details (1-2 lines)
(f) Forestry/land use	Provide details (1-2 lines)
(g) Other	Provide details (1-2 lines)

Technical Summary of the project	
<p>Project Boundary Define the project boundary (approximately 1 paragraph) [Note: A project boundary refers to all emissions which are under the control or directly affected by the CDM project activity. Such a boundary can encompass equipment, processes and process flows.]</p>	
Indicate Emissions outside the project boundary	[Note: Significant and measurable net emissions of GHG that are attributable to the project outside of the project boundary]

Location of the Project	
Province	
Municipality	
Nearest city/large town	
Brief description of the location of the project site	Not more than 3-5 lines

Project schedule/timetable	
Earliest project start date	Year/month
When is the expected first year of CER delivery	Year
Project lifetime	No. of years
Project end date	Year/month
Crediting period	Has a crediting period for the project been identified? If yes – which option has been selected (10 years or X times 7 years, with reassessment of baseline for each 7 year renewal?)

Project schedule/timetable	
Current status or phase of the project	<p>Select most applicable – Under discussion/planning/preparation/construction or other actions already commenced/ other (explain)</p> <p>Please provide brief details (1-2 lines)</p>
DNA approval	<p>Has this project been submitted to the DNA for approval previously?</p> <p>If yes – provide date of last submission and brief details of the response from the DNA (1 paragraph)</p> <p>Provide details of any other official response by the DNA regarding this project</p>
Approval by other bodies	<p>Has this project (or any elements of the project) been submitted to any other national or local government departments or agencies for regulatory or legal approval (excluding EIA process – see Part C)? If so, provide brief details.</p>

THIRD SCHEDULE
[Regulation 5(1)(b)]
PERFORMANCE SUMMARY

Fill in the sections in the column marked **

Criteria	Indicators	Project participant's assessment**	Office use	
Economic	1.0	Does the proposed CDM project contribute to economic development in Mauritius?		
	1.1	Impact of the project on direct employment		
	1.2	Impact of the project on indirect employment		
	1.3	Sustainability of Balance of Payments	Impact of the project on foreign exchange requirements	
			Impact of the project on foreign direct investment	
	1.4	Hard currency expenditures on technology, replicability and contribution to technological self-reliance	Demonstration and replication potential of the project	
			Positive or negative implications for the transfer of technology to Mauritius arising from the project	
	1.5	Impact of the project on energy	Reducing the burden on the imports of energy / security of energy supply	
			Reduction of energy intensity (energy used per unit product)	
			Increasing share of renewable energy in energy supply	
	1.6	Impact of the project on growth and linkages leading to higher contribution to GDP		
	1.7	Impact of the project on investment in priority sectors		
	1.8	Impact of the project on Micro-Economy	Impact of the project on existing economic activity in the area	
			Impacts of the project on local skills development	
	1.9	Impact of the project on industrial competitiveness		

Criteria	Indicators		Project participant's assessment ^{1,2}	Office use	
Social	2.0	Does the project contribute to social development in Mauritius?			
	2.1	Impact of the project on Employment quality/levels	Number of jobs created/lost		
			Duration of time employed		
			Distribution of employment opportunities		
			Types of employment		
			Changes in skill levels		
			Promotion of gender equity		
	2.2	Impact of the project on welfare	Improvement of Infrastructure		
			Poverty alleviation		
			Access to affordable clean energy services		
			Improvement of quality of life and well-being		
	2.3	Impact of the project on human capacity	Empowerment /community participation		
Education/Transfer of technical skills					
Gender equality					
2.4	Impact of the project on health/reduction of health hazards				
Environmental	3.0	Does the project protect the environment? Are disturbances and losses avoided, or where they cannot be avoided, are they minimised and remedied in a responsible manner?			
	3.1	Impact of the project on air quality			
	3.2	Impact of the project on Land	soil condition – soil pollutants, erosion and land use changes)		
			solid waste – generation and disposal		
	3.3	Impact of the project on water resources	water quantity – availability and access		
			water quality		
3.4	Impact of the project on conservation / contribution to biodiversity				

Criteria	Indicators		Project participant's assessment	Office use
Environmental	3.5	Impact of the project on any other pollutants – including solid, liquid and gaseous wastes		
	3.6	Impact of the project on the efficiency and sustainability of use of natural resources		
	3.7	Any other positive or negative environmental impacts of the project	noise	
			safety	
			visual impacts / landscapes	
Traffic				
		others (e.g. heat, electromagnetic radiation, etc)		
Others	4.0	Other Impacts		
	4.1	Support for corporate social responsibility activities derived from the CDM project activity		
	4.2	Contribution of the project to any government or specific sectoral objectives		
	4.3	General Project Acceptability	Reasonable and fair distribution of project benefits	
Alignment with the spirit of the Kyoto Protocol				

FOURTH SCHEDULE

[Regulation 5(2)]

**PROCEDURES FOR APPLICATION OF LETTER OF
NO OBJECTION AND LETTER OF APPROVAL**

1. APPLICATION FOR LETTER OF NO OBJECTION

(1) A project participant may request for a letter of no objection from the DNA for a proposed project prior to its validation by the Designated Operational Entity.

(2) The request shall be in writing and shall be accompanied by the completed application form set out in the First Schedule, the appropriate PIN set out in the Second Schedule and the performance summary set out in the Third Schedule.

(3) The DNA shall issue a notice or letter acknowledging the procedural correctness of the application submitted for a letter of no objection within 10 working days of receipt of the application.

(4) The request may be made at any time before an EIA, if required, is prepared.

(5) The DNA may refer the application back to the project participant for further information, documentation, or action, in which case the project participant must submit a fresh application in the form and manner specified under subparagraph (2).

(6) Where the Director is satisfied that the project participant has submitted all documents required under subparagraph (2), he shall, within 10 working days of the notice or letter of acknowledgement under subparagraph (3), constitute the National CDM Committee.

(7) On receipt of a request, the National CDM Committee shall evaluate the documents submitted against the sustainable development criteria and indicators set out in the Fifth Schedule and shall, within a reasonable period, issue a written recommendation to the Director.

(8) The Director shall, within 7 working days of receipt of the recommendation of the National CDM Committee, notify his final decision on the application of the letter of no objection to the project participant, by registered post.

(9) The Director may also reject the application, giving reasons for the rejection.

2. APPLICATION FOR LETTER OF APPROVAL

A project participant applying for a letter of approval to the DNA shall complete and submit his application in the form set out in the First Schedule and it shall be accompanied by –

- (a) the appropriate PIN set out in the Second Schedule;
- (b) the performance summary set out in the Third Schedule;
- (c) a certificate of validation of the CDM project which may be conditional upon approval being granted;
- (d) the PDD;
- (e) an EIA Licence, in the event of the CDM project being required to undergo an EIA as provided for in the Act; and
- (f) documentary evidence of local public consultation made in relation to the CDM project.

3. PROCEDURE APPLICABLE FOR LETTER OF APPROVAL

(1) The DNA shall issue a notice or letter acknowledging the procedural correctness of the application submitted for a letter of approval within 10 working days of receipt of the application.

(2) The DNA may refer the application back to the project participant for further information, documentation, or action, in which case the project participant must submit a fresh application in the form and manner specified under paragraph 2.

(3) Where the Director is satisfied that the project participant has submitted all documents required under paragraph 2, he shall, within 10 working days of the notice or letter of acknowledgement sent under subparagraph (1), constitute the National CDM Committee.

(4) The National CDM Committee shall evaluate the project on the basis of the documents submitted, and as tested against the sustainable development criteria set out in the Fifth Schedule.

(5) The National CDM Committee may request technical advice from such experts as it may wish to consult during the process of the project evaluation, including the hiring of consultants to undertake site visits, as and when necessary.

(6) The National CDM Committee reserves the right to request for any additional information as it deems reasonable from the project participants in order to validate the accuracy of the information submitted and to convene the project participant for a technical presentation of the CDM project.

(7) Subject to subparagraph (5), the National CDM Committee shall, within 3 weeks, issue a written recommendation to the Director.

(8) The Director shall, within 7 days of receipt of the recommendations of the National CDM Committee, notify the project participant of the final decision by registered post.

(9) Where a project is judged to be contrary to the spirit of the Kyoto Protocol or to the Government policy, the DNA reserves the right to reject the project approval until such time as suitable alterations are made to the project design.

FIFTH SCHEDULE
 [Regulations 5(5) and 6(2)]

**SUSTAINABLE DEVELOPMENT CRITERIA
 AND INDICATORS FOR THE CDM**

(1) The DNA and the National CDM Committee shall consider each project application against the sustainable development criteria and indicators listed below and shall make an assessment of whether, on balance, the project supports any sustainable development in the country.

(2) The DNA and the National CDM Committee shall, while evaluating the proposed CDM project, consider whether the project conforms to the principles of sustainable development of Mauritius.

Sustainable Development Indicators

Criteria	Indicators			
E C O N O M I C	1.0	Does the proposed CDM Project contribute to economic development in Mauritius?		
	1.1	Impact of the project on direct employment		
	1.2	Impact of the project on indirect employment		
	1.3	Sustainability of Balance of Payments	Impact of the project on foreign exchange requirements, e.g. reduction in import of fossil fuels	
			Impact of the project on foreign direct investment	
	1.4	Hard currency expenditures on technology, replicability and contribution to technological self-reliance	Positive or negative implications for the transfer of technology to Mauritius arising from the project	
			Demonstration and replication potential of the project, where applicable	
	1.5	Impact of the project on energy	Reducing the burden on the imports of energy/security of energy supply	
			Increasing share of renewable energy in energy supply	
	1.6	Impact of the project on investment in priority sectors		

Criteria	Indicators		
S O C I A L	2.0	Does the project contribute to social development in Mauritius?	
	2.1	Impact of the project on employment quality/levels	Number of jobs created/lost
			Types of employment created/lost
			Distribution of employment opportunities
			Local skills development
	2.2	Impact of the project on quality of life	Improvement of infrastructure
			Poverty alleviation
			Access to affordable clean energy services
			Improvement of quality of life and well-being
	2.3	Impact of the project on Community Development	Empowerment / community participation
Education/transfer of technical skills			
E N V I R O N M E N T A L	3.0	Does the project protect the environment? Are disturbances and losses avoided, or where they cannot be avoided, are they minimised and remedied in a responsible manner?	
	3.1	Impact of the project on air quality	
	3.2	Impact of the project on land	Land use changes, leaching of pollutants in soil
			Solid waste/hazardous wastes – generation and disposal
	3.3	Impact of the project on water resources	Water quantity – availability and access
			Water quality
	3.4	Impact of the project on conservation and contribution to biodiversity	
	3.5	Impact of the project on marine environment	
	3.6	Impact of the project on the efficiency and sustainability of the use of natural resources	
	3.7	Any other positive or negative environmental impacts of the project	Noise
Safety			
Health			
Visual impacts / landscapes			
Traffic			
Others (e.g. heat, electromagnetic radiation, odour, etc)			
O T H E R S	4.0	Other impacts	
	4.1	Support for corporate social responsibility activities derived from the CDM project	
	4.2	General project acceptability	Reasonable and fair distribution of project benefits
Alignment with the spirit of the Kyoto Protocol			

SIXTH SCHEDULE

[Regulation 5(6)]

LETTER OF APPROVAL

To the CDM project participant

RE: CDM Project Ref No.

Name, address, telephone number and other contact details of the project participant	
Name and geographic location of the project	

The Designated National Authority of Mauritius has approved the above Clean Development Mechanism project based on the information submitted by the project participant, pursuant to the Environment Protection (Designated National Authority) Regulations 2010.

This certifies further that –

- (a) Mauritius is a party to the Kyoto Protocol;
- (b) the Designated National Authority is authorised under its regulations to issue CDM project letters of approval;
- (c) the participation of Mauritius in the project is voluntary;
- (d) the CDM project assists in supporting sustainable development in Mauritius;
- (e) the project participant is authorised to participate in the CDM project;

- (f) the project participant is granted the rights to transfer all certified emission reductions generated by the CDM project.

Yours truly,

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Director of Environment
Department of Environment,
Designated National Authority for the Republic of Mauritius.

SEVENTH SCHEDULE

[Regulation 5(6)]

LETTER OF NO OBJECTION

To the CDM project participants

RE: CDM Project Ref No.

Name, address , telephone number and other contact details of the project participant	
Name and geographic location of CDM project	

The Designated National Authority of Mauritius wishes to inform you that it has no objection to the further development of the above project idea as a CDM project activity, based on your assessment of the project's performance against Sustainable Development Criteria contained in the Environment Protection (Designated National Authority) Regulations 2010.

Should all the facts and assessments you have put forward be verified and remain unchanged at the time of your application for a final letter of approval, and should, on balance, no negative public comments be issued, a strong likelihood exists that the project will be approved.

However, this letter shall not be taken as a guarantee of final approval.

Yours truly,

.....
 Director of Environment
 Department of Environment,
 Designated National Authority for the Republic of Mauritius.



