

ANNEX II: TERMS OF REFERENCE

Consultancy to Provide Technical Support to the CARIFORUM Directorate on the Implementation of Title II of the CARIFORUM-EU EPA

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1. BACKGROUND INFORMATION

1.1. Beneficiary country

The Caribbean Forum of African, Caribbean and Pacific States (CARIFORUM).

1.2. Contracting Authority

The Caribbean Community (CARICOM) Secretariat.

1.3. Country background

The Caribbean Forum of African Caribbean and Pacific States (CARIFORUM) refers to the Caribbean States, which are parties to the Georgetown Agreement establishing the Group of African Caribbean and Pacific (ACP) States in 1975. The ACP consists of 79 countries of over 1.5 billion people. CARIFORUM is comprised of the following states: Antigua and Barbuda, The Bahamas, Barbados, Belize, Cuba, Dominica, The Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

Relations between the European Union and the countries are longstanding, dating back to before 1975 and the first Lomé convention. With respect to trade, the EU-ACP agreements have always provided non-reciprocal market access for ACP countries to the EU. This market access to the EU was on more favourable terms than for other, non-ACP third countries. As this is not in line with WTO rules, new, reciprocal trade agreements had to be negotiated, referred to as Economic Partnership Agreements (EPAs). These are comprehensive trade arrangements between the European Commission and regional ACP groupings, providing reciprocal market access, as well as containing development provisions. The EPA had the three-pronged purpose of raising the development of their countries, further promoting regional integration and integrating their countries into global markets.

The CARIFORUM-EU EPA was signed in October 2008 and is currently being provisionally applied by the Parties. The Agreement covers provisions on not only trade in goods, but also trade in services and provisions on competition, innovation and intellectual property, transparency in public procurement and trade and sustainable development. Development cooperation is an integral part of the Agreement and areas for cooperation are set out in the Agreement.

The specific objectives of the EPA mentioned in the Agreement are as follows:

Contribute to the reduction and eventual eradication of poverty;

- Promote regional integration, economic cooperation and good governance, enabling an effective, predictable and transparent regulatory framework for trade and investment;
- Promote the gradual integration of the CARIFORUM States into the world economy;
- Improve the CARIFORUM States' capacity in trade policy and trade related issues;
- Support the conditions for increasing investment and private sector initiative and enhancing supply capacity, competitiveness and economic growth in the CARIFORUM region; and
- Strengthen the existing relations between the Parties based on solidarity and mutual interest; enhancing commercial and economic relations; reinforcing, broadening and deepening cooperation in all areas relevant to trade and investment.

Inter alia, it contains legally binding commitments in relation to the preferential trade between the Parties in goods, services and investment. It has been notified to the WTO as (a) a Free Trade Agreement (FTA) which is in compliance with the provisions of Article XXIV of the General Agreement on Tariffs and Trade (GATT) 1994 and (b) an Economic Integration Agreement (EIA) which is in compliance with the provisions of Article V of the General Agreement on Trade in Services (GATS). As provided in Article 244 (1), the EPA is of indefinite duration. In accordance with the *Declaration on the Signing of the Economic Partnership Agreement*, the Parties have committed to conducting a review of the Agreement at five yearly intervals.

The CARIFORUM Directorate serves as the Secretariat of CARIFORUM. It manages the development and economic cooperation relationship between the European Union (EU) and CARIFORUM, coordinates the implementation of the CARIFORUM-EU Economic Partnership Agreement (EPA), and political dialogue between CARIFORUM and the EU.

1.4. Current situation in the sector

The services sector is a major contributor to CARIFORUM economies through its contribution to Gross Domestic Product (GDP), the generation of foreign exchange, the promotion of economic diversification and the creation of employment. The CARIFORUM-EU Economic Partnership Agreement (EPA) therefore presents an opportunity for regional suppliers to access the European Union (EU) market and derive the gains associated with trade in services. The EU liberalised approximately 95 percent of the list of services sectors and subsectors (while CARIFORUM countries have liberalised 65 to 75 percent of their trade in services) and has often expressed the view that the commitments would be of tremendous benefit to CARIFORUM given the scope and depth of the sectors liberalised.

In this regard, the operation of the Agreement is reviewed at five-yearly intervals to determine, inter alia, its impact, whether it is being properly implemented and whether the intended benefits are being derived.

The first “five-year” review of the EPA was undertaken by the Joint CARIFORUM-EU Council at its Third Meeting held in Georgetown Guyana on July 16, 2015. In accordance with the Parties’ commitment to engaging in reviews of the Agreement at five yearly intervals, the next review has been scheduled for 2021. The contemplation is that “five-year” reviews will identify any necessary adjustments which need to be made to the Agreement in order to ensure that it will be able to meet its stated objectives.

Preparations for the Review are ongoing, with agreement being reached on the preparation of a Joint report for the Joint CARIFORUM-EU Council, and scope and structure of the Report. At the Third Meeting of the Joint Task Force on the Review of the CARIFORUM-EU EPA held in November 2020, it agreed that the drafting of the chapters in the Joint Report be undertaken by both Sides and responsibility for the various chapters of the Joint Report was assigned. At the Third Special Meeting of Senior CARIFORUM Officials on the Second Five-Year Review of CARIFORUM-EU Economic Partnership Agreement on 17 March 2021, the CARIFORUM Directorate was mandated to prepare:

- a. For the areas of the Joint Five-Year Review Report for which the CARIFORUM Side has primary responsibility, draft text for the consideration and reaction of CARIFORUM States.
- b. For the areas for which the EU Party has primary responsibility, the CARIFORUM position to be used to review and react to the EU’s proposed text.

CARIFRUM takes the lead on titles II – Investment, Trade II in Services and E-commerce matters. Appreciating that the next five-year review will afford an opportunity for the CARIFORUM States to engage with the EU on a range of matters which implicate their strategic interests in the context of their trade with Europe and their trade in services and related overall development objectives, the capacity of the CARIFORUM Directorate needs to be at optimum. However, the post of Trade in Services and Investment Specialist, EPA Implementation Unit, CARIFORUM Directorate is currently vacant. It is important therefore that the CARIFORUM Directorate takes action to ensure it has the human resources to provide the support to CARIFORUM States, pending the completion of the recruitment processes to top fill the vacancy.

1.5. Related programmes and other donor activities

- The EU has provided 6.2 million Euros to support the operations of the CARIFORUM Directorate through the 11th ED “Support for the CARIFORUM Role in Regional Cooperation and Economic Partnership Agreement (EPA) Implementation”. The overall objective of this Grant Contract is to increase the integration of CARIFORUM States into world economy, and to enhance the Caribbean Regional Cooperation and Integration processes as well as the CARIFORUM-EU Cooperation.
- EU has provided 21,000,000 Euros to the 11th EDF EPA support Programme to support CARIFORUM States in furthering the implementation of their Economic Partnership Agreement commitments and in meaningfully reaping the benefits of the Agreement.

2. OBJECTIVE, PURPOSE & EXPECTED RESULTS

2.1. Overall objective

The overall objective of the project of which this contract will be a part is as follows:

- Support CARIFORUM States in implementing the CARIFORUM-EU EPA, including undertaking the mandatory comprehensive review of the EPA

2.2. Purpose

The purpose of this contract is as follows:

- Provide technical assistance to the CARIFORUM Directorate and CARIFORUM States to ensure CARIFORUM States meaningfully benefit from the second review of the CARIFORUM-EU EPA.

2.3. Results to be achieved by the Contractor

The Contractor will deliver the following:

- Result 1: Workplan for the 2021 deliverables of the 2021-2022 Work Programme of the EPA Implementation Unit relating to the implementation of obligations under Title II of the CARIFORUM-EU EPA.
- Result 2: Implementation of the Workplan for a period of three (3) months.
- Result 3: Technical Briefs to the CARIFORUM Directorate.

- Result 4: Advice and recommendations relating to Title II of the CARIFORUM-EU EPA to the CARIFORUM Directorate in finalizing and presenting the region's position for the Five-Year Review.

3. ASSUMPTIONS & RISKS

3.1. Assumptions underlying the project

The assumption underlying this project is that the policymakers within CARIFORUM require the expected output of the Project to inform and to guide their anticipated discussions with the EU as part of the second review of the EPA. It is also assumed that CARIFORUM stakeholders will continue to support the review exercise and remain interested in the implementation of the agreement.

3.2. Risks

- (i) Unavailability of suitable Consultant at the required time
- (ii) Scheduling challenges

4. SCOPE OF THE WORK

4.1. General

4.1.1. Description of the assignment

The Second comprehensive of the CARIFORUM of the EPA by the Parties is scheduled to take place in 2021. Having recognised the importance of the Review of the EPA, the CARIFORUM region is seeking to ensure that the objectives of the comprehensive review of the EPA are addressed during the review exercise. The Region also needs to address implementation deficits given the thrust of the review. The Contractor is expected to conduct research and provide technical assistance in the form of advice and recommendations relating to Title II of the CARIFORUM-EU EPA to the CARIFORUM Directorate to finalise and present the region's position for the Five-Year Review. In doing so the contractor will address the 2021 deliverables of the 2021-2022 Work Programme of the EPA Implementation Unit relating to the implementation of obligations under Title II of the CARIFORUM-EU EPA, synthesize the current priorities of the CARIFORUM States in relation to the agreed issues, prepare text and make recommendations on existing text for the Joint Five Year Review Report.

4.1.2. Geographical area to be covered

The following Signatory CARIFORUM States: Antigua and Barbuda, The Bahamas, Belize, Barbados, Dominica, the Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Lucia, St. Kitts and Nevis, St. Vincent and the Grenadines, Suriname and Trinidad and Tobago.

4.1.3. Target groups

The target groups comprise:

- CARIFORUM representatives on the Joint Task Force on the Review of the CARIFORUM-EU EPA
- CARIFORUM States, signatories to the CARIFORUM-EU EPA
- The EPA Implementation Unit, CARIFORUM Directorate

4.2. Specific work

- (i) Engage in an inception meeting with the CARIFORUM Directorate to discuss objectives, activities, expected outputs and any issues related to the execution of the project that require clarification;
- (ii) Prepare and submit an Inception Report, based on the clarifications provided at the briefing meeting, inclusive of a detailed action plan with timelines for completing the consultancy;
- (iii) In consultation with the Director, EPA Implementation Unit, review the 2021-2022 Work Programme of the EPA Implementation Unit and develop a work plan to implement the trade in services activities;
- (iv) Support the EPA Implementation Unit with the implementation of the 2021 trade in services activities from the 2021-2022 Work Programme in keeping with the work plan referred to at (iii) above, including the preparation of Technical Briefs, Papers other deliverables as determined by the Work Plan;
- (v) Conduct a review of key documents and reports including those related to the Post-COTONOU arrangements, status of EPA implementation and provide technical advice on policy issues related to implementation of Title II of the EPA;
- (vi) Conduct research on the Trade in Services priorities identified by the Parties for the Services Chapter of the Joint Five-Year Review Report;
- (vii) Assist with the preparation or review of text for the Trade in Services Chapter of the Joint Five-Year Review Report and develop their negotiating positions and strategies relevant to EU party's interests; and
- (viii) Participate in Meetings of the Joint Task Force and meetings of CARIFORUM Senior Officials on the Five-Year Review in an advising capacity.

4.3. Project management

4.3.1. Responsible body

The EPA Implementation Unit, CARIFORUM Directorate will be responsible for managing the project.

4.3.2. Management structure

The Director General of the CARIFORUM Directorate will have oversight responsibilities for the Project. The Director, EPA Implementation Unit, as the Project Manager, will be responsible for the day-to-day administration of the Project.

CARIFORUM Senior Officials of the Joint Task Force on the Review of the EPA will support the Directorate by providing guidance in the reviewing outputs as may be necessary.

4.3.3. Facilities to be provided by the Contracting Authority and/or other parties

The Contracting authority will provide access to relevant information which it has at its disposal which is required by this assignment.

5. LOGISTICS AND TIMING

5.1. Location

The operational base for this consultancy is Georgetown, Guyana. In view of the COVID-19 pandemic, the Contractor will work from his/her home country and participate in consultations, meetings and negotiation from his/her home country as necessary. If the circumstances permit, the Contractor may be required to travel to the CARICOM Secretariat facilitate at least one five-year review meeting.

5.2. Start date & Period of implementation of tasks

The intended start date is June 2021 and the period of implementation of the contract will be three (3) months from this date. Please see Article 19.1 and 19.2 of the Special Conditions for the actual start date and period of implementation.

6. REQUIREMENTS

6.1. Staff

Note that civil servants and other staff of the public administration of the partner country, or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave.

6.1.1. Key experts

Key experts are defined and they must submit CVs and signed Statements of Exclusivity and Availability.

All experts who have a crucial role in implementing the contract are referred to as key experts. The profiles of the key experts for this contract are as follows:

Key Expert 1: Team Leader – Expert in International Trade

Qualifications and skills

- (i) Minimum of a Masters Degree in International Trade, Trade Policy, Economics, Business Studies, International Relations or or a closely related field.

General professional experience and skills

- (i) At least seven (7) years of working experience in the field of international trade, trade policy, business or international trade law on external trade matters at a senior or policy level in a Ministry of a CARIFORUM State and/or in a regional, sub-regional or international organisation.

Specific professional experience

- (i) In-depth expert knowledge of the World Trade Organisation (WTO) Agreement and ongoing issues related to the General Agreement on Trade in Services (GATS).
- (ii) Sound knowledge and understanding of Title II (Investment, Trade in Services and E-Commerce) of the CARIFORUM-EU Economic Partnership Agreement.
- (iii) Experience in the interpretation and analysis of trade agreements and identification of issues related to the specific interests of developing countries, particularly in the area of services.

Experience in trade negotiations will be an asset.

Knowledge of the Revised Treaty of Chaguaramas and the Agreement Establishing the Free Trade Area between CARICOM Member States and the Dominican Republic will be an asset.

All experts must be independent and free from conflicts of interest in the responsibilities they take on.

6.1.2. Other experts, support staff & backstopping

The costs for backstopping and support staff, as needed, are considered to be included in the contract price.

6.2. Office accommodation

Office accommodation for each expert working on the contract is to be provided by the Contractor.

6.3. Facilities to be provided by the Contractor

The Contractor shall ensure that experts are adequately supported and equipped. In particular, it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.

6.4. Equipment

No equipment is to be purchased on behalf of the Contracting Authority / partner country as part of this service contract or transferred to the Contracting Authority / partner country at the end of this contract. Any equipment related to this contract which is to be acquired by the partner country must be purchased by means of a separate supply tender procedure.

7. REPORTS

7.1. Reporting requirements

The Contractor will submit the following reports in English:

- **Inception Report** of maximum 12 pages to be produced after five (5) working days from the start of implementation. In the report the Contractor shall describe, *inter alia*, initial findings, progress in collecting data or identifying relevant data sources, difficulties encountered or expected in discharging the consultancy and a post-inception Work Plan.
- **Implementation Reports** of maximum 30 pages, on the progress in executing the activities referred to in paragraph 4.2, difficulties encountered or expected in discharging the consultancy. Implementation Reports shall be submitted every four (4) after the start of implementation.
- **Final report** no later than seven days before the conclusion of the assignment. The Final Report shall contain a sufficiently detailed description of the activities undertaken under the consultancy.

7.2. **Submission and approval of reports**

The reports, briefs and technical documents referred to above must be submitted to the Project Manager identified in the contract. The Project Manager is responsible for approving the reports.

The Project Manager will provide comments to the Contractor within seven (7) days of receiving reports, briefs and technical documents.

8. **MONITORING AND EVALUATION**

8.1. **Definition of indicators**

At the level of the contract, of which these TOR forms an integral part, the briefings and reports shall be the basis on which the performance is monitored and evaluated. Their timely delivery and quality will be monitored closely by the CARIFORUM Directorate.

The following criteria shall be used to assess the performance of the Contractor:

- **Quality of output documents:** The quality of output documents shall be judged by their clarity and the depth to which they comprehensively cover the subject.
- **Format:** These reports shall be completed in the standard formats used by the EU.
- **Meeting of deadlines** for outputs.

8.1.1. **Special requirements**

None foreseen.