



EUROPEAN COMMISSION

EURO-MEDITERRANEAN PARTNERSHIP

TERMS OF REFERENCE

**SUSTAINABILITY IMPACT ASSESSMENT STUDY
OF THE
EURO-MEDITERRANEAN FREE TRADE AREA
(EMFTA)**

BRUSSELS, April 2003

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1. INTRODUCTION

1.1. The Euro-Mediterranean Partnership (EMP)

The Euro-Mediterranean Conference of Ministers of Foreign Affairs held in Barcelona on 27-28 November 1995, marked the starting point of the **Euro-Mediterranean Partnership (EMP)**, commonly known also as the **Barcelona Process**. The Partnership refers to a wide spectrum of political, economic and social relations between the 15 Members States of the European Union and 12 Partners of the Southern Mediterranean and Middle East Region (Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, the Palestinian Authority, Syria, Tunisia, and Turkey). The Declaration emphasises the importance of sustainable and balanced economic and social development with a view to achieving the objective of creating an area of shared prosperity. Furthermore in April 2002, the Foreign Affairs Ministers, meeting in Valencia, "reaffirmed that sustainable development should be included among the guiding principles of the Barcelona Process".

Specifically, the **Barcelona Declaration**¹ adopted by the 27 Euro-Mediterranean Partners expresses their intention to:

- I. Establish a common Euro-Mediterranean area of peace and stability based on fundamental principles including respect for human rights and democracy (political and security partnership);
- II. Create an area of shared prosperity through the progressive establishment of a free-trade area between the EU and its Partners and among the Mediterranean Partners themselves, accompanied by substantial EU financial support for economic transition in the Partners and for the social and economic consequences of this reform process (economic and financial partnership), and;
- III. Develop human resources, promote understanding between cultures and rapprochement of the peoples in the Euro-Mediterranean region as well as to develop free and flourishing civil societies (social, cultural and human partnership).

The principal financial instrument of the European Union for the implementation of the Euro-Mediterranean Partnership is the **MEDA programme**². The programme offers technical and financial support measures to accompany the reform of economic and social structures in the Mediterranean partners. Going far beyond traditional development aid, **MEDA makes economic transition, free-trade and strengthening of the socio-economic balance the central priorities of EU financial co-operation with the Mediterranean region.**

MEDA resources are subject to programming reflected in strategy papers at national and regional level³. Based on these papers, three-year national indicative programmes (NIPs) are drawn up jointly for the bilateral channel, and a regional indicative programme (RIP) covers the multilateral activities, in conformity with relevant guidelines agreed by the Council. Annually adopted financing plans are derived from the NIPs and the RIP. The strategy papers, NIPs and the RIP are established in liaison with the **European Investment Bank**.

1.2. The Euro-Mediterranean Free Trade Area (EMFTA)

With regard to trade liberalisation, the Barcelona Declaration indicates that the parties have set the **year 2010** as the target date for the gradual establishment of the **Euro-Mediterranean Free-Trade Area (EMFTA)**. The EMFTA will cover most trade **with due observance of the obligations of the participating countries resulting from the World Trade Organisation (WTO)**.

¹ http://europa.eu.int/comm/external_relations/euomed/bd.htm

² http://europa.eu.int/comm/external_relations/euomed/meda.htm

³ *The current programming exercise covers the period 2000-2006.*

This is to be achieved by means of the **Euro-Mediterranean Association Agreements**⁴ negotiated between the European Union and 9 of the 12 Mediterranean Partners, together with **Free Trade Agreements** between the Mediterranean Partners themselves. For Turkey, Cyprus and Malta, relations are governed by pre-existing Association Agreements providing *inter alia* for the progressive establishment of customs unions. Together with the European Economic Area, the Central and Eastern European candidate countries for EU enlargement (CEECs), and the EMFTA Partners, the free trade zone will eventually include some 40 States and 600-800 million consumers rendering it one of the world's most important trade entities.

With a view to the development of free trade in this area, **tariff and non-tariff barriers to trade in manufactured products will be progressively eliminated** in accordance with timetables to be negotiated between the partners. Taking as a starting point traditional trade flows, and as far as the various agricultural policies allow and with due respect to the results achieved within the WTO negotiations, **trade in agricultural products** will be progressively liberalised through reciprocal preferential access among the parties. **Trade in services** including right of establishment will be progressively liberalised having due regard to the GATS agreement. Dismantling customs duties requires substantial reforms to the fiscal, economic and industrial sectors. In this context, the **MEDA Programme** provides support to economic reforms in the public and private sector in a perspective of sustainable development.

1.3. The context and challenges of North-South and South-South Trade Liberalisation within the EMP

Similar to the majority of EU Regional Trade Agreements (RTAs), EU promotes within the EMP both North-South and South-South trade liberalisation, through the above-mentioned agreements and co-operation frameworks. This approach aims at combining the strong points of the North-South collaboration (locking in reforms, credibility, good governance, convergence, access to large markets, FDI incentives, technology transfer) with these of the South-South one (economies of scale, bargaining power, larger markets to attract FDI).

With regard to South-South trade liberalisation in the EMP, Mediterranean Partners have demonstrated their commitment and efforts to implement free trade among them. Prominent among those efforts are the **Greater Arab Free Trade Area (GAFTA)**, the **Agadir Process** and the **Arab Maghreb Union (AMU)**.

GAFTA combines the 1981 trade facilitation and development agreement as a legal framework and an executive programme agreed in 1997. The programme is meant to take into account the necessity for GAFTA to be compatible with the needs of all Arab countries and with international norms. The Agadir Process was initiated by a Declaration of intention issued in May 2001 by Egypt, Morocco, Tunisia and Jordan. Advanced discussions are under way to set up a Free Trade Area (FTA), guided by a Co-ordination and various Technical Committees. The signature of the Agreement (or Treaty) is foreseen within 2002. The Agreement itself should enter into force by 2003. Tunisia, Algeria, Morocco, Mauritania and Libya signed the treaty establishing the AMU in 1989. This aims at the establishment of a political and economic/customs union among the signatory countries.

In order to face the challenges and targets of multilateral trade liberalisation, suitable and effective **trade related technical assistance and capacity building** measures constitute prerequisite elements for achieving timely and effective progress. On-going efforts including the recently signed Memorandum of Understanding (MoU) for trade related technical assistance between WTO and the Arab Monetary Fund (AMF) provide additional elements, which need to be considered during discussions on the necessary actions at the various levels of trade liberalisation and regional integration.

⁴ http://europa.eu.int/comm/external_relations/euromed/med_ass_agreemnts.htm

Therefore, future joint efforts and work towards the establishment of the EMFTA, should approach the above context in an integrated manner and explore the challenges, synergies and opportunities from those parallel processes in order to ensure **coherence, complementarity and co-ordination** among the various partners.

2. THE SUSTAINABILITY IMPACT ASSESSMENT STUDY OF EMFTA

2.1. Background

The European Union has set itself the objective of achieving sustainable development internally and promoting such development in a world-wide scale. The **Göteborg Summit** adopted the **Brundtland Commission definition of sustainable development**, namely '**meeting the needs of the present generation without compromising the ability of future generations to meet their own needs**'. This means pursuing development strategies that secure economic growth, while protecting the environment and promoting social equity. A framework of good governance and the participation of stakeholders are highlighted as fundamental to this process.

In this context, trade liberalisation is not perceived as an end in itself, but rather an essential tool contributing to sustainable development. Therefore in order to maximise its contribution to all pillars of sustainable development, the full impact of the proposed liberalisation efforts need to be assessed and fully understood. Hence, specific measures may be needed to make trade, environment and social policies mutually supportive. Assessments of how liberalisation can affect economic, environmental and social concerns are necessary in order to enable all stakeholders to pursue an approach, which will not only be successful in trade terms but which will also bring the biggest welfare gains.

With this objective in mind, the European Commission is increasingly using **sustainability impact assessments** to measure the non-trade impacts of trade liberalisation alongside its economic impacts. The objective of such studies is not to assess the desirability of a free trade area as such, but to assess how best to define a full package of domestic policies as well as regional initiatives, which would produce the optimal outcome.

Consistent with the above and the contents of the Barcelona Declaration, **the European Commission committed itself in the Euro-Mediterranean Ministerial Meeting (Stuttgart, April 1999) to carry out a Sustainability Impact Assessment (SIA) of the Euro-Mediterranean Free Trade Area (EMFTA)**. This commitment has since been reiterated on numerous occasions, i.e. in the Commission's Communication "Reinvigorating the Barcelona Process" (6 September 2000), and has been inscribed in the Valencia Action Plan. The latter indicates the launching of a SIA for the EMFTA before the end of 2002.

The proposed **SIA study of EMFTA** intends to examine the potential impacts of agreed trade measures on sustainable development **in order to feed the next steps/phases of the negotiation process, address adverse trends, devise adequate mitigation measures as well as capitalise on positive multiplier effects**. It is also expected that, complementary to the implementation of the various Associations Agreements and regional programmes, such a study can assist the Euro-Mediterranean Partners in reinforcing existing and future sustainable development strategies.

The broad framework of **issues to be addressed** by the study include:

- Economic, social and environmental implications of the evolving EMFTA;
- Sectors and target groups that are likely to be significantly affected by the establishment of the EMFTA at regional and national levels, on the basis of different scenarios;
- Areas where the MEDA Partners are likely to need awareness raising, assistance and capacity building during the transition period that would allow them to put in place a sustainable EMFTA.

The EU Institutions, and the Commission Services in particular, intend to use the results and experience derived from the implementation of the SIA study as an input to its work related to:

- Further integration of the principles and practices of sustainable development in on-going and future trade negotiations with Mediterranean partners;
- Programming and planning of sector specific programmes in the various chapters of the Euro-Mediterranean Partnership;
- Input to the evaluations and future reviews of MEDA bilateral, regional programmes;
- Preparation of discussion agendas for the Euro-Mediterranean Committee and *ain*) Ministerial meetings;
- Preparation of the work of the institutions of the Euro-Mediterranean Association Agreements;
- Increased dissemination of information, public awareness and reinforcement of consultation interfaces with civil society in the area of sustainable development;
- Exploring and promoting synergies of the EMFTA with on-going efforts for regional trade integration between MEDA partner countries;
- Reinforcement of its approach to the content of future work on the establishment of regional free trade areas and relevant discussions within WTO.

There is much interest in this SIA study by various stakeholders, notably the Barcelona Convention's Mediterranean Commission for Sustainable Development, which has itself carried out relevant work, and amongst the NGO community of the Mediterranean region. Therefore, it is expected that MEDA Partners and civil society will also benefit from the results of this study.

The SIA study will not be conducted in a void but will be able to draw on an extensive body of existing work undertaken for the European Commission and others related either to SIA in general or to the region in particular. For the purpose of the current exercise, the scope of the SIA study is restricted within the current status of the EMP, **without Central and Eastern European candidate countries**.

2.2. Objectives and expected results

The SIA study will contribute to the **overall objective** of streamlining sustainable development principles within the framework of the establishment of the EMFTA and with respect to the various chapters and focal sectors of the Barcelona Declaration.

The major **specific objective** of the SIA study is to provide for a reliable and widely accepted analysis and understanding of the impact of trade measures on sustainable development, in the context of on-going and future trade negotiations for the EMFTA. The SIA will cover both the EU and the 12 Euro-Mediterranean Partners.

More specifically, the study shall provide an analysis of the **impacts of envisaged policy options or scenarios**. This should be based, *inter alia*, on quantitative and qualitative examination and consideration of both past experience and the changing economic and policy environment for MEDA countries. This analysis should be presented in such a way as to give a concrete input for negotiators in their search for a balanced set of policies. Among others, the analysis shall also include any necessary accompanying measures, i.e. trade and non-trade policy measures dedicated to mitigate negative impact on sustainable development and to enhance positive impacts on sustainable development.

With a view to its input for the negotiations the study is expected to provide:

- I. An effective integration of the results of relevant studies and links with research activities, which will accompany negotiations and will be mostly initiated by the negotiating partners in collaboration with and supported by the EC, Member States and other donors.
- II. Provision of an in-depth information base for the European Commission to ensure that, negotiations take the sustainable development dimension fully into account, and in particular that the definition of policies both by the Community and by MEDA partners, contribute to an

optimal outcome and implementation in terms of all components of sustainable development. The salient elements of the above-mentioned information base consist of:

- Definition of the options/scenarios to be considered and analysis of the mechanisms through which the different options/scenarios will affect social, economic and environmental areas.
 - Identify sectors and target groups that are likely to be significantly affected by the establishment of the EMFTA at regional and national levels, on the basis of different scenarios;
 - An analysis of the expected magnitude of these impacts, using appropriate measures and indicators for assessment of impacts, and making use of both qualitative and quantitative techniques as appropriate.
 - Identify potential win-win situations and opportunities and suggest policies and measures that would contribute to making development, trade, environment and social policies mutually supportive for the benefit of sustainable development;
 - Identification of accompanying measures (domestic, regional or EU policy measures) or other adjustments that would prove effective in tackling any adverse impacts of liberalisation, and/or in promoting positive impacts.
 - Provide effective mechanisms of assessment and monitoring of the sustainability impacts of the EMFTA in the course of its establishment;
 - Provide orientations allowing for effective integration of the environmental and social dimensions in other policies and identify regional and national strategies, as well as financial and institutional frameworks to this end;
 - Identify any emerging new issues that the European Commission would need to incorporate into its rolling work-programme as negotiations proceed;
 - Identify areas where the Med Partners are likely to need awareness raising, assistance and capacity building during the transition period, that would allow them to put in place a sustainable EMFTA.
- III. Creation of a basis for the discussion with European and MEDA stakeholders about the sustainability implications of trade negotiations as well as of the related policies implementation.

2.3. SIA stakeholder groups and principles of the consultation process

The scope of the proposed SIA embraces a wide and diverse spectrum of beneficiaries and stakeholders including the governments, public institutions, the private sector and civil society of the EMP countries. Moreover, other multilateral and bilateral agencies working on trade integration and sustainable development in the Mediterranean Region could contribute and benefit from the study.

Beyond the quality of data collection and analysis, the degree of success of the implementation of the SIA depends on the proactive participation and profound awareness of its various methodological aspects by all the aforementioned groups. In addition, the SIA methodology shall provide for an **open and transparent process to promote ownership and mutual understanding** of the challenges, problems and opportunities, rights and responsibilities towards the establishment of the EMFTA.

Given the potential diversity of views and opinions, priorities and agendas, **the SIA study shall aim at establishing a qualitative classification and the initial interface with those groups**. These are considered as important activities in order to devise appropriate modalities for dissemination of information, promote awareness and establish a constructive consultation interface enjoying wider acceptance by the stakeholders. In this context, collaboration with organisations of recognised authority in sector specific, thematic and regional strategy and impact assessment analysis in the Mediterranean basin should be seen as an integral part of the overall consultation effort. The results of the SIA study should be compiled in such a way that all the MEDA Partners and civil society could also benefit from them.

3. SIA IMPLEMENTATION PHASES

3.1. General Description

The SIA study will be carried out in **three phases**.

The **first phase**, emanating from preparatory work done by the Commission services⁶, will consist of a **scoping study** and the definition of the specific **methodology** for carrying out the SIA study. At the end of the first phase the methodology will be approved by the Commission, after consultation with stakeholders.

The **second phase** of the SIA study relates to **the implementation of the agreed methodology towards the provision of the following results:**

- **Testing, verification and refinement, where necessary, of the agreed methodology;**
- **Development of a baseline and other potential 20-year scenarios for development in the Mediterranean region** in the context of the establishment of EMFTA;
- **Broad qualitative, and where possible, quantitative assessment of the economic, social and environmental impacts at regional level**, of the evolving EMFTA under the identified scenarios;
- **Presentation of strategic orientations on how best to avoid or mitigate potential negative impacts identified while maximising positive ones;** and
- **Identification of key economic sectors whose impact on sustainability is most likely to be influenced** by the EMFTA process.

The number of potential scenarios to be developed would be agreed between the consultant and the Commission, with respect to the results of the scoping study, the adopted methodology, existing work on prospective scenarios and available resources.

The **third phase** of the SIA study may be adjusted with the agreement of the Commission, after consultation with stakeholders. In indicative terms, the expected results are as follows:

- **A detailed qualitative and selective quantitative assessment of the impacts of the EMFTA process on the identified key sectors and thus on sustainability, at regional level, and where necessary at national level;**
- A proposal for **participatory and practicable monitoring mechanism** to assist EMP Partners and stakeholders to promote sustainability in the future evolution of EMFTA;
- **Conclusions and recommendations** as an input to the further integration of sustainable development in the remaining EMFTA trade negotiations, the implementation of Association Agreements and MEDA Programmes and in the further orientation of policies within the EMP.

All implementation matters related to the study would be managed by the Directorate General 'EuropeAid Co-operation Office' (Unit B/3 – Southern Mediterranean, Middle East; Regional Integration, Institutional Support). The overall content of the work will be supervised by a SIA-EMFTA Steering Committee, being an inter-service body, gathering relevant expertise in the areas of the present assignment with the participation of involved Directorates General.

The content of the three phases is elaborated further in the following paragraphs.

⁶ *Consultations and joint work between involved DGs EUROPEAID, TRADE, ENVIRONMENT and RELEX. Preparatory work by DG TRADE for the establishment of a Steering Committee responsible for the overall supervision of all SIA studies.*

3.2. 1st Phase - Scope, Expected Results and Activities

The 1st Phase of the SIA study aims to:

1. **Synthesise existing relevant work** to allow the consultant to **refine proposals** to the Commission **on a more detailed scope of this SIA study**. In this context, the consultant should show that account has been taken of work already done, in particular relating to the WTO, the MCSD, METAP, UNEP and OECD.
2. **Design the methodology and its implementation set-up**, which should provide the guiding principles and operational tools for carrying out the second and third phases of the SIA study. In developing the methodology, the Consultant should take into account the specific characteristics of the Mediterranean region, the interactions between major elements of the three components of sustainable development, as well as initiatives of the non-EU Mediterranean Partners and other co-operation schemes they maintain with non-EU countries. The Consultant should also put forward major criteria for the identification of the most probable scenarios for development in the region in the light of the EMFTA and for the identification of key sectors where EMFTA is likely to have a major impact (positive or negative) on sustainability.

More specifically, **the following results and associated activities are expected in the course of the 1st Phase:**

A.1. Scoping study through a review of international experience from similar exercises and other regional trade integration frameworks to (a) identify methodological tools providing qualitative and quantitative assessment and implementation frameworks for SIAs and (b) adapt these to Mediterranean conditions and the EMFTA.

This will be based on existing experience/work from selected reference documentation to be agreed/provided in the course of the initial briefing with the Commission/SIA Steering Committee. In particular, the experts shall identify those conceptual and methodological elements, which will provide the foundation for designing the methodology and implementation framework for the next two phases of the SIA study. The review shall pay particular attention to **the identification of quantitative and qualitative methodologies and their procedural frameworks for implementing SIA studies**, i.e. existing economic impact modelling techniques (gravity model, general equilibrium (CGE) model, sector specific or horizontal studies, strategic environmental assessments, social impact assessments, sensitivity analysis, multiple criteria analysis, the combination of different approaches and integration of their results.

The main thematic areas to be reviewed are:

- **Completed and on-going Impact Assessments**, including:
 - Work on impact assessment being carried out by other international organisations and focussing mostly to the Mediterranean, notably by the Mediterranean Commission for Sustainable Development (MCSD), the Mediterranean Environment Technical Assistance Programme (METAP), OECD and UNEP,
 - Related retrospective reviews and prospective studies in the region, i.e. the Blue Plan publications on trade and environment and on environment and sustainable development⁷,
 - SIA studies related to EU-Mercosur/Chile, Environmental Reviews of the NAFTA (carried out by the US and Canadian Governments) etc, and

⁷ *The European Commission, EUROPEAID/B/3, co-finances the RAC/Blue Plan Report on Environment and Sustainable Development in the Mediterranean Region 2000-2025.*

- The methodology of the SIA launched by the Commission/DG Trade for the Seattle WTO Ministerial and further refinements.
- **Synthesis studies and evaluations related to the Euro-Mediterranean Association Agreements, bilateral and regional development co-operation programmes in the Mediterranean region including** sectoral/national case studies carried out in the context of the MEDA programme, MCSD and the Mediterranean Environmental Technical Assistance Programme (METAP), and studies by the Euro-Mediterranean Forum of Socio-Economic Institutes (FEMISE).
- **Content, scope and modalities of South-South trade integration agreements** and initiatives such as the Greater Arab Free Trade Area and the recently launched Agadir process.
- **Existing national sustainable impact studies as well as legal, institutional and operational frameworks of national sustainable development strategies, where applicable** and experience gained from their implementation.
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B.1. Development of the detailed SIA implementation methodology and implementation framework.
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On the basis of the scoping review, the consultant will draft the methodology to be used for the 2nd and 3rd Phases of the SIA study as well as provide a detailed definition of its implementation framework. This part of the work will provide proposals on the following elements, which will need to be discussed with the Commission and be presented to stakeholders for feedback before the commencement of the 2nd Phase:

- The **detailed work plan** to be followed in the 2nd and 3rd Phases including proposals for any additional expertise, consultation or reporting which may be required during those phases. The consultant should demonstrate that the work plan is based on critical path analysis.
- The **nature of the reports** to be submitted. The detailed structure and contents of the final report shall be decided in consultation with the Commission/SIA Steering Committee.
- The **type and presentation structure of the conclusions and recommendations** in order to meet the needs of the different users of the SIA.
- The **specific qualitative and quantitative methodologies** to be used **for assessing the** impacts of trade negotiations and implementation policies for the gradual establishment of EMFTA on the economic, environmental and social development of the 27 Euro-Med Partners. In devising the methodology for assessing environmental and social impacts particular attention should be paid to the priorities mentioned in the focal sectors of the MEDA programme and the EMP Short and Medium Term Priority Environmental Action Programme (SMAP), namely water, waste, coastal zones, desertification and hot spots (including biodiversity). Risks of irreversibility should also be taken into account.
- The **procedure to be followed for review/refinement of the methodology** in the course of the implementation of the SIA (with links to the consultation procedures mentioned below).
- The nature and type of **monitoring system (monitoring indicators and verification mechanisms)** to be used for assessing progress and impact of the study in its subsequent.
- The **basic criteria** for deciding the number, scope and content **of potential scenarios** (to be analysed in the 2nd Phase) with regard to sustainable development trends in the region in the context of EMFTA.
- The **basic criteria** for the **selection of key economic sectors** (to be analysed in the 3rd Phase) whose impacts on sustainability are likely to be affected by the establishment of the EMFTA.
- **In the light of** experience to be gathered under **Result C.** below, **proposals for interactive consultation arrangements** with the main stakeholders during the 2nd and 3rd Phases of the SIA

- **Appropriate mechanisms** for the **dissemination of information and increasing public awareness** related to the SIA study findings and recommendations as part of the process towards the establishment of the EMFTA

In developing the above, the consultant should take into account:

- The content of the Euro-Mediterranean Partnership, specific sub-regional characteristics and Agreements and initiatives of the non-EU Mediterranean Partners towards South-South trade integration including other co-operation schemes they maintain with non-EC countries.
- The commitments of the Euro-Mediterranean Partners regarding sustainable development under the Barcelona Convention / Mediterranean Action Plan (MAP).
- Commitments undertaken at the World Summit on Sustainable Development (Johannesburg, Sept. 2002), in particular as regards implementation of Association Agreements in ways ensuring sustainable development as well as promotion of environment-friendly goods and services.
- Interactions between the economic, environmental and social components of sustainable development.

The results of this methodological work will be presented for discussion and revision in a workshop organised by the Commission/SIA Committee with the participation of all relevant Directorates General (TRADE, RELEX, ENV, EUROPEAID; possibly TREN, AGRI, ENTR, EMP).

C.1. Consultation with major stakeholders

The degree of long-term success of trade negotiations, effectiveness of agreed policies and measures and their conformity with the principles of sustainable development are heavily dependent on the level of understanding, ownership, capacity and contribution to this process by the major stakeholders and government representatives of the Mediterranean Partners.

Awareness of the wider public is of equal importance given the diversity of potential impacts of trade liberalisation on political, economic, natural resources/environmental and socio-cultural trends. The range of affected groups extends from public institutions of Euro-Med Partners to the private sector and the civil society, characterised by various aspirations, priorities and expectations. The design of the SIA methodology and its implementation framework shall provide for mapping out those groups in the course of the study⁸ and provide sufficient opportunities for consultation to ensure an effective participatory process.

To this end, the **1st Phase of the study will make a preliminary identification of primary stakeholders/target groups⁹ and propose consultation mechanisms** in order to share views with them, promote ownership and establish mutual understanding of the study, its scope and process. In identifying target groups, the consultant will need to balance the requirement for selectivity to allow the consultation mechanism to be productive in its deliberations, with the need to include those with the capacity to **contribute actively** to the SIA and to **become effective vectors for transmitting information to and raising awareness of the wider public.**

For the identification of target groups for consultations, the consultant should primary refer to the **database and registration system for civil society/non-governmental organisations¹⁰ having expressed their interest in SIA, already established by DG Trade, the NGO ‘Comité de Suivi’ for SMAP** (the Environment Programme of the EMP)¹¹, civil society representatives participating in the MCSDD and NGO umbrella organisations with a recognised record of work in sustainable development in MEDA countries. Others can be invited to participate in the relevant discussions through other accessible means, i.e. electronic conferences.

⁸ *Consultations with stakeholders/target groups will continued in the 2nd and 3rd Phases.*

⁹ *Including international organisations*

¹⁰ http://europa.eu.int/comm/trade/index_en.htm

¹¹ <http://europa.eu.int/comm/environment/smap/home.htm>

Furthermore, with the guidance and assistance of the Commission/SIA Steering Committee, the consultant, will participate as an expert resource and with relevant oral/written/electronic presentations in various consultation processes in the framework of the SIA for EMFTA, which may include:

- Participation in regional and international meetings and discussions on impact assessments.
- Joint planning workshops on SIA methodology with the participation of DGs of the RELEX family and other Commission's DGs with sectoral competence, i.e. ENV, TREN, AGRI etc.
- Participation in public meetings organised by the Commission with the involvement of representatives of Member States, non-EU Mediterranean Partners, the European Parliament and civil society to provide an opportunity for all interested stakeholders to provide direct feedback to the consultant.

Provisionally, this will entail at least three meetings during the 1st Phase, with other meetings arranged on an *ad hoc* basis as necessary.

D.1. Establishment of internet based information dissemination and awareness tools

The consultant shall design, launch and maintain a web site¹² for SIA for EMFTA, to be linked to relevant web sites of the Commission (DG TRADE, RELEX, ENV, EUROPEAID, DEV etc.) and to web sites of major SIA studies/consultants. This site shall include the following features:

- English and French versions, both including introductory information in Arabic.
- Provision of downloadable material related to work during the 1st Phase of the SIA (major events, minutes of public consultations, public presentations etc).
- Links¹³ or a directory of major certified public web sites dealing with trade liberalisation and sustainable development at global and MEDA Region levels.
- Electronic registration for dissemination of a 'SIA for EMFTA Newsletter' (English and French versions);
- Direct e-mail address or electronic forum to facilitate expression of views and ideas by interested parties with regard to the assessment of the impacts of trade liberalisation on sustainable development.

The definitive features of the web site will be decided in consultation with the Commission/SIA Steering Committee. The web site design shall allow for its hosting within the DG RELEX website.

E.1. Preparation of information material to be used by the Commission for relevant presentations.

The consultant will prepare relevant presentation material to be used for in-house and public presentations by the Commission services. This will include:

- Quick briefing documents and digital slide shows¹⁴ (in-house and public versions, English and French versions) providing information on the process and content of the SIA study to be used for presentations to involved stakeholders, i.e. Council and Parliament, Euro-Med Ministers Meeting, NGO community etc.
- Blueprint of an 'SIA of EMFTA information pamphlet' aimed at public information (English, French and Arabic versions to be considered for publication by the Commission).

¹² *In conformity with international set rules and standards, legal disclaimers etc.*

¹³ *Where permitted.*

¹⁴ *MS-Power Point Format*

F.1. Meetings with the Commission/SIA Steering Committee

Meetings during the 1st Phase will take place in Brussels and will include:

- One initial briefing meeting for the experts to present themselves to the Commission, obtain further information from the Commission on the current state-of-affairs on trade negotiations with MEDA Partners, the aims of the study and definition/handling-over of documentation to be reviewed (**2 days**).
- One meeting following the submission of the inception report. (**1 day**)
- One meeting following the submission of the interim progress report. (**1 day**)
- One meeting to present the final report. (**1 day**)
- Confirmation of the actual organisation of such presentation meetings will be issued by the Commission in due time

During meetings related to the presentation of reports, the consultant/experts are expected to provide comprehensive presentations of the content of their work (including also relevant computer slide shows), and address questions as well as comments submitted by the Commission/SIA Steering Committee. As a general rule, the Commission will submit comments to the consultant on reports within 2-3 weeks following their submission.

The number of experts participating in each meeting shall be kept to the minimum required in accordance with the context of the relevant meetings. The timing of those meetings shall be combined to the extent possible with participation to the consultation fora. Additional *ad hoc* meetings may be requested by the Commission, if deemed necessary.

G.1. Report Submission and Presentation

Reporting during the 1st Phase will be done in the following three stages:

- An **Inception Report (max. 10 pages)**, will be submitted one month after the start of the contract which is expected to coincide with the end of the review work (Result A.2.). The Inception Report will provide:
 - A list of the studies and other SIAs reviewed and brief comments on the main conclusions drawn
 - A brief presentation and justification on the **basic principles of the methodology and implementation framework** to be proposed, and upon which discussions with stakeholders will be based
 - A detailed description of subsequent work in the form of a **Logical Framework Matrix** and a **Work Plan/Timeframe**¹⁵ covering results and activities described in the present ToRs up to the submission of the final report of Phase 1.

The consultant can also add any comments related to the overall implementation of the contract, anticipated problems and limitations, proposed solutions etc. Upon approval of the Inception Report, the agreed updated work plan will become the basis for the implementation of the 1st Phase of the contract.

- An **Interim Progress Report (max. 20 pages)** will be submitted within one month after the acceptance of the Inception Report. This Interim Report will provide for an overview of work accomplished (including brief details of evolving views on the proposed methodology), its consistency with the approved work plan, problems and constraints of the consultant/experts' team and proposed solutions. This report will also provide information on the structure of the final report of this Phase and a clear view with regard to the necessary actions to ensure that the 1st Phase objectives and expected results are fulfilled.

¹⁵ *In practice this shall be a revision of the relevant documents submitted by the consultant in the initial tender dossier*

- The **Final Report** will be submitted within two months after the acceptance of the Interim Progress Report. It will provide a critical overview of the work during the entire period, conclusions and recommendations, and more focussed orientations for the 2nd Phase and include as annexes all necessary material and documentation mentioned in this chapter.

As a general guiding principle, the reports should provide a concise summary of the findings in a way that is accessible to trade and non-trade specialists alike. All reports will be presented to the SIA Steering Committee and be subjected to the approval of the Commission, which reserves the right to approve, reject or require modifications. Confirmation of the actual organisation of such presentation meetings will be issued by the Commission, who also reserves the right to mobilise independent experts outside the specific contract to this effect.

All reports and other work which is submitted should be provided on floppy disk / in electronic format as well as five hard copies (one of which should be loose leaf).

3.3. 2nd Phase – Scope, Expected Results and Activities

The 2nd Phase will culminate in a **broad qualitative and, where possible and applicable, quantitative assessment report** on the economic, social and environmental impacts **at regional level** of on-going trade and market liberalisation and structural adjustment induced by EMFTA and related initiatives for South-South regional trade integration. The impacts of a number of different scenarios, based on the criteria agreed during the 1st Phase, will be assessed.

More specifically, **the following activities and results are expected in the course of the 2nd Phase:**

A.2. Use the methodology to make a broad qualitative and quantitative assessment under different scenarios of the impacts of EMFTA on sustainability.

Activities shall include:

- **Operational verification and, if necessary, refinement of the methodology prepared under Phase 1.**
- **A broad qualitative and quantitative assessment of the current state of the economies, the state of the environment, social conditions, relevant institutions and technical capacities of the MEDA Partner countries and their likely evolution over the next 20 years on the basis of a Baseline Scenario.** The baseline scenario is defined as the continuation of foreseeable economic trends, 'business as usual' situation, including traditional trade and foreign direct investment flows. It provides an integrated view, which essentially reflects a 'without EMFTA' future as a comparison against which to assess other more realistic scenarios. The results of the assessment shall also be used to develop a presentation of the main problems of **regional trade integration in the form of a problem tree analysis**¹⁶ illustrating cause and effect paths **at regional level and, expanded where dictated by special circumstances, at national level.**
- **On the basis of the criteria for developing scenarios agreed in Phase 1, identification of the most probable 20-year scenarios for trade integration and related structural adjustment in the MEDA region in the light of EMFTA and related initiatives for South-South regional trade integration.**

The number of potential scenarios to be developed would be agreed between the consultant and the Commission, with respect to the results of the scoping study, the adopted methodology, existing work on prospective scenarios and available resources.

¹⁶ *In conformity with project Cycle Management (PCM) methodology*

For each one of these alternative scenarios, the consultant will;

- Make a **broad qualitative and quantitative assessment** of the likely impacts of the proposed trade liberalisation on the economy, the environment and socio-economic conditions including a **sensitivity analysis of agreed key sustainable development indicators taken from the Mediterranean Commission for Sustainable Development (MCSD) list**. The assessment shall take into account the **likely impacts of the EU environmental legislation after the liberalisation**.
- Assess the potential opportunities for enhancing sustainability through available EU financial support as well as the Euro-Mediterranean Partnership Association Agreements already in effect or under negotiation; this will include a need to assess potential reinforcement of the implementation of environmental, socio-economic and cultural provisions of the Agreements;
- In this context, identify possible win-win situations.

B.2. Identify mutually supportive trade/environment/social policies and measures to promote sustainable development

At the level of the broad assessments made under each scenario, the consultant will;

- **Present practicable approaches towards preventing or mitigating the potential adverse impacts of trade measures and maximising the impact of positive ones.**
- **Analyse the degree of preparedness for trade integration of MEDA Partners** and provide regional, and where necessary country specific, recommendations for **institutional strengthening and capacity building**¹⁷, for public, private sector and civil society.

C.2. Outline issues for further analysis in the 3rd Phase

On the basis of criteria agreed in the 1st Phase and in the context of the above-mentioned scenarios, the consultant will;

- **Identify key economic sectors whose positive or negative impact on sustainability** is most likely to be affected further by the EMFTA process (their number must be agreed upon in consultation with the Commission). These sectors will be assessed in more detail (pilot studies) during the 3rd Phase at regional level, and where possible at the level of individual Euro-Mediterranean Partners (including EU Member States where applicable).

D.2. Consultation with major stakeholders including regional workshops

The consultant will continue the activity launched during the 1st Phase (see section C.1.) and will actively seek to expand the range of stakeholders consulted to reflect additional issues identified during the preparation of scenarios and the preliminary work on key sectors.

In addition to internet based consultation (see below), the consultant will be expected to participate with relevant presentations in an **one-day open meeting in Brussels (organised by the Commission/DG TRADE)** during the 2nd Phase to report on progress and seek consensus on contentious issues thrown up by the internet dialogue.

17 Reinforcement of co-ordination between Trade, Environment and other line Ministries at national level is among the issues highlighted frequently in relevant discussion fora.

The Commission reserves the right to call for other stakeholder meetings on *an adhoc basis* as necessary.

In addition, the Commission shall explore in the course of the study the scope for the organisation of regional workshops for invited participants to be convened in Brussels and/or the Euro-Mediterranean Partner countries, as follows:

- One at Mediterranean expert level to discuss experience related to activities undertaken in accordance with results A.2, B.2. and C.2. above **(2 days)**.
- One with representatives of the major authorities concerned from the 12 Mediterranean Partners in order to promote institutional co-ordination and outline proposals for capacity building **(2 days)**.

E.2. Internet based information dissemination and awareness tools

The consultant will continue the activity launched during the 1st Phase (see result D.1.).

F.2. Preparation of information material to be used by the Commission for relevant presentations.

The consultant will continue the activity launched during the 1st Phase (see result E.1.).

G.2. Meetings with the Commission/SIA Steering Committee in Brussels

The consultant will continue the activity launched during the 1st Phase (see result F.1.).

The following meetings will take place in Brussels and will include:

- One briefing meeting for the consultant/experts to obtain further information from the Commission on the current state-of-affairs on trade negotiations with MEDA Partners, the issues for study under this Phase and any further documentation to be reviewed **(1 day)**.
- One meeting following the submission of the Baseline Scenario report **(1 day)**.
- One meeting following the submission of the Interim Progress report **(1 day)**.
- One meeting to present the final report of the 2nd Phase **(1 day)**.
- Confirmation of the actual organisation of such presentation meetings will be issued by the Commission in due time

H.2. Report Submission and Presentation

Reporting during the 2nd Phase will be done in the following three stages:

- Baseline Scenario Report (max. 15 pages)**, shall be submitted at the end of the examination of the Baseline Scenario (see Result A.2.) two months after the beginning of the 2nd Phase. The Baseline Report will provide:
 - Brief reference to any adjustments required to the methodology agreed in the 1st Phase;
 - Brief comments on any further documentation reviewed;
 - A detailed description of the findings and the cause-effect paths detected, as well as a detailed updated work plan (if necessary) for the continuation of the SIA.

The consultant may also comment on the overall implementation of the contract, anticipated problems and limitations, proposed solutions etc. Upon approval of the Baseline Report, the agreed updated work plan will become the basis for the implementation of the 2nd Phase of the contract.

- An **Interim Progress Report (max. 30 pages)** will be submitted within three months of the acceptance of the Baseline Report. This Interim Report will provide an overview of work accomplished including details of the different scenarios and any interim findings thereunder, consistency with the approved work plan, as well as problems and constraints of the consultant/experts' team and proposed solutions. This report will also provide information on the structure of the final report of this Phase and a clear view with regard to the necessary actions to ensure that the 2nd Phase objectives are fulfilled.
- The **Final Report** of the 2nd Phase will provide a critical overview of the work during this Phase; conclusions on the different scenarios chosen and an assessment of their impacts; justification for the key economic sectors proposed for further study under the 3rd Phase; as well as recommendations on mutually supportive trade, environment and social policies and measures capacity strengthening. It will also provide more focussed orientations for the 3rd Phase and include as annexes all necessary material and documentation mentioned in this chapter.

On the basis of the Final Report the Commission will select a number of key economic sectors for further study in the 3rd Phase.

The consultant will observe the general orientations and provisions on reporting specified in the 1st Phase (see result G.1.).

3.4. 3rd Phase – Scope, Expected Results and Activities

Subsequently, the 3rd Phase will provide a **more focussed and detailed assessment of the potential impacts of the EMFTA process**. It will draw **overall conclusions** from the study and **recommend future actions** and proposals for a **participatory monitoring mechanism** to assist EMP Partners and stakeholders to streamline sustainability principles in the evolution of EMFTA.

More specifically, the following **activities and results are expected in the course of the 3rd Phase**:

A.3. Detailed qualitative and quantitative assessment of the EMFTA process on the sustainability impacts of the identified key sectors.
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This phase will build on the previous phases by providing:

- A **detailed qualitative and selective quantitative assessment of the economic, social and environmental consequences of the EMFTA process on the key economic sectors selected as a result of the 2nd Phase**. This assessment should analyse the consequences under the different scenarios developed under the 2nd Phase.
- An **assessment of the likely combined impacts, where applicable, of those sectors on the overall sustainable development of the region** under the different scenarios. This 'bottom-up' analysis will complement the 'top-down' approach taken in the 2nd Phase.

B.3. A proposal for a future participatory and practical monitoring mechanism
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The consultant will:

- On the basis of the assessment carried out under make proposals on **the selection of indicators to assess performance and monitor progress of the policies and measures to be proposed at the end of this SIA**. These indicators will take account of the indicators used in A.2 and of the work of the MCSD.
- Make a detailed proposal for the establishment of **a participatory and practical monitoring (verification) mechanism**, in order to allow continued interaction with stakeholders in later stages of the EMFTA process. Considerations of practicality will take account of the Commission's internal capacity to service such a mechanism as well as the capacity of stakeholders from the MEDA partners to support and participate in it, and draw benefits for the EMFTA negotiations and their planning work.

C.3. Conclusions and Recommendations.

The consultant will draw **conclusions** and make **recommendations** related to further promotion of sustainable development during the EMFTA negotiation and implementation process. These should provide material for the Commission to consider in refining mutually supportive trade, development, environment and social policies to support the sustainable development of the Mediterranean region.

The conclusions and recommendations should *inter alia*:

- Identify any emerging new issues that the Commission should incorporate into its rolling work-programme as negotiations proceed;
- Include proposals for institutional strengthening, capacity building, dissemination of information and increasing public awareness especially in the transitional period to allow the MEDA Partners to put in place a sustainable EMFTA;
- Provide guidance on the content of trade policies and measures needed in order to promote a sustainable EMFTA;
- Identify opportunities for using all instruments of the Euro-Mediterranean Partnership including the various Associations Agreements and the regional/national indicative programmes to promote a sustainable EMFTA;
- Make sector specific proposals for addressing the sustainability impacts of the key economic sectors;
- Indicate effective mechanisms of assessment and monitoring of the sustainability impacts of the EMFTA in the course of, and after, its establishment;
- Identify mitigation measures that may be needed to confine adverse environmental and social impacts resulting from EMFTA.

D.3. Consultation with major stakeholders including regional workshops (4 days).

The consultant will continue the activity launched during the 1st and 2nd Phases (see results C.1 and D.2).

In addition to internet based consultation (see below), the consultant will be expected to participate in an **one-day open meeting in Brussels (organised by the Commission/DG TRADE) with stakeholders** during the 3rd Phase to report on progress and seek consensus on contentious issues thrown up by the continuous internet dialogue. If requested by the Commission, other stakeholder meetings may be arranged on *an adhoc basis* as necessary.

In addition, the Commission shall explore in the course of the study the scope for the organisation of regional workshops for invited participants to be convened in Brussels and/or the Euro-Mediterranean Partner countries, as follows:

- One at Mediterranean expert level to discuss experience related to activities undertaken in accordance with A.3., B.3. and C.3. above **(2 days)**.
- One with representatives of the major authorities concerned from the 12 Mediterranean Partners to consider the proposed monitoring mechanism and the draft conclusions and recommendations **(2 days)**.

E.3. Internet based information dissemination and awareness tools

The consultant shall continue the activity launched during the earlier Phases

F.3. Preparation of information material to be used by the Commission for relevant presentations.

The consultant shall continue the activity launched during the earlier Phases.

G.3. Meetings with the Commission/SIA Steering Committee in Brussels and regional workshops.

The consultant shall continue the activity launched during the earlier Phases. The following meetings will take place in Brussels and will include:

- One briefing meeting for the consultant/experts to obtain further information from the Commission on the current state-of-affairs on trade negotiations with MEDA Partners, the issues for study under this Phase and possible handing-over of further documentation to be reviewed **(1 day)**.
- One meeting following the submission of the Sector Specific assessment report **(1 day)**.
- One meeting following the submission of the draft report on conclusions and recommendations **(2 days)**.
- One meeting to present the final report of the SIA **(1 day)**.
- Confirmation of the actual organisation of such presentation meetings will be issued by the Commission in due time

An additional *ad hoc* meeting may be requested by the Commission, if deemed to be required **(1 day)**.

H.3. Report Submission and Presentation

The consultant shall submit Reports at three stages:

- A **Sector Specific Assessment Report (max. 30 pages)**, will be submitted at the end of the assessment set out in Result A.3., four months after the beginning of the 3rd Phase. It will provide an overview of work accomplished during this period and may comment on anticipated problems and proposed solutions. This Report will provide a detailed description of the findings of the sectoral assessments under the different scenarios and of the bottom-up approach to assessing overall sustainability.
- A draft **Report on Conclusions and Recommendations (max. 30 pages)** shall be submitted within three months after the submission of the Sectoral Assessment Report. This report will provide an overview of work accomplished to date and may comment on anticipated problems and proposed solutions. This draft report will provide orientations for future policies and measures as well as for strengthening the capacity of MEDA Partners to promote and benefit from a sustainable EMFTA. The report will take account both of the work done under the 2nd Phase on broad scenarios and under the 3rd Phase on sectors. It will also contain proposals for the monitoring mechanism foreseen in Result B.3. This report will provide information on the structure of the final report of this

Phase and a clear view with regard to the necessary actions to ensure that the remaining objectives of the contract are fulfilled.

- The **Final Report** of the contract will provide a synthesis of the major findings of the entire SIA and revise the earlier conclusions and recommendations in the light of the regional workshops, other interaction with stakeholders and comments from the Commission. It will include in annex all necessary material and documentation mentioned in this chapter as well as material presented in the final reports of the two previous Phases.

The consultant shall observe the general orientations and provisions on reporting mentioned for the 1st Phase (see section 3.2.G).

The detailed structure and contents of the final report of each Phase shall be decided in consultation with the Commission/SIA Steering Committee. The results of this work shall be presented for discussion and revision in a final workshop with the participation of all involved General Directorates (EuropeAid, TRADE, RELEX, ENV; possibly TREN, ENTR, EMPL, DEV etc).

4. CONSULTANT'S AND EXPERTS' TEAM PROFILES

The type of experience and expertise to be provided by the Consultant is defined by the issues to be addressed, the expected results and the associated activities of the entrusted function. The complexity of the issues to be addressed calls for a multidisciplinary expert team, able to demonstrate all the required competencies and range of expertise (if necessary in the form of consortium of consulting firms/institutions). In this context, knowledge of the analytical tools relevant to the integration of the three sustainability pillars into trade agreements is vital, as is knowledge of the Mediterranean region and of the Euro-Mediterranean partnership. Particular experience in trade liberalisation in the Mediterranean partner countries would be highly desirable. Prior or present involvement in relevant research studies or proven links with research institutes will be considered as an additional asset. The proposed team may include both full and part-time experts.

Special attention should be given to the proposed management and backstopping structure given the wide scope and tight schedule of the SIA study. This should be responsible for co-ordinating both the work of the consultant team, as well as the relationship between the latter and the Commission, to ensure that the timetable and milestones of the project are properly met.

The Consultant may be based in any of the 27 Euro-Mediterranean Partners.

Expert profiles for the core expert team, as initially foreseen by the European Commission are presented in the Annex, and may be subjected to change as the study progresses.

The Consultant shall propose as Team Leader/Co-ordinator either a fourth Senior Expert **or** one of the three Sectoral Key Experts described under sections 1.1, 1.2, 1.3 of the Expert Job Profiles. In either case the Team Leader/Co-ordinator's Job description, Academic Profile and Professional experience shall match those described in section 1.4 of the Expert Job Profiles.

The Consultant shall include in the technical offer

- For Long-Term positions a precise allocation of tasks and detailed quantification of their effort (**i. e. man-days per task**) and CVs.
- For Short-Term positions a precise allocation of tasks and detailed quantification of their effort (**i. e. man-days per task**), CVs for known team members and required experience for others.

5. DURATION AND BUDGET

The maximum contract duration is 24 months for a **budget of 600,000 EUROS**. If necessary, a further 6-month extension may be foreseen at a later stage.

6. TENDER PROCEDURE AND CONTRACT AWARD

6.1. Tender Procedure

The procedure to be followed is a restricted invitation to tender, on the basis of a short-list of interested candidates, for the procurement of services in accordance with the Manual of Instructions¹⁸ for Contracts for Works, Supplies and Services concluded for the purposes of Community co-operation with Third Countries. The short-listed candidates shall be selected among candidates with proven experience on Sustainability Impact Assessments related to trade and sustainable development selected by the Directorate General EuropeAid Co-operation Office in consultation with the SIA Steering Committee, in conformity with the criteria stipulated in the relevant service procurement notice.

6.2. Criteria for Tender Evaluation and Contract Award

Proposals will be evaluated based on Eligibility and Administrative Compliance, Technical and Financial Evaluation Criteria as presented in Part C of the Annex. Only those proposals, which meet all the Eligibility and Administrative Compliance Criteria, will be carried forward for technical and financial assessment.

The contract will be awarded on the basis of the most economically advantageous tender among the ones having qualified on the basis of the technical evaluation criteria.

The technical offer and the financial offer need to be submitted separately in conformity with the 'double envelope system'

7. REMARKS

1. During contacts with identified stakeholders or any other organisation, the staff of the consultant will clearly identify themselves as independent and not as official representatives of the Commission.
2. The Commission may elaborate further the present ToRs through internal consultations and/or consultations with the successful consultant if so deemed necessary during the initial briefing in Brussels.
3. No information acquired under this contract may be communicated to third parties or used for commercial purposes without prior authorisation of the Commission.
4. The European Commission has the overall responsibility of the supervision of the present contract.

¹⁸ http://europa.eu.int/comm/europeaid/tender/gestion/mi/mi_en.pdf