

**Capacity Development for Senior Officials on Origin Cumulation under the EU-SADC
EPA.**

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General information

a. Brief information on the project

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) has been mandated by the German Federal Ministry for Economic Cooperation and Development (BMZ) to implement a global project operating under the title “Supporting sustainability aspects in the implementation of EU Economic Partnership Agreements (NEW)” in order to foster EPA implementation by regional organisations, their member states, the private sector and civil society in a way that supports sustainable development. The first phase of the project was implemented during the period of May 2017 to April 2020, the current phase is commissioned to run from May 2020

until April 2023. The project operates cross-regionally, with a focus on Southern Africa (SADC EPA), Eastern and Southern Africa (ESA EPA) and the Caribbean (CARIFORUM EPA).

The GIZ NEW project's interventions are organized around three main areas:

1. Facilitating the establishment of participatory EPA monitoring systems, providing methodological as well as institutional support.
2. Strengthening the capacity of public and private sector actors to (a) make best use of the potentials of the EPA for sustainable development and to (b) recognize and mitigate potential risks for sustainable development.
3. Developing cross-regional exchange of public and civil society actors on implementing and deepening the EPAs with a view to supporting sustainable development.

b. Context

The Economic Partnership Agreements (EPAs) denote a set of comprehensive Trade Agreements between the European Union (EU) and the African, Caribbean and Pacific (ACP) states. These Agreements aim to extend beyond the scope of traditional trade agreements, and to create partnerships that implement trade in an effort towards sustainable development and regional integration.

Negotiations between the EU and the group of the Southern Africa Development Community (SADC) EPA countries (Botswana, Eswatini, Lesotho, Mozambique, Namibia and South Africa) were concluded in 2014 and the agreement was signed on 10th of June 2016 in Botswana and entered into force on October 10th, 2016. The Agreement became the first regional EPA in Africa to be fully operational after Mozambique, the only non-SACU SADC EPA State, started applying the EPA in February 2018.

EPAs are based on the principle of asymmetry and contain several provisions that reflect their developmental nature. Under the SADC EPA, the EU guarantees long-term duty-free and quota-free access to the European market for Botswana, Eswatini, Lesotho, Mozambique and Namibia. South Africa benefits from new market access that supplements the Trade, Development and Cooperation Agreement (TDCA) that governed its trade relations with the EU prior to the EPA. In turn, SADC EPA states will liberalise up to 86.2% (Mozambique 74%) of their total trade volume with transition periods of up to 12 years. Numerous sensitive products critical for local value addition are exempt from liberalisation and safeguards can be deployed when imports from the EU into the SADC EPA countries are growing too quickly.

It is important to note that having an EPA in place does not automatically translate into increased and free trade flows, deeper regional integration and increased poverty reduction. Seizing the opportunities created by this agreement and mitigating its risks presumes that regional and national government bodies, the private sector and civil society have the necessary capacity to interpret and apply the provisions in the EPA in a way that supports sustainable development.

In a free trade area such as the one established by Article 20 of the EU-SADC EPA, rules of origin serve a critical role in ensuring only eligible products are granted tariff preferences. Article 22 of the SADC EPA states as follows: “The tariff preferences provided for in this Agreement shall be applied to goods qualifying under the rules of origin laid down in Protocol 1.” Rules of origin are used to determine whether imported products shall receive Most-Favoured-Nation (MFN) treatment or preferential treatment, to implement measures and instruments of commercial policy such as anti-dumping duties and safeguard measures, for the application of labelling and marking requirements and for the purpose of trade statistics, among other uses. The proper application of the rules of origin is therefore fundamental in ensuring that the tariff preferences provided for under the SADC EPA are applied for the enhancement of trade under the SADC EPA. Article 4 of Protocol 1 of the SADC EPA provides for diagonal cumulation of origin. The SADC EPA States have not yet started applying, and hence benefiting, from diagonal cumulation of origin largely due to the absence of administrative cooperation agreements between and among them.

Objective

Concretely, this assignment entails developing and implementing a training workshop for SADC EPA public officials responsible for the administration and application of the SADC EPA rules of origin to enhance their capacities necessary for the operationalisation of the implementation of cumulation in particular the diagonal cumulation provisions in the SADC EPA.

Learning Objectives/Outcomes

At the end of the two-day workshop:

- i. The participating officials will be able to correctly apply the diagonal cumulation provisions of the SADC EPA in their countries.
- ii. The participating officials will be able to train other officials and stakeholders in their countries on the correct implementation of diagonal cumulation under the SADC EPA.

- iii. The officials will outline and recommend to their responsible national institutions or agencies the next practical, concrete and administrative steps needed to be taken to operationalise the implementation of diagonal cumulation under the SADC EPA.

c. Duration of Project

GIZ shall hire the contractor for the anticipated contract term, from 15.07.2023 to 30.11.2023

d. Scope of Works: Deliverables

The contractor shall provide the following service:

- (1) Prepare for and participate in a kick-off meeting jointly with GIZ NEW project, SADC EPA Unit and SACU Secretariat, prepare and submit Inception Report.
- (2) Prepare and submit programme for a 2-day training workshop on cumulation of origin provided for under Protocol 1 of the SADC EPA, with a specific focus on Diagonal Cumulation.
- (3) Prepare training materials for the 2-day training workshop on cumulation of origin, with a specific focus on Diagonal Cumulation, including relevant examples, practical exercises and quizzes, and the necessary steps to be taken in operationalising it. The contractor's expert will be expected to research as necessary, including consulting with the EU Commission's DG-TAXUD, to ensure the training content reflects the correct and up to date procedures on diagonal cumulation under the EU-SADC EPA.
- (4) Facilitate a 2-day face-to-face regional workshop in South Africa on SADC EPA origin cumulation with a specific focus on Diagonal Cumulation.
- (5) Prepare and submit a **final report** on the workshop, that captures lessons learned from the training event and suitable recommendations for future capacity development of the SADC EPA States on origin cumulation under the SADC EPA (Report length: 3-5 pages).

Deliverable		Working days/ Deliverable
1.	Inception Report prepared and submitted after kick-off meeting	2 working days
2.	2-day workshop programme on diagonal cumulation of origin under Protocol 1 of the SADC EPA prepared and submitted.	1 working day
3	Presentations and other training materials for the 2-day training workshop on cumulation of origin prepared and submitted.	10 working days

4	2-day face-to-face regional workshop in South Africa on SADC EPA origin cumulation on SADC EPA diagonal Cumulation of origin implemented.	2 working days
5	Final Report prepared and submitted.	2 working days
	Total number of working days	Up to 17 working days

e. Mode of work: Communication, Coordination and Travel

With reference to the table above, the days to be allocated to each activity are indicative and can be shifted between individual activities as needed and agreed with the GIZ NEW project. The kick-off meeting will be held virtually and the preparation of inception and final reports of the training will be conducted at the consultant's home base. However, as the regional training workshop will be an in-person one, the consultant is expected to travel to South Africa for the duration of the workshop. In this case, GIZ will cover travel expenses as outlined in chapter 3.

Coordination of this activity will be a joint exercise between the SADC EPA Unit, SACU Secretariat and the GIZ NEW II project. The contractor will report regularly to the GIZ. Any communication will be undertaken via a suitable virtual platform.

f. Quality of Work

The consultant shall design and conduct the training in line with following quality criteria:

- **Relevance of the training** for the target group is ensured. Content and instructional design are appropriate for the target group;
- Adequate **reference to existing source materials** is ensured;
- Clear communication of **teaching methodology** and **concept** prior to the training is ensured;
- The training is designed to achieve the defined **Learning objectives** and **outcomes**, enabling participants to apply their knowledge;
- **Assessments and exercises** are integrated into the training to enable the demonstration of learning outcomes;
- **Reflection and coaching processes** (e.g. feedback, discussions etc.) are provided;

- Different **interactive tools** (text, pictures, audio, video, animation and simulation) are used for delivering the training content, allowing for participant-facilitator and peer interactions;
- Key **technical requirements** are ensured (particularly for online trainings)
 - Common file formats for shared media/documents (PDF, DOCX, PPTX) are used.
 - All technical components are usable with minimal bandwidth.
- An **inclusive learning environment** is ensured regardless of learners' specific demographic characteristics, such as ethnicity, gender, disability, religion or belief, sexual orientation, and age
- Ease of use of the developed **materials for future trainings** to be conducted by the partners (SADC & SACU) and or SADC EPA Member States is ensured;

g. Data protection

The performance of the contract may be associated with the processing of personal data by the contractor, who would alone define the nature of such data and how such processing would be carried out. In such cases, the contractor shall act as an independent DATA CONTROLLER and must alone comply with ALL applicable data protection obligations, including regional and local laws. The contractor must process personal data only when a given goal cannot be reasonably attained without such data. The data protection principles such as lawfulness, data minimization, accuracy, purpose limitation, storage limitation, transparency, integrity and confidentiality, and accountability, as well as the numerous rights of the data subject must be paid due attention. The GDPR's data transfer rules must be considered whenever personal data leaves the EU for a third country. The GIZ is NOT in any way responsible for such processing.

h. Target Group (participants)

Four participants from each of the six SADC EPA States (Botswana, Eswatini, Lesotho, Mozambique, Namibia and South Africa) will participate in the regional workshop. The four officials from each SADC EPA State shall consist of the following senior officials:

- Two senior customs officials with experience in the negotiation, implementation and or administration of SADC EPA rules of origin.
- One senior trade official with policy responsibility over the SADC EPA rules of origin ,
- One legal expert with responsibility for the drafting of customs cooperation and mutual/administrative assistance agreements.

Tender requirements

1. *Qualifications of proposed staff*

The bidder is required to provide personnel who is suited to deliver the tasks described, on the basis of his/her CV, the range of tasks involved and the required qualifications. The below specified qualifications represent the requirements to reach the maximum number of points.

1.1. Expert 1

1.1.1. General qualifications (*Assessment grid: 1.1.1*)

- Education: Masters degree in Customs administration, Economics, International Trade Law or Policy, International Development, International Business/Marketing/Commerce from a recognised tertiary institution. An advanced degree in the relevant areas is an asset.
- Professional experience: 10 years relevant working experience in the area of capacity building or implementation of rules of origin including cumulation rules. Experience working with EU EPA rules of origin is necessary.

1.1.2. Experience in the region (*Assessment grid: 1.1.2*)

5 years of working experience in the Southern African region.

1.1.3. Language skills (*Assessment grid: 1.1.3*)

Business fluency in English. An advanced knowledge of Portuguese would be an asset.

2. *Appropriateness of proposed concept*

Technical-methodological concept

2.1 Strategy: The bidder is required to consider the tasks to be performed with reference to the objectives of the services put out to tender (see General Information). Following this, the bidder presents and justifies the strategy with which it intends to provide the services required.

The strategy proposed in the technical proposal should include:

- the approach for synthesizing available information on SADC EPA rules of origin, in respect of cumulation of origin, into relevant learning material or aspects that meet the learning needs of the target group.
- the approach to ensure sustainability and enable replication of future workshops by project partners.

(Assessment grid: 2.1)

2.2 The bidder is required to present the actors relevant for the services for which it is responsible and describe the **cooperation** with them. **(Assessment grid: 2.2)**

2.3 The bidder is required to present and explain its approach to **steering** the measures with the project partners and its contribution to the results-based monitoring system. **(Assessment grid: 2.3)**

2.4 The bidder is required to describe the key **processes** for the services for which it is responsible and create a schedule that describes how the services according to Chapter 1 are to be provided. In particular, the bidder is required to describe the necessary work steps and, if applicable, take account of the milestones and contributions of other actors in accordance with the Chapter *General Information*. **(Assessment grid: 2.4)**

3. Specification of inputs

Sustainability aspects for travel

GIZ would like to reduce greenhouse gas emissions (CO₂ emissions) caused by travel. When preparing your tender, please incorporate options for reducing emissions, such as selecting the lowest-emission booking class (economy) and using means of transport, airlines and flight routes with a higher CO₂ efficiency. For short distances, travel by train (second class) or e-mobility should be the preferred option.

If they cannot be avoided, CO₂ emissions caused by air travel should be offset. GIZ specifies a budget for this, through which the carbon offsets can be settled against evidence.

The market for carbon credits is made up of a large number of providers, each with different claims as to their climate impact. The [Development and Climate Alliance](#) has published a [list of standards](#). GIZ recommends using the standards specified there.

Fee days	Number of experts	Number of days per expert	Comments
• Preparation/debriefing	1	4	Kick-off meeting, Inception & Final Reports
• Implementation	1	13	
Travel expenses	Number of experts	Number of days/nights per experts	Comments
• Per-diem allowance in country of assignment	1	4	Two full days for the workshop implementation and 2 days for travel days. Covered up to the amount specified in the price sheet and only in the case travel

			is needed outside of expert's home country.
<ul style="list-style-type: none"> Overnight allowance in country of assignment 	1	3	Assuming arrival the day before the workshop, departure the day after. Overnight allowance covered up to the amount specified in the price sheet.
<ul style="list-style-type: none"> Travel costs (train, private vehicle) 	1	2	
Flights	Number of experts	Number of flights per experts	Comments
<ul style="list-style-type: none"> International flights 	1	1	Covered against evidence and up to the amount specified in price sheet, if flight required.
<ul style="list-style-type: none"> Domestic flights 	1	1	Covered against evidence and up to the amount specified in price sheet, if flight required

Calculate your financial bid exactly in line with the quantitative requirements of the specification of inputs above. There is no contractual right to use up the full days/travel or workshops or budgets. The number of days/travel/workshops and the budgets will be contractually agreed as **maximum amounts**. The regulations on pricing are contained in the price schedule.

4. Requirements on the format of the bid

The CV submitted the expert can have a maximum of four (4) pages. The **technical-methodological concept** should not exceed five (5) pages. If one of the maximum page lengths is exceeded, the content appearing after the cut-off point will not be included in the assessment. External content (e.g. links to websites) will also not be considered.

The contractor is required to submit the following:

- Technical and Methodological proposal;
- Curriculum Vitae of each experts; and
- Financial Proposal.