

COMISSÃO DA CEDEAO

COMMISSION DE LA CEDEAO

Agence Régionale pour l'Agriculture et l'Alimentation

ARAA



ECOWAS COMMISSION

Regional Agency for Agriculture and Food

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TERMS OF REFERENCE

Selection of a firm to update the study on the identification of administrative and technical measures to facilitate the free movement of agro-sylvo-pastoral and fishery products within the ECOWAS zone

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I- BACKGROUND AND JUSTIFICATION

Article 3 of the Revised ECOWAS Treaty sets out one of the main objectives of the organisation, namely to promote the economic integration of the region through the establishment of a Free Trade Area (FTA). To achieve this objective, ECOWAS created the Trade Liberalisation Scheme (TLS) in 1976. The SLE is a tool designed to operationalise the FTA through the elimination of customs duties and taxes having equivalent effect on imports of products recognised as originating in ECOWAS Member States.

Thus, originating agricultural, livestock, traditional craft and industrial products benefit from the advantages of the SLE. An industrial product is said to be "originating" if it complies with the "ECOWAS Rules of Origin" established for this purpose. The Scheme is one of the major achievements in the construction of the Common Market and regional integration in West Africa.

However, since the entry into force of the SLE on 1^{er} January 1990, its implementation by all Member States has not been effective. The reasons for this include the following:

- the persistence of tariff and non-tariff barriers, as well as abnormal practices;
- companies' low level of awareness of the SLE ;
- the lack of training for the members of the National Committees for the Recognition of Community Origin (NRCVG, formerly known as the National Approval Committees), which are responsible for providing the necessary assistance to companies to obtain approval;
- the lack of information exchange and communication between the players involved (exporters, NRCVG, customs officials, ECOWAS Commission); and
- the absence of a database on the SLE where the list of approved companies and products is regularly updated and available for verifying the authenticity of certificates of origin.

With regard to the transport and marketing of agricultural, livestock and fishery products, there are also obstacles throughout the marketing process between countries. These obstacles include: false fees, long stops at mobile checkpoints (customs, police, gendarmerie, water and forestry), documents relating to loads, which increase the cost price at destination. These obstacles also slow down the movement of products from production areas to marketing and consumption areas.

Nevertheless, it has to be recognised that the production, marketing and transport chain for agro-sylvo-pastoral and fishery products across borders is a major source of employment, particularly for young people and women. In the local cross-border trade in agricultural products, it is mainly women who are responsible for pre-collection from production areas to local markets, before being transported to the major trade corridors.

Generally speaking, however, the players involved in cross-border trade in West Africa are highly unstructured, operating mainly on an informal basis. Moreover, they do not always have the knowledge and resources needed to meet the administrative requirements of cross-border trade. This situation increases their vulnerability to road and administrative harassment. To address the

above challenges, the ECOWAS Commission, in collaboration with CILSS and with financial support from USAID, is conducting a study in 2019 to identify administrative and technical measures to facilitate the free movement of agro-sylvo-pastoral and fisheries products.

Over the last three years, there have been significant developments in the regulatory framework governing the free movement of goods in general, and more specifically products originating in ECOWAS. In addition, a new regulatory framework has been adopted for Community transit and the Community transit guarantee system. As a result of these changes in the regulatory framework for trade, particularly in agricultural products in the region, it was agreed within the framework of the West African Food System Resilience Program (FSRP) to update this study.

II- GENERAL OBJECTIVE

The general aim of the mission is to take account of the new regulations adopted over the last three years and to propose updated recommendations to facilitate trade and the free movement of agro-sylvo-pastoral and fishery products (cereals, livestock and meat, fishery products, tubers, onions, fruit, vegetables, poultry) in the ECOWAS Member States.

III- SPECIFIC OBJECTIVES

The study has the following specific objectives:

- make a critical analysis of existing Community texts relating to cross-border trade and cross-border transport of agro-sylvo-pastoral and fishery products (cereals, livestock and meat, fishery products, tubers, onions, fruit, vegetables, poultry);
- identify administrative and technical measures to facilitate the free movement of agro-sylvo-pastoral and fishery products.

IV- EXPECTED RESULTS

At the end of the study, the following results should be achieved:

- administrative and technical measures to facilitate the free movement of agro-sylvo-pastoral and fishery products have been identified;
- Draft regulations are submitted to the ECOWAS Commission for consideration;
- recommendations are made to the ECOWAS Commission and Member States on the measures to be taken to implement these measures.

V- METHODOLOGY AND ACTIVITIES TO BE CARRIED OUT

The work methodology will be based essentially on :

- A documentary review of the texts (protocols, decisions, regulations, directives, etc.) of the ECOWAS and UEMOA Commissions and the Member States. The various stages of this review

are the collection, evaluation, processing and analysis of legislative and regulatory texts as well as relevant reports and publications relating to the production, marketing and cross-border transport chain of agro-sylvo-pastoral and fishery products (cereals, livestock and meat, fishery products, tubers, onions, fruit, vegetables, poultry);

- Gathering additional information from ECOWAS and UEMOA trade experts and economic operators;
- Identifying administrative and technical measures to facilitate the free movement of agro-sylvo-pastoral and fishery products (cereals, livestock and meat, fishery products, tubers, onions, fruit, vegetables, poultry) within the ECOWAS zone;
- Drafting the study report, including draft regulations.

The methodology proposed by the firm will be refined beforehand at a scoping meeting with the FSRP experts, before the actual assignment begins.

VI- STUDY DELIVERABLES

As part of its study, the consultancy firm must provide the Regional Coordination of the PRSP with the following information:

- An inception report setting out the methodology adopted;
- Draft regulations on administrative and technical measures to facilitate the free movement of agro-sylvo-pastoral and fishery products
- An appended final report detailing the administrative and technical measures to facilitate the free movement of agro-sylvo-pastoral and fishery products (cereals, livestock and meat, fishery products, tubers, onions, fruit, vegetables, poultry);

VII- PROFILE AND SKILLS OF THE CONSULTANT

For this consultation, legally constituted and qualified firms (experience and operational capacity) are called upon to carry out the assignment. As such, the firm must have the following minimum experience and qualifications:

- Legally constituted for at least 5 years ;
- At least three (3) years' successful consulting experience in intra-regional trade in agri-food products;
- At least 01 years of experience in proposing draft regulations to improve the flow of trade;
- Experience in West Africa would be an advantage.

The company must have staff with proven skills in intra-regional trade and commerce in agri-food products in West Africa:

K1-An expert in the trade of livestock products with at least five (5) years' experience;

- Have a BAC+5 degree in agronomy/zootechnics, veterinary science, agro-economics or any other equivalent field;
- Have carried out at least one (1) study mission in the field of livestock product trade;
- Very good knowledge of ECOWAS and UEMOA trade policy instruments;
- Have a very good knowledge of the functioning of the regional market for agri-food products in the ECOWAS community area;
- Very good knowledge of ECOWAS and UEMOA texts on agriculture, trade, transport and customs;
- Fluency in English or French and some knowledge of the other language.

K2-An expert in the trade of fishery products with at least five (5) years' experience

- Have a BAC+5 degree in fisheries science and techniques, veterinary science, agro-economics or any other equivalent field;
- To have carried out at least one (1) study mission in the field of trade in fishery products;
- Very good knowledge of ECOWAS and UEMOA trade policy instruments;
- Very good knowledge of the functioning of the regional market for agri-food products in the ECOWAS community area;
- Very good knowledge of ECOWAS and UEMOA texts on fisheries, trade in fish products, transport and customs;
- Fluency in English or French and some knowledge of the other language.

K3-An expert in the trade of agricultural products with at least five (5) years' experience

- Have a BAC+5 degree in agronomy, agro-economics or any other equivalent field;
- Have carried out at least one (1) study mission in the field of trade in agricultural products of plant origin;
- Very good knowledge of ECOWAS and UEMOA trade policy instruments;
- Very good knowledge of the functioning of the regional market for agri-food products in the ECOWAS community area;
- Very good knowledge of ECOWAS and UEMOA texts on agriculture, trade in agricultural products, transport and customs;
- Fluency in English or French and some knowledge of the other language.

In addition, the firm must provide a team leader with the following qualifications:

- a university degree (BAC +5) in agronomy, animal husbandry, economics or any other equivalent degree;
- at least ten (10) years' professional experience and at least two assignments in the field of regional trade and exchanges in agro-sylvo-pastoral and fishery products in West Africa.

In addition, at least one member of the group of consultants must be bilingual (French/English).

VIII- DURATION OF THE ASSIGNMENT

The consultation will cover a maximum period of seventy (70) working days.

The firm must start work as soon as the contract is notified. To this end, it will submit a timetable for

carrying out the assignment within the allotted time.