



## **REPORT ON THE 6<sup>th</sup> ROUND OF NEGOTIATIONS BETWEEN THE EUROPEAN UNION AND FIVE EASTERN AND SOUTHERN AFRICA (ESA) COUNTRIES FOR THE DEEPENING OF THE CURRENTLY IMPLEMENTED ECONOMIC PARTNERSHIP AGREEMENT (EPA)**

**22-26 November 2021**

The European Union (EU) and the five Eastern and Southern African countries (Comoros, Madagascar, Mauritius, Seychelles and Zimbabwe) implementing the interim Economic Partnership Agreement (EPA) met virtually via video-conference from 22 to 26 November 2021 to hold the sixth negotiating round for the deepening of this agreement, following the launch of the negotiations on 2 October 2019 in Mauritius.

This round included eight issues, namely technical barriers to trade (TBT), rules of origin (RoO), sanito-phytosanitary standards (SPS), agriculture, intellectual property rights – including geographical indications- (IPR & GIs), public procurement (PP), trade and sustainable development (TSD) and means of implementation (MoI), which is the re-labelled “economic and development cooperation” chapter.

The meeting was held in a positive and constructive atmosphere and progress was achieved on all trade-related issues. On SPS, two issues remain outstanding before provisional conclusion. Good further progress on TBT, RoO and agriculture, while on IPR & GIs and PP, good discussions laid the ground for progress in the next round. On TSD, both sides converged on many issues while ESA partners express concerns about their difficulties in implementing strong commitments and link the level of ambition to adequate financial and technical support. As for the MoI, EU and ESA need to discuss further the different approaches proposed by each party in view to achieving a common objective of ensuring support for the implementation of this agreement.

### **SPS**

The parties agreed on outstanding provisions related to the single entity (equal import conditions for both parties and their Member States), on Harmonisation, on Regionalisation, on Animal Welfare and on Emergency measures. They therefore finalised the “technical” articles of the SPS Chapter. The two remaining articles “Capacity building and technical assistance” and “the Committee” could be discussed during an intermediary meeting dedicated to this issue when time is appropriate.

# REPORT ON THE 6<sup>th</sup> ROUND OF NEGOTIATIONS BETWEEN THE EUROPEAN UNION AND FIVE EASTERN AND SOUTHERN AFRICA (ESA) COUNTRIES FOR THE DEEPENING OF THE CURRENTLY IMPLEMENTED ECONOMIC PARTNERSHIP AGREEMENT (EPA)

## Technical Barriers to Trade (TBT)

Both parties had a constructive exchange of views on their respective policies, notably on conformity assessment procedures. Progress was made on some of the remaining articles, notably on marking and labelling. Other issues discussed included technical discussions and consultations and TBT chapter coordinator. Cooperation and technical assistance will be discussed in the wider context of the negotiations on Economic and Development Cooperation.

## Rules of Origin (ROO)

Both sides continued discussion on the product specific rules. The parties agreed to simplify the rules for a number of chapters. The EU presented its proposal for introductory notes to the product specific rules.

Both sides agreed to move away from certificates EUR.1 and to use only self-certification as proof of origin. The Parties agreed to provisions related to insufficient operations and non-alteration and continued exchanging their views on a number of provisions such as territoriality, wholly obtained and importer's knowledge.

## Agriculture

Discussions took place in a constructive atmosphere. Based on the joint working document, the parties discussed their own text proposals in detail and eventually agreed on the joint text in some articles. The discussion of the non-agreed parts of the text will continue at the next round.

## Intellectual Property Rights (IPR)

Both parties continued their discussions on IPRs, in particular on the current and possible future accession of ESA partner countries to international IP treaties and conventions. Regarding specific IP rights, the parties focussed on the various tabled provisions governing copyright, trademarks and designs to reach a future agreement for establishing well-balanced IP systems for each party.

### - *GIs*

The EU and ESA countries continued their discussions on geographical indications, with a particular focus on GIs legal frameworks. The parties also had a constructive exchange of views on their respective approaches with regard to protection of geographical indications under the EPA. There is full engagement on both sides to take GIs negotiations forward.

## Public Procurement (PP)

Both parties exchanged their views with the objective to clarify the scope of the chapter. The EU provided comments and expressed some scrutiny reservations on several Articles of the ESA partners text proposal shared in September 2021. Both sides agreed to further consult internally and provide their comments and reservations in writing, to the extent possible, by the end of January in order to ensure fruitful discussions on the chapter in the next round of negotiations.

## **REPORT ON THE 6<sup>th</sup> ROUND OF NEGOTIATIONS BETWEEN THE EUROPEAN UNION AND FIVE EASTERN AND SOUTHERN AFRICA (ESA) COUNTRIES FOR THE DEEPENING OF THE CURRENTLY IMPLEMENTED ECONOMIC PARTNERSHIP AGREEMENT (EPA)**

### **Trade and Sustainable Development (TSD)**

The group had its second discussion on the basis of a joint bracketed text (built on the basis of discussions during the 4th round). The discussions covered all articles of the proposed TSD chapter, namely, the objectives of the TSD chapter, scope, the right to regulate and levels of protection, labour standards, environmental standards, biodiversity, forest management, marines resource management, institutional, transparency and dispute settlement provisions among others. Convergence on many issues was observed.

The EU reiterated its aim for a high ambition and the need for strong commitments on TSD, which should build on the Post-Cotonou Agreement TSD references. ESA partners underlined that TSD should be of a collaborative nature, whereby both sides would need to work together towards the implementation of the Sustainable Development Goals. In this respect, it was important to consider the difficulties of implementing the commitments to be undertaken in an ambitious TSD chapter; ESA, therefore, linked the level of ambition to adequate financial and technical support.

The parties will continue discussions on the updated text, which reflects the many points of convergence.

### **Means of Implementation (Moi)**

The Parties welcomed this third session of negotiation of the EDC chapter. ESA partners thanked the EU for the submission of the comments on the joint draft proposal that were aimed at opening the discussion on the joint draft text, however given the short notice, ESA party confirmed that they would need to have internal consultations to be able to come back with specific replies on the comments.

The aim of the session was set to help clarify and have a better understanding of the reasoning for the different approaches proposed on the overall Chapter. The EU explained that the proposed “Means of Implementation” chapter aims at having a pragmatic text that ensures support to ESA partners for the implementation of the EPA Agreement but in full alignment and complementarity to our broader strategic partnership with the countries. The EU reiterated its strong engagement to mobilise support for the implementation of the deepening of the ESA EPA and made very clear that this is the spirit of the proposed approach by the EU.

ESA partners insisted that it was important to have the broader development dimension included in the narrative of the text and reiterated the need to maintain the title ‘Development Chapter’ which implies a cooperation and partnership compact aimed at fostering sustainable economic development, regional integration and integration on world markets. ESA partners also emphasised on the need for dedicated support earmarked within the EPA framework given that they would be called upon to take substantial commitments for the operationalisation of the agreement.

The EU updated on the ongoing programing exercise and flagged the important amounts allocated to the support of economic integration and trade priorities in SSA and reassured that such allocations would target some of the key areas of the Agreement. To show this more concretely the EU presented concrete programs that would support ESA partners in

**REPORT ON THE 6<sup>th</sup> ROUND OF NEGOTIATIONS BETWEEN THE EUROPEAN UNION AND FIVE EASTERN AND SOUTHERN AFRICA (ESA) COUNTRIES FOR THE DEEPENING OF THE CURRENTLY IMPLEMENTED ECONOMIC PARTNERSHIP AGREEMENT (EPA)**

addressing their needs in the framework of the agreement, reconfirming EU willingness to support its implementation.

It was agreed that ESA partners will share their comments and replies in written and that an intersession meeting on the 3rd week of January 2022 would help accelerate and help deepening the discussions on this Chapter.