

This document is the European Union's (EU) proposal for a legal text on Means of Implementation chapter in the EU-ESA5 deepening of the interim agreement. It will be tabled for discussion with ESA5. The actual text in the final agreement will be a result of negotiations between the EU and ESA5.

DISCLAIMER: *The EU reserves the right to make subsequent modifications to this text and to complement its proposals at a later stage, by modifying, supplementing or withdrawing all, or any part, at any time.*

CHAPTER IV MEANS OF IMPLEMENTATION

Article 36

General provisions

1. In order to implement the objectives of the Agreement, the Parties will build on the ‘Post Cotonou’ Agreement” that sets out the strengthened political partnership between the EU and OACPS members, of which the Parties are Part, to generate mutually beneficial outcomes on common and intersecting interests and in accordance with their shared values. It sets out how the Parties will cooperate towards achieving the Sustainable Development Goals (SDGs), with the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change as overarching frameworks guiding the partnership. In recognition of the EPA as an important trade and development tool as well as the commitments taken within the framework of the Economic Partnership Agreements, the Parties acknowledge that cooperation shall be strengthened to support concrete implementation of the Agreement.

Article 37

Objectives

1. The overall objectives of this Chapter shall be:
 - a. to enhance the competitiveness of ESA economies, build-up supply capacity and enable ESA States in implementing the EPA smoothly;
 - b. to contribute to the structural transformation of ESA economies by establishing a strong, competitive and diversified economic base in the ESA States through enhancing production, distribution, transport, marketing, digitalisation, developing trade capacity of ESA States as well as capacity to attract investment, and improve the investment climate;
 - c. to strengthen the ESA States’ trade and investment policies and regulations in a regional integration perspective and towards a continental integration in Africa;
 - d. to support the integration of sustainable development, notably its labour and environmental dimensions, in the Parties' trade and investment relationship;
 - e. to deepen regional integration and enhance trade between ESA States and beyond with other countries on the African continent.

*Article 38***Scope**

1. The Parties recognize that the larger framework of the cooperation and development partnership between the Parties, namely the existing bilateral and regional cooperation mechanisms and Post-Cotonou agreement partnership, provides support for the following areas that are of direct relevance for the implementation of the agreement:
 - a. Private Sector Development, particularly Industrial transformation through the support to Micro-enterprises and Small and Medium Sized Enterprises;
 - b. Economic integration at regional and continental scale, with particular support to sustainable connectivity and infrastructure;
 - c. Trade related issues, namely Investment, Competition, Intellectual Property Rights, Standards, Quality Infrastructure, Trade Facilitation and Statistics and Technical Barriers to Trade and Sustainable Trade;
 - d. Digital transformation including development of Information and Communications Technology (ICT) sectors as well as innovation and research sectors;
 - e. Natural Resources and Environment, including Blue Economy, Circular Economy, Water and Oceans, Biodiversity, deforestation, Pollution, strengthening climate change adaptation, mitigation and resilience and environmental sustainability;
 - f. Renewable energy and energy efficiency, support the development of sustainable, inclusive and resilient energy services, including infrastructure and regulatory reforms;
 - g. Sustainable Agri-food Systems; including capacity building for modernising agricultural/fisheries production and compliance with sanitary and phytosanitary measures;
 - h. Services development with a particular focus on strengthening Financial services and financial inclusion and sustainable Tourism;
 - i. Health, supporting health infrastructure and inclusive access to health services;
 - j. Education and skills development, with particular focus on youth and gender. Strengthening of technical and vocational training as well as entrepreneurship
 - k. Decent work and labour standards; elimination of child and forced labour;
 - l. Governance, Peace and Security, ensuring support to strengthen the relevant regulatory frameworks, rule of law, democratic governance and inclusive participation;
 - m. Transparency and accountability of improved public services;
 - n. Protection of vulnerable groups and consideration of specific gender responses in interventions.
2. Within the framework of priorities and objectives defined in accordance with the Post-Cotonou agreement as well as the existing bilateral and regional development mechanisms, the Parties shall engage to farther identify and prioritise the areas and relevant actions requiring specific support for the implementation of the agreement.
3. Particular focus shall be set by the Parties on the following areas in order to ensure the implementation of the provisions under the different Chapters of the agreement, namely:

- a. Technical Barriers to Trade - including supporting market surveillance, enforcement and standardisation-related activities, the accreditation of conformity assessment bodies as well as enhancing transparency in procedures;
- b. Sanitary and Phytosanitary measures - including complying with SPS measures regulated by the EU and the use of international standards, increasing capacity of existing bodies and administrations including in charge of monitoring and surveillance, ensuring efficient import procedures for animal and plant products and setting up regional processes and structures to facilitate trade within ESA States and with the EU;
- c. Customs and Trade Facilitation - including support for implementation of commitments made in the framework taking due account of the existing assistance and capacity building received by ESA WTO members in the framework of the WTO Trade Facilitation Agreement (TFA);
- d. Trade in Services, Investment Liberalisation and Digital Trade - including putting into place e-government systems to facilitate investment, establishing mechanisms for administrative coordination and for responding to enquiries by investors, supporting regulatory coherence and setting up the regulatory framework for digital trade including addressing unjustified barriers to digital trade and working on an open, secure, and trustworthy online environment for businesses and consumers;
- e. Trade and Sustainable Development - including strengthening support and cooperation on promoting environmental and labour standards, the elimination of child and forced labour, the elimination of discrimination in respect of employment and occupation, the protection of freedom of association and the right of collective bargaining, the conservation and sustainable use of biological diversity, the sustainable management of forest and marine resources, supporting circular economy, addressing pollution and the effective implementation and enforcement of the conventions and multilateral agreements covered under the Trade and Sustainable Development chapter and especially of the Paris Agreement, the promotion of fair and ethical trade and of responsible business practices, gender equality and economic gender empowerment and, the formulation and strengthening of national legislation, action plans and enforcement mechanisms in relation to the implementation of all commitments in the TSD Chapter.
- f. Competition - including reinforcing competition authorities and relevant structures in ESA States.
- g. Intellectual Property rights - including geographical indications, supporting accession to relevant international treaties, assisting in building efficient legislative and enforcement framework for civil and border enforcement, setting up the regulatory framework.
- h. Agriculture - including the implementation of commitments made in the framework of this agreement and the WTO Agreement on Agriculture;
- i. Public procurement— including supporting qualitative, sustainable and green procurement, setting up transparent e-procurement system and portal for identifying opportunities, promoting SMEs access to procurement markets.

4. The Parties shall cooperate in the definition of the specific activities adapted to the specific needs and context of each of the ESA States for the implementation of the Agreement provisions.

Article 39

Effective and diversified means of cooperation

1. The Parties agree to mobilise financial and non-financial resources in order to achieve the objectives set out in this Agreement on the basis of mutual interests, in line with the Addis Ababa Action Agenda and in the spirit of genuine partnership.
2. The Parties agree that means of cooperation shall be diversified, encompassing a range of policies and instruments, from all available sources and actors.

Article 40

Instruments for cooperation

1. The Parties shall cooperate to ensure the relevant instruments for cooperation are put in place to support the implementation of the commitments established in this agreement.
2. The instruments for cooperation are, among others:
 - a. Technical assistance aiming at bringing the required expertise to the public and private institutions, entities, stakeholders and beneficiaries of this agreement to ensure the implementation of the commitments included in this agreement,
 - b. Capacity building to support capacity development and institutional building aiming at strengthening the public and private intuitions, entities, stakeholders and beneficiaries of this agreement.
 - c. Implementation of programmes and projects, including where appropriate, budget support programmes, to accompany the reform processes of ESA States accompanied by relevant policy dialogues and to support the inclusive and sustainable growth of the region
 - d. Alternative source of funding will be sought through blending and guarantee instruments, to support ESA States' development and regional integration.
3. Consistent with Aid effectiveness principle, the Parties agree to use and support appropriate nationally or regionally owned delivery mechanisms, funds and facilities for channelling and coordinating resources for the implementation of this Agreement.

Article 41

Institutional arrangements and monitoring

1. The Parties agree to monitor progress of the implementation of this Chapter and to address concerns related thereto in a timely manner.
2. The Parties agree to establish adequate joint institutional arrangements to effectively coordinate,

monitor and address challenges in implementing this chapter as well as to identify specific needs for support.

3. Such arrangements shall include the establishment of a Joint Development Committee that is established as a sub-committee of the EPA Committee. The EPA Committee will once a year report on progress and frame the work of the Parties in implementing this chapter.
4. The Parties agree that the institutional arrangements shall remain flexible to adapt to the evolving national and regional needs.