



Ex-post evaluation of the EU-SADC Economic Partnership Agreement

Inception Report
Draft, 15 May 2023

Prepared by BKP Economic Advisors

The views expressed in the report are those of the consultant,
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ABSTRACT

The EU-SADC Economic Partnership Agreement (EPA) is a development-oriented free trade agreement between the European Union (EU) and six Parties of the Southern African Development Community (SADC): Botswana, Eswatini, Lesotho, Mozambique, Namibia, and South Africa. It has been provisionally applied since October 2016, except for Mozambique, for which provisional application started in February 2018.

To inform the European Commission's own evaluation of the implementation of the EPA to date and its impact, as well as to feed into a joint review by the Parties to the Agreement, the European Commission has contracted a consortium led by BKP Economic Advisors to prepare an external evaluation study. The evaluation is undertaken over the period March 2023 to April 2024 and will analyse the economic, social, environmental, and human rights (including labour rights) effects which the EPA has had since its application in the various Parties. In terms of evaluation criteria, it will review the effectiveness, impact, efficiency, coherence, and impact of the EPA. It will also comprise a number of case studies to illustrate or add detail to broader findings.

The present draft inception report presents the evaluation methodology as well as a descriptive summary of the EPA and its implementation so far, and a brief review of relevant studies.

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ACRONYMS

ACP	African, Caribbean and Pacific	MFN	Most-Favoured Nation
AfCFTA	African Continental Free Trade Area	MRLs	Maximum Residue Limits
BLMNS	Botswana, Lesotho, Mozambique, Namibia, Swaziland/Eswatini	MSME	Micro, Small, or Medium-sized Enterprise
BLNS	Botswana, Lesotho, Namibia, Swaziland/Eswatini	NDC	Nationally Determined Contribution
CCA	Causal Chain Analysis	NGO	Non-Governmental Organisation
CGE	Computable General Equilibrium	NTB	Non-Tariff Barrier
CSD	Civil Society Dialogue	OCT	Overseas Countries and Territories
CSR	Corporate Social Responsibility	OECD	Organisation for Economic Cooperation and Development
DFQF	Duty-Free and Quota-Free	OHCHR	Office of the United Nations High Commissioner for Human Rights
DG	Directorate-General	OPC	Online Public Consultation
EBA	Everything But Arms	RASFF	Rapid Alert System for Food and Feed
EC	European Commission	RBC	Responsible Business Conduct
EP	European Parliament	RoO	Rules of Origin
EPA	Economic Partnership Agreement	SACU	Southern African Customs Union
EQ	Evaluation Question	SADC	Southern African Development Community
EU	European Union	SDGs	Sustainable Development Goals
FDI	Foreign Direct Investment	SPS	Sanitary and Phytosanitary
FTA	Free Trade Agreement	TBT	Technical Barriers to Trade
GDP	Gross Domestic Product	TDC	Trade and Development Committee
GHG	Greenhouse Gas	TDCA	Trade, Development and Cooperation Agreement
GIs	Geographical Indications	TDI	Trade Defence Instrument
GTAP	Global Trade Analysis Project	ToR	Terms of Reference
HS	Harmonised System	TRQ	Tariff Rate Quota
ILO	International Labour Organisation	TSD	Trade and Sustainable Development
ITAC	International Trade Administration Commission	UN	United Nations
JC	Judgement Criterion	UNCTAD	United Nations Conference on Trade and Development
LDC	Least Developed Country	WTO	World Trade Organisation
LULUCF	Land Use, Land-Use Change and Forestry		
MEAs	Multilateral Environmental Agreements		

1 INTRODUCTION: EVALUATION CONTEXT, SCOPE AND OBJECTIVES

The EU-SADC Economic Partnership Agreement (EPA) is a development-oriented free trade agreement between the European Union (EU) and six Parties of the Southern African Development Community (SADC): Botswana, Eswatini, Lesotho, Mozambique, Namibia and South Africa.¹ It was signed on 10 June 2016 and has been provisionally applied since October 2016, except for Mozambique, for which provisional application started in February 2018.

The EPA provides asymmetric goods market access to the Parties: The EU provides duty-free and quota-free (DFQF) market access for all goods (except arms and ammunition) to all SADC EPA States except South Africa, which receives such treatment for 94.4% of its exports (in terms of tariff lines), with another 3.2% benefitting from partial liberalisation. The SADC EPA States except Mozambique – i.e. the members of the Southern African Customs Union (SACU) – gradually grant the EU DFQF treatment to 84.9% of tariff lines, with an additional 12.9% benefitting from reduced tariffs or tariff rate quotas. As a Least Developed Country (LDC), Mozambique liberalises a smaller percentage of imports from the EU (74% in terms of trade volume). The EPA also contains a Trade and Sustainable Development (TSD) Chapter which covers social and environmental matters.

After several years of implementation, an evaluation is undertaken with the **objective** of analysing the economic, social and environmental, and human rights (including labour rights)² impacts of the implementation of the EPA. The evaluation fits into the increased focus of the EU on FTA implementation and enforcement, as well as the role of trade in promoting values of democracy, the rule of law, the defence of human rights, social and gender equity, and environmental protection and climate change action, all in a time of global crises and heightening geopolitical tensions.

The European Commission Directorate-General (DG) for Trade has awarded a contract for the “Ex-post evaluation of the EU-SADC Economic Partnership Agreement” to a consortium led by BKP Economic Advisors (BKP). The evaluation is carried out by a team involving experts from BKP in cooperation with European and African researchers. Work started in March 2023 and will continue over 14 months. The external evaluation study will support the European Commission’s own evaluation of the Agreement as well as inform the joint review of the EPA by the Parties.

The **scope** of the evaluation can be delineated as follows: in terms of the *period covered*, it covers the whole implementation period of the Agreement since the start of provisional application in 2016, respectively 2018 (for Mozambique) up to now, also comparing, where appropriate with a pre-Agreement period of five years (i.e. starting in 2011). *Geographically*, it primarily covers the Parties to the Agreement,³ although some global effects (e.g. climate change) will also be covered. With regard to the *evaluation criteria*, effectiveness, impact, efficiency, coherence and relevance will be considered. Finally, as already mentioned, in terms of *types of effects* considered, the evaluation will cover economic, social, environmental, and human rights (including labour rights) effects which the EPA may have had either as a result of the changes in trade it has brought about, or through the implementation of the provisions of the EPA text itself, including the provisions in the TSD Chapter.

¹ Text of EU-SADC EPA: https://trade.ec.europa.eu/doclib/docs/2015/october/tradoc_153915.pdf

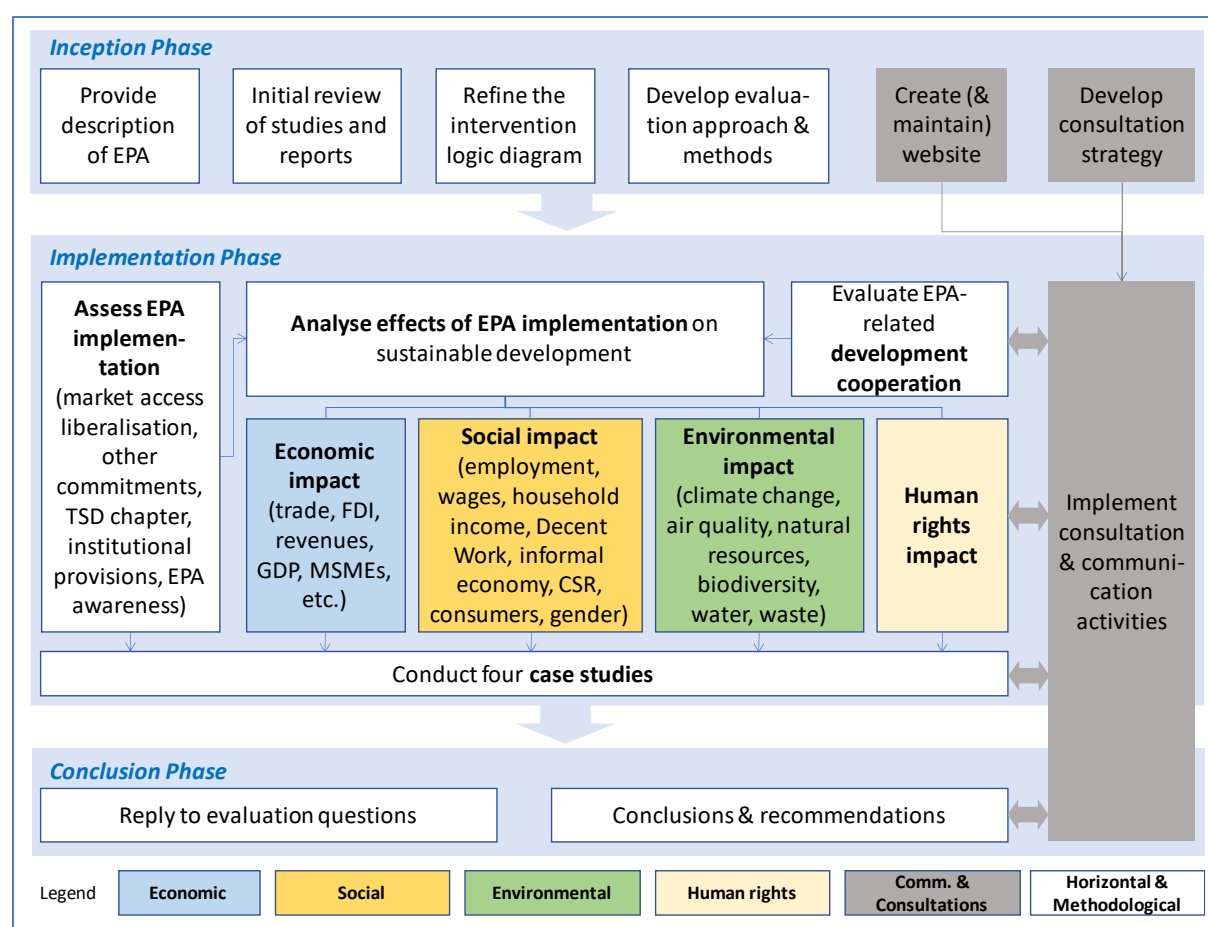
² Whenever this report refers to human rights, this includes labour rights.

³ The Agreement’s impact is relatively more limited in the EU (simply due to the difference in economic size). On the EU side, the focus will be on the current 27 EU Member States.

The evaluation **approach** comprises three broad phases (Figure 1): an inception phase; a main implementation phase comprising most of the evidence collection and analysis, and the conclusion phase.

This inception report is the first deliverable under the contract. It focuses on a presentation of the evaluation methodology and is structured as follows: Chapter 2 provides a descriptive summary of the EU-SADC EPA and its implementation so far, followed in Chapter 3 by a brief review of relevant studies on the Agreement reviewed so far. Chapter 4 presents the evaluation framework. The methodology proposed to respond to the various evaluation questions is presented in Chapter 5. Chapters 6 and 7 summarise the consultation plan (presented as a separate document in Annex I) and the evaluation work plan. The annexes provide further details on certain elements of the report, notably the suggested structure of the interim and final reports, the evaluation matrix, more technical details related to the methodology, and sources to be consulted.

Figure 1: Overall evaluation approach



The next report to be delivered (after the final inception report) is the interim report, scheduled for October 2023.

2 DESCRIPTION OF THE EU-SADC EPA AND SNAPSHOT OF TRADE

The EU-SADC EPA is a development-focused trade agreement founded on the principles of the Cotonou Agreement. Its Parties are the EU and its 27 Members on the one hand, and the six SADC EPA States – the members of the Southern African Customs Union (SACU) Botswana, Eswatini, Lesotho, Namibia, and South Africa, as well as Mozambique – on the

other. Negotiations on the EPA started in 2004, and the Agreement was signed on 10 June 2016, the first EPA that the EU concluded with an African region.

Pending ratification of the EPA by all EU Member States,⁴ the Agreement has been provisionally applied since 10 October 2016 between the EU and the SACU Members (Botswana, Eswatini, Lesotho, Namibia, and South Africa), and since 04 February 2018 between the EU and Mozambique.

In July 2022 the Joint Council agreed to Angola's request made in February 2020 to start accession negotiations.⁵ Angola had originally been part of the EPA negotiations but then decided not to initially sign.

2.1 Structure and Contents of the EPA

The EPA consists of the main text of the Agreement, arranged in 122 articles over six parts with various chapters (Table 1), along with six annexes; protocols on the origin of goods, administrative assistance in customs matters, geographical indications, on the relationship between the EPA and the pre-existing Trade, Development and Cooperation Agreement (TDCA) between South Africa and the EU; and the tariff schedules of the EU, SACU and Mozambique.

Table 1: Structure of the EU-SADC EPA

Part	Chapter	Articles
Part I: Sustainable development and other areas of cooperation	Ch I: General provisions	Articles 1-5
	Ch II: Trade and sustainable development	Articles 6-11
	Ch III: Areas of cooperation	Articles 12-19
Part II: Trade and trade-related matters	Ch I: Trade in goods	Articles 20-31
	Ch II: Trade Defence Instruments	Articles 32-38
	Ch III: Non-tariff measures	Articles 39-40
	Ch IV: Customs and trade facilitation	Articles 41-50
	Ch V: Technical barriers to trade	Articles 51-58
	Ch VI: Sanitary and phytosanitary measures	Articles 59-67
	Ch VII: Agriculture	Article 68
	Ch VIII: Current payments and capital movements	Articles 69-71
	Ch IX: Trade in services and investment	Articles 72-74
Part III: Dispute avoidance and settlement	Ch I: objective and scope	Articles 75-76
	Ch II: Consultations and mediation	Articles 77-78
	Ch III: Dispute settlement procedures	Articles 79-87
	Ch IV: Common provisions	Articles 88-96
Part IV: General exceptions		Articles 97-99
Part V: Institutional provisions		Articles 100-103
Part VI: General and final provisions		Articles 104-122
Annexes I – III	Tariff schedules (and TRQs, where applicable) by the EU, SACU, and Mozambique, respectively	
Annex IV	Agricultural safeguards	
Annex V	BLNS transitional safeguards	
Annex VI	SPS priority products and sectors	
Protocol 1	Rules of origin and methods of administrative cooperation	
Protocol 2	Mutual administrative assistance in customs matters	
Protocol 3	Geographical indications and trade in wines and spirits	
Protocol 4	Relationship between the TDCA and the EPA	

Source: EU-SADC EPA.

⁴ As of March 2023, the EPA has been ratified by 12 EU Member States (Croatia, Czech Republic, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Luxembourg, Portugal, Romania, and Spain); see <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2016020>

⁵ Decision No 2/2022 of the Joint Council established under the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part of 26 July 2022 on the request from Angola pursuant to Article 119(1) of the EPA.

Part I. Consistent with the EPA's emphasis on sustainable development and its objectives to improve living standards and contribute to poverty reduction and eradication, Part I is dedicated to sustainable development and other areas of cooperation. **Chapter I** (Articles 1-5) sets out the objectives and principles of the EPA, highlighting its contribution to sustainable development and reaffirming the importance of regional integration, as well as establishing the principles for monitoring and cooperation of the Parties.

In the **TSD Chapter (Chapter II, Articles 6-11)**, the Parties:

- reaffirm their commitments to promote the development of international trade in such a way as to contribute to the objective of sustainable development in its three pillars (economic development, social development, and environmental protection) for the welfare of present and future generations, and strive to ensure that this objective is integrated and reflected at every level of their trade relationship;
- reaffirm their commitments from Articles 1, 2 and 9 of the Cotonou Agreement (i.e. support framework facilitating development of African, Caribbean and Pacific (ACP) states, their integration into the world economy, economic growth, private sector development, job creation, and sustainable management of natural resources, respect for human rights and fundamental freedoms, good governance and the rule of law, respect for international obligations and the will to include into the dialogue other stakeholders, such as private sector and civil society organisations), especially the general commitment to reducing and eventually eradicating poverty in a way that is consistent with the objectives of sustainable development;
- recognise the value of multilateral environmental governance and agreements and reaffirm their commitment to implement the multilateral environmental agreements (MEAs) that they have ratified;
- reaffirm their rights and their commitment to implement their obligations in respect of the ILO conventions they have ratified;
- recognise the right of each Party to regulate, i.e., to establish its own levels of domestic environmental and labour protection, and to adopt or modify accordingly its relevant laws and policies, consistent with internationally recognised standards and agreements to which they are a Party;
- recognise that it is inappropriate to encourage trade or investment by weakening or reducing domestic levels of labour or environmental protection. Thus, a Party shall not derogate from, or persistently fail to effectively enforce its environmental and labour laws;
- agree that dialogue and cooperation on trade and sustainable development may involve other relevant authorities and stakeholders;
- given that the Chapter does not establish a separate body to address TSD matters, the Parties agree that the dialogue and cooperation related to this chapter will take place through the Trade and Development Committee; and
- recognise the importance of working together, including in the following areas: trade aspects of labour and environmental policies, such as MEAs and the ILO Decent Work Agenda in international fora, trade aspects related to biodiversity, sustainable management of forests and sustainable fishing practices, impact of the agreement on sustainable development, corporate social responsibility (CSR), and accountability.

Despite the relatively broad coverage of the EPA's TSD Chapter, the scope of binding commitments, institutional provisions, and provisions on dialogue with civil society are limited when compared with other recent EU trade agreements.

The last chapter in Part I of the EPA (**Chapter III, Articles 12-19**) addresses **areas of cooperation**, including development cooperation, defines the cooperation priorities – SADC EPA States' capacity to trade, supply-side competitiveness, business-enhancing infrastructure, trade in services, trade-related issues, trade statistics, and institutional capacity building, as well as fiscal adjustment to address reduced tariff revenues.

Intellectual property rights, public procurement, competition, and tax governance are other areas of cooperation, each addressed in separate articles.

The EPA was originally intended as a comprehensive agreement that would have covered trade in goods, trade in services, investment, as well as new generation issues such as intellectual property rights, competition and public procurement. However, the outcome of the negotiations resulted in an agreement focussing on trade in goods, with new generation issues only included in the EPA cooperation framework, being non-binding (Parshotam 2021, 98).⁶ The EPA also includes rendez-vous clauses on the future negotiation of agreements in these new generation areas.

Part II. Goods trade liberalisation and related issues are addressed in Part II of the Agreement. The EPA provides for asymmetrical **market access liberalisation (Chapter I, Articles 20-31)**:

- The EU has provided DFQF access to all exports (except arms and ammunition) of SADC EPA countries except South Africa (i.e. Botswana, Eswatini, Lesotho, Mozambique and Namibia – the BLMNS countries) since the first day of the EPA's application. For South African exports to the EU, 94.4% of tariff lines are DFQF under the EPA, with another 3.2% benefitting from partial tariff preferences. Certain South African products, such as cut flowers, skimmed milk powder, frozen orange juice and bottled wine, benefit from tariff rate quotas (TRQs), whereby a certain volume of products can be exported to the EU either without duty or at reduced rates (Annex I to the EPA). Although EU preferences offered to South Africa under the EPA are more limited than for the other SADC EPA States, they are more extensive than under the TDCA (see below).
- The SADC EPA countries progressively liberalise the access of EU products to their markets based on tariff phase-out schedules: upon completion of the transition period (of up to eight years) the five member countries of SACU (Botswana, Eswatini, Lesotho, Namibia, and South Africa) grant DFQF to 84.9% of EU exports (in terms of tariff lines) and partial tariff preferences for another 12.9% (Annex II to the EPA). South Africa has also provided the EU with TRQs on a limited range of products, such as pork, butter, and cheese. Certain sensitive products such as motor vehicles for the transport of goods, and petroleum oils are excluded from liberalisation. Mozambique as an LDC provides more limited preferences: it removes customs duties on 74% of imports from the EU (in terms of trade volume), with a staging period of up to ten years (Annex III to the EPA).

The rules of origin which determine which goods qualify for the preferences granted under the EPA are set out in detail in Protocol 1 to the EPA (see more details in section 5.1.10).

The EPA replaced the TDCA that South Africa previously had with the EU. For South Africa, it extended duty-free access to additional products, including fisheries products and additional agricultural products such as sugar, ethanol, active yeast, white crystalline powder, citrus jams, skimmed milk powder, butter, canned mixtures of fruit (other than tropical fruit), frozen orange juice and wine. The EPA also improved commitments from the EU on certain TRQs, including for dairy products, flowers, canned fruit, fruit, and fruit juice. The BLMNS countries had traded with the EU under various trade regimes prior to the EPA, including the former EU-ACP trade regime, the EBA, and the standard GSP (see section 5.1.1).

By replacing the TDCA, the EPA also contributes to **improved regional integration**, since it has restored the common external tariff applied by SACU, which was not the case under the TDCA. It further contributes to regional integration as under the regional preference

⁶ Note that Part II, Chapter IX, does refer to trade in services and investment. However, it specifically provides that the Parties may negotiate agreements on these issues in the future (Arts. 73f).

clause each SADC EPA State has agreed to extend any advantage granted to the EU to the other SADC EPA States, whereas intra-SADC EPA States preferences need not be extended to the EU (Art. 108). In addition, since the EPA is a reciprocal agreement, it now fully complies with the EU's World Trade Organisation (WTO) obligations.

Chapter II of Part II (Articles 32-38) deals with **trade defence instruments**. First, it provides that anti-dumping and countervailing investigations shall be conducted in terms of the relevant WTO provisions. Second, it provides for several different types of safeguard measures. Beside global safeguards under the WTO Agreement on Safeguards (Art. 33) – where the EU exempted SADC EPA States from WTO safeguards for a period of five years – and current payments-related safeguards (Art. 70, see below), there are bilateral, agricultural, food security, transitional and infant industry safeguards (Table 2).

Table 2: Bilateral safeguard measures under the SADC EPA

	Bilateral safeguards (Art. 34)	Agricultural safeguards (Art. 35)	Food security safeguards (Art. 36)	Transitional safeguards (Art. 37)	Infant industry safeguards (Art. 38)
Users	All parties	SACU	SADC EPA group	Botswana, Eswatini, Lesotho, Namibia	BLMNS countries
Products covered	All products	23 Agricultural tariff lines	All products	60 tariff lines	Infant industry products
Measure	<ul style="list-style-type: none"> • Suspension of further reduction of the duty • Increase in duty up to most-favoured nation (MFN) rate; or • Introduction of tariff quotas 	Duty not exceeding 25% of current WTO bound tariff [or] 25 percentage points, whichever is higher. Duty not to exceed MFN rate	Not specified	Duty increase up to MFN rate or zero duty TRQ with out-of-quota duty not exceeding MFN rate	Suspend further reductions of the duty or increase in duty up to MFN rate
Duration of measure	<ul style="list-style-type: none"> • For EU, 2 years with possible 2-year extension • For SADC EPA countries, 4 years with a possible 4-year extension 	For remainder of the calendar year or 5 months, whichever is longer	As soon as circumstances leading to its adoption cease to exist	4 years with a possible 4-year extension	8 years
Validity of provision under EPA	Indefinite	12 years from entry into force	Indefinite	12 years from entry into force	As long as injury is a result of duty reduction

Source: Tralac (2018)

Chapters III (Articles 39f) and **IV** (Articles 41-50) contain detailed provisions on **non-tariff measures** and **customs and trade facilitation**. Chapter III limits the use of quantitative restrictions to those allowed in line with the relevant WTO agreements and establishes national treatment on internal taxes and regulations. Chapter IV aims at reinforcing cooperation in the area of customs and trade facilitation, promoting the harmonisation of customs legislation, ensuring that legitimate customs policy objectives are not compromised, and providing support to the SADC EPA States' customs administration for the EPA's effective implementation.

Chapters V (Articles 51-58) and **VI** (Articles 59-67) contain provisions on cooperation on **technical barriers to trade** (TBTs) and **sanitary and phytosanitary (SPS) measures**, as well as the enhancement of SADC EPA States' technical capacity on these issues.

Chapter VII, which consists of only one article (Article 68), establishes the agricultural partnership to facilitate dialogue between the Parties on the important topic of **agriculture**, as well as prohibits the use of agricultural export subsidies.

Chapter VIII (Articles 69-71) addresses **current payments and capital movements**. It establishes the principle of restrictions on current payments but foresees exceptions in line with the WTO rules in case of balance of payments problems, as well as establishes safeguards, of maximum six months, to address the exceptional circumstance where bilateral payments “cause or threaten to cause serious difficulties for the operation of monetary policy or exchange rate policy” (Art. 70).

Finally, **Chapter IX** (Articles 72-74) recognises the importance of **trade in services and investment**, reaffirms the Parties’ related commitments under the WTO, and foresees the potential future negotiation of agreements on trade in services and investment, as well as establishes principles for such negotiations.

Part III. Articles 75-96 of the EPA deal with **dispute avoidance and settlement**. Under Article 104 of the TDCA disputes were either settled through a decision by the Cooperation Council or arbitration. By contrast, the EPA provides for three ways of dispute settlement: consultations, followed by either mediation or arbitration. Where mediation fails, the dispute may also be referred to arbitration (Article 79).

Part IV. Articles 97-99 establish **general and security exceptions** to the Agreement, which cover the customary areas – public morals, protection of human, animal or plant life or health, gold and silver trade, prison labour, national treasures, conservation of exhaustible natural resources, and essential security interests. General exceptions also include, under certain conditions, “restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilisation plan” and measures “essential to the acquisition or distribution of products in general or local short supply” (Art. 97(i) and (j)).

Part V. The main **institutions under the EPA** are established in Articles 100-103. Notably, the highest body overseeing and implementing the EPA is the Joint SADC EPA States-EU Council (Joint Council), assisted by the Trade and Development Committee (TDC). Other institutions are established elsewhere in the Agreement: the Special Committee on Customs and Trade Facilitation in Article 50, the agricultural partnership in Article 68, and the Special Committee on GIs and Trade in Wines and Spirits in Article 13 of Protocol 3.

Part VI. The last part of the EPA (Articles 104-122) contains miscellaneous **final provisions**, including principles for the exchange of information and transparency, relations with other agreements – the TDCA, the Cotonou Agreement and the WTO Agreements –, entry into force and duration, and accessions. It also contains the regional preference clause already addressed above.

The EPA includes a bilateral **Protocol between South Africa and the EU on the protection of geographical indications (GIs) and on trade in wines and spirits (Protocol 3)**. The Protocol has been provisionally applied since 1 November 2016 and is open for accession to Botswana, Eswatini, Lesotho, Namibia and Mozambique upon application to the Special Committee on GIs. A Special Committee on GIs – comprising EU and South Africa representatives – has been established to ensure implementation of the Protocol including monitoring parties’ cooperation, exchanging information, product specifications, and amending the Protocol. South Africa committed to protect 251 GIs of the EU,⁷ and the EU protects 105 GIs of South Africa,⁸ with an option to add 30 more GIs

⁷ 105 agricultural products and foodstuffs (including mainly fruits, vegetables, cereals, cheeses, meat and fisheries products), five beers, 120 wines, and 21 spirits. Two of the GIs were from the UK. As a result of the UK’s withdrawal from the EU, as from 1 January 2021, South Africa has no obligation under the EU-SADC EPA to protect them, since they do not meet anymore the condition of originating in the territory of the Parties.

⁸ Three agricultural products and foodstuffs (Honeybush tea, Rooibos tea and Karoo lamb), and 102 wines.

with priority for protection. These GIs are protected against any direct or indirect commercial use of the name, any misuse, imitation, or evocation, any other false or misleading indication as to the provenance, origin, nature, or essential qualities of a like product, and any other practice liable to mislead consumers as to the true origin of a like product. This means that South African producers of products labelled with GIs protected under the Protocol will have the exclusive right to use these names in the EU market. For example, no EU producer /distributor or any other entity will be allowed to use the name “Rooibos” for products not complying with the GI product specifications. The EPA also provides for the co-existence of some names like Feta, Sherry, and Valencia oranges, as long as the relevant provisions in Protocol 3 are respected. The Protocol’s second part provides rules on winemaking practices and on documentation and certification requirements for trade in wines and spirits between the EU and South Africa.

2.2 Context of the Implementation of the EPA

Since the application of the EPA, a number of changes in the trade context have taken place, globally and for the Parties. These are important for the evaluation to keep in mind when assessing the impact (to the extent possible), coherence and relevance of the EPA. Major developments directly relevant for the Agreement are summarised in this section.

The **SADC EPA States** are also all parties to the SADC Trade Protocol which offers preferential access to imports from other SADC members. All SADC EPA countries also ratified the African Continental Free Trade Area (AfCFTA) Agreement.⁹ Trading under the AfCFTA officially started on 01 January 2021, although so far, the practical implementation is limited to the products and countries participating in the AfCFTA Guided Trade Initiative, in which none of the SADC EPA States participates.

In the **EU**, on 16 June 2020, the European Commission launched a major review of EU trade policy aimed at determining the medium-term direction for EU trade policy, responding to a variety of new global challenges and taking into account the lessons learned from the coronavirus crisis. The rationale for this review is the Commission’s belief that a strong EU “needs a strong trade and investment policy to support economic recovery, create quality jobs, protect European companies from unfair practices at home and abroad, and ensure coherence with broader priorities in the areas of sustainability, climate change, the digital economy and security.” The EU has also recently introduced a number of autonomous policies and measures that are relevant also for EU-SADC EPA country trade: These include tightened EU standards on pesticides and maximum residue limits (MRLs) and the Farm to Fork Strategy¹⁰ may have an impact on export opportunities of agricultural products under the EPA. The European Green Deal¹¹ and the Fit for 55 package (notably the Carbon Border Adjustment Mechanism) may do the same for energy-intensive products. The UK’s withdrawal from the EU also altered the context for trade between the (remaining) Parties.

The implementation of and trading under the EPA has also faced a number of global challenges in recent years. The global economy was affected in 2020 by an unprecedented economic downturn largely driven by the COVID-19 pandemic. SADC EPA States were also impacted by the pandemic through reduced fiscal revenues – driven by the reduced

⁹ The last SADC EPA country to do so was Mozambique, on 30 December 2022, Resolução da Assembleia da República 19/2022 de 30 de Dezembro.

¹⁰ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, COM(2020) 381 final, 20 May 2020; for more information and documents, see https://ec.europa.eu/food/farm2fork_en.

¹¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. The European Green Deal, COM/2019/640 final, 11 December 2019; for more information, see https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en.

economic activity and fluctuating commodity prices – and trade flows – driven by increased trade/border restrictions (SADC 2020). Even before, SADC economies were hit by slow economic growth and recessions in 2019: South Africa faced an economic recession, Namibia contracted by 1.9% and no other country surpassed Botswana's growth rate of 3.5%, partly due to natural disasters and unfavourable commodity cycles (European Commission 2020a). The trade war between China and the United States and the slowdown of globalisation since the start of the EPA application generally provided an unfavourable environment for the implementation of the Agreement. And most recently, Russia's war of aggression against Ukraine that started in February 2022 has not only had negative economic consequences also impacting trade between the Parties but may also influence trade policy dialogue between the Parties.

An additional risk for the EPA stems from the uncertainty over the future of the Cotonou Agreement, which provides the legal framework for the EPA. It was due to expire in February 2020, but given that the negotiations for its successor Agreement (so-called post-Cotonou Agreement) had not been concluded by that time (the text was initialled in April 2021), and then time needed for its signature and entry into force, the application of the Cotonou Agreement has been extended to 30 June 2023, unless the new agreement starts being applied earlier.¹² While falling outside of the scope of the evaluation, the potential gap between the expiry of the Cotonou Agreement and entry into force of post-Cotonou, as well as the situation of South Africa which is not likely to sign post-Cotonou, following its withdrawal from the Organisation of African, Caribbean and Pacific States (OACPS), is another issue to be taken into consideration across all elements of the assessment.

3 INITIAL LITERATURE REVIEW

The primary objective of the preliminary literature review undertaken during the inception phase has been to identify methods, data and findings of previous studies to ensure that the ex-post evaluation builds on and complements existing work. The focus of the review has been on studies of the EU-SADC EPA (also as part of broader analyses of EPAs) rather than the vast literature that addresses the effects of trade agreements more generally. Likewise, media coverage and much of the grey literature and stakeholder publications are not covered in the review undertaken here.¹³

Reports and documents reviewed so far are listed in the References Used at the end of this report, and **Annex B** provides more details of the literature surveyed so far in a tabular overview of the main findings and issues in reviewed studies. As the evaluation work progresses, this will be complemented as and when other relevant papers are analysed.

In this section, we primarily discuss methodological issues arising from the literature review. Coverage of the substantive findings and results of other studies will be presented as part of the evidence and analysis in the interim and final evaluation reports.

Few studies have applied a thorough (e.g. economic model-based or econometric) approach to assess the **economic effects** of the EU-SADC EPA. A number of recent papers have however aimed to analyse the actual impact of the Agreement, applying different approaches: Bouet, Laborde and Traoré (2021) apply computable general equilibrium (CGE) analysis, Stender et al. (2021) gravity model analysis, and Cipollina (2022) a difference-in-difference estimation of the EPA's effect on SADC EPA country exports at the intensive margin (changes in exports of existing products) and a probit analysis of the effects on the extensive margin (exports of new products); given the research designs, the

¹² https://international-partnerships.ec.europa.eu/policies/european-development-policy/acp-eu-partnership_en

¹³ This is because the focus of the inception report is on methodological issues. A broader review of substantive views regarding the EPA will be covered in the interim and final evaluation reports.

latter two are restricted to the analysis of trade effects, whereas CGE models also allow assessing broader economic effects of the EPA. Previous studies mostly used different CGE models (e.g., Bouet, Laborde, and Mevel 2007; Keck and Piermartini 2008; Osman 2015; European Commission 2016; Grumiller et al. 2018),¹⁴ and all of which were prepared prior to the application of the EPA, i.e., are ex-ante impact assessments. The evaluation builds on these approaches as it is also based on a CGE analysis of the EPA's economic effects.

Other economic studies observed restrict the analysis of economic effects to trade effects, and are mostly descriptive – such as the annual implementation reports by the European Commission (European Commission 2018; 2019; 2020a; 2021a; 2022) or the Annual Digests of the EU-SADC EPA Outreach Programme (SADC-EU EPA Outreach South Africa 2020; 2021; 2022) – or comparing trade trends and performance before and after the EPA's start of implementation and/or comparing performance of bilateral trade among the Parties with the Parties' overall trade. The evaluation will also apply these types of analysis, as well as incorporate more recent data allowing more robust findings. Nevertheless, the main added value of the study in terms of measuring the economic impact of the Agreement will be through the CGE model, as this constitutes the only methodological instrument to isolate the effects of the Agreement from other factors, and therefore helps avoiding premature conclusions.

With regard to the assessment of **non-economic effects**, the range of approaches applied in studies is wide, from statistical analysis, economic modelling and causal chain analysis (e.g., PricewaterhouseCoopers 2007) to legal reviews and structured interviews (e.g., von Ahn and Willman 2015). The main methodological constraints to measure (non-quantifiable) social, environmental and human rights effects are the problem of attribution and the so-called counterfactual, given that one cannot know what would have happened in the absence of the Agreement (see e.g. Gómez Isa et al. 2016).

4 EVALUATION FRAMEWORK

The evaluation framework constitutes the main structuring instrument for the evaluation and explains how the evaluation will collect evidence, analyse it, derive overall conclusions about the implementation of the EPA and its effects, and formulate corresponding recommendations. The starting point for the evaluation framework is the construction of an intervention logic that shows how the elements of the EPA are expected to lead to the ultimate developmental goals (section 4.1). For the systematic analysis, evaluation questions are formulated and then broken down into the detailed evaluation framework (section 0 and Annex C).

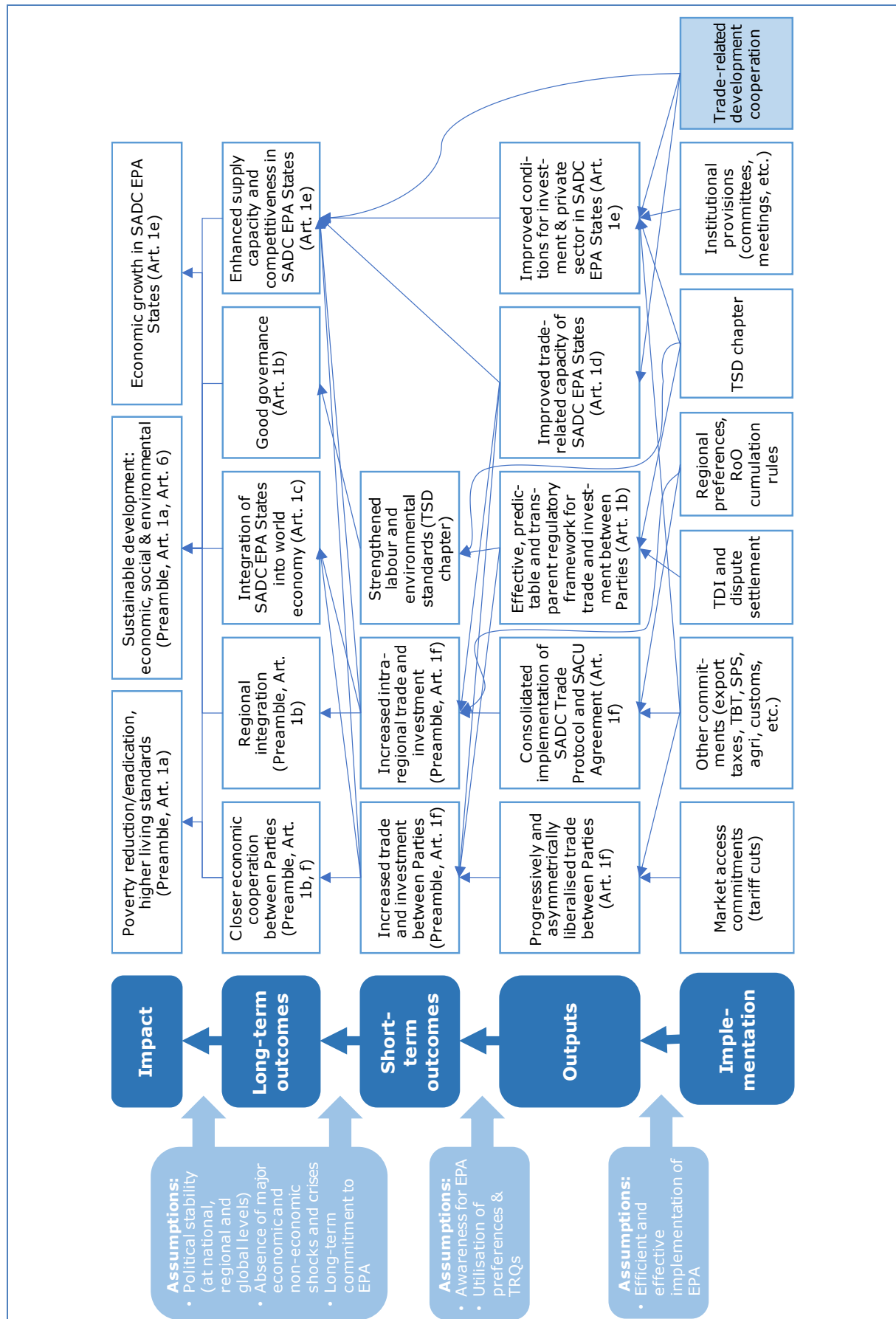
4.1 Intervention Logic of the EPA

An indicative simplified intervention logic developed by the European Commission is part of the evaluation ToR. Based on a careful review of this and the EPA text, the evaluation team has made some refinements to the intervention logic developed by the Commission as follows:

- Objectives of the EPA have been explicitly taken from (and linked to) the EPA text, particularly the Preamble and Article 1; and
- Underlying assumptions at the various objective levels have been identified and integrated into the intervention logic.

The updated version of the intervention logic is presented in Figure 2.

¹⁴ The 2007 sustainability impact assessment of the EPAs was an exception in using partial equilibrium analysis (PricewaterhouseCoopers 2007).

Figure 2: Intervention logic of the EU-SADC EPA

Source: Own preparation based on the EPA and provisional intervention logic in the evaluation ToR.

The intervention logic has also been instrumental in developing the analytical framework of the evaluation, which brings together the evaluation questions of the ToR, the associated judgment criteria and indicators, the data sources, and the methodological tools with which we will collect data. The refined analytical framework is presented in the next section.

4.2 Evaluation Criteria, Questions and Framework

Following the Better Regulation guidelines as well as international good evaluation practice, the evaluation is guided by a set of high-level evaluation questions (EQs) that help assess the performance of the EPA across the standard evaluation criteria effectiveness, impact, efficiency, coherence, and relevance. The evaluation questions are linked to the evaluation criteria as shown in Table 3.¹⁵

Table 3: Evaluation criteria and evaluation questions – overview

Effectiveness (degree to which outputs and operational objectives are achieved)
<ul style="list-style-type: none"> EQ 1: To what extent have the outputs and operational objectives of the EPA been achieved? EQ 2: What are the factors influencing (positively or negatively) the achievement of the EPA's operational objectives? EQ 3: Has the implementation of the EPA had unintended (positive or negative) consequences, and if so, which ones?
Impact (degree to which higher-level objectives are achieved)
<ul style="list-style-type: none"> EQ 4: What has been the impact of the EPA on sustainable development in its economic, social, environmental, and human rights aspects?
Efficiency (ratio between resources and cost, and achieved outputs)
<ul style="list-style-type: none"> EQ 5: To what extent has implementation of the EPA been efficient with respect to achieving its objectives? EQ 6: To what extent are the costs associated with implementation of the EPA proportionate to the benefits it has generated, and how are they distributed across different stakeholder groups? EQ 7: Are there unnecessary regulatory costs (including administrative burden)? What is the potential for simplification?
Coherence (degree of alignment between the EPA and other policies)
<ul style="list-style-type: none"> EQ 8: To what extent has implementation of the EPA been coherent with the EU's trade and development policies – and in particular, with the EU's commitment to sustainable development in trade policies as a contribution towards attainment of the Sustainable Development Goals (SDGs)?
Relevance (degree to which the EPA addresses real needs of the Parties)
<ul style="list-style-type: none"> EQ 9: To what extent do the provisions of the EPA continue to be relevant for the current trade needs and development issues of the EU and SADC EPA States, as well as geopolitical considerations?

A detailed evaluation framework, presented in **Annex C**, has been developed to guide the evaluation and ensure that evidence is systematically and transparently collected and analysed through robust methodologies and tools. The framework provides the evaluation questions, the judgement criteria and indicators for each question, the analysis needed to substantiate findings and conclusions to be made in the evaluation report, and the sources through which data and information will be obtained.

5 METHODOLOGY AND TOOLS FOR THE EVALUATION OF THE EPA

Most of the analytical work of the evaluation will be devoted to the assessment of efficiency, effectiveness and particularly the impact of the EPA. Therefore, this chapter provides an explanation of the different methodologies, tools, and indicators that the evaluation will use.

¹⁵ The evaluation questions as listed in the evaluation ToR have been slightly revised to sharpen their focus.

5.1 Evaluation of the Agreement's Implementation

This part of the evaluation will analyse the degree to which the EPA Parties implemented the commitments made in the Agreement, and thereby contribute to the evaluation of efficiency and effectiveness. It will not only focus on binding commitments but also the degree to which actual developments have been aligned with best endeavour and intentional statements made by the Parties in the EPA, as well as aim to assess the influence exerted by autonomous policy measures taken by the Parties that may have supported or hampered the implementation of the EPA.

5.1.1 Market Access Liberalisation

As noted above, under the EU-SADC EPA the Parties commit to bilateral tariff liberalisation. On the EU side, this has required limited actual changes to its import regime, as the SADC EPA countries already benefitted from high degree of liberalisation under the EU-ACP trade regime respectively the Everything But Arms (EBA) arrangement (for the LDCs Lesotho and Mozambique), the GSP (for the lower middle income country Eswatini) and the TDCA (for South Africa). On the other hand, the SADC EPA States committed to gradually reduce tariffs on most of the products imported from the EU, down from the MFN tariffs. In actual practice, for the SACU Members these tariff liberalisation commitments may have been more limited than it appears from the EPA schedules: although the TDCA was concluded only between the EU and South Africa, de facto - and at least in the case of Botswana also de jure - the other SACU members had also applied the TDCA preferential tariffs on their imports from the EU as a result of the SACU CET implementation (see Stevens and Kennan 2007b; 2007a) Although most of the commitments are straightforward, some of them are conditional upon meeting certain conditions.¹⁶

In addition, both the EU (only with respect to imports from South Africa) and the SACU States maintain TRQs on selected goods that need to be administered in line with the provisions in the EPA. For example, in South Africa, depending on the product, TRQs are administered either by the South African Revenue Service or the Department of Agriculture, Land Reform and Rural Development, and they are based either on a first-come first-served basis¹⁷ or based on annual export permits.¹⁸

The main objective of this part of the evaluation is to analyse the extent to which all partners have been implementing the tariff cuts and TRQs foreseen by the EPA; the analysis of the actual utilisation of preferences and TRQs will be done as part of the evaluation of trade in goods (section 5.2.1).

The evaluation will assess whether there have been any discrepancies between the tariff schedules under the EPA and actually applied tariffs by all Parties since 2016/2018. The analysis will also assess whether changes in the customs classification of goods by SACU or Mozambique caused by the moves between tariff nomenclatures, or the introduction of new tariff lines that are not covered by the tariff reductions, has affected the

¹⁶ For example, it is provided that the provisional application of the EPA would "exclude the agricultural market access concessions and the fisheries market access concessions referred to in Article 24(2) and Article 25(1), that are denoted by an asterisk (*) in the tariff schedules as set out in Annexes I and II" (Art. 113(5)) until all SACU Members had ratified the EPA, and until the "conditions set out in Article 16 of Protocol 3 are met" (Art. 113(6)). Article 16 of Protocol 3 provides that such agricultural market access concessions "shall only be granted to the Party that lodges the notification pursuant to Article 3(3) of this Protocol from the first day of the month following receipt by the other Party of such notification." Article 3(3) of Protocol 3 relates to GIs, which means that market access would only be granted once either South Africa or the EU had notified the other that the GI protection has been applied.

¹⁷ This applies to skimmed milk powder, butter, sugar, citrus jams, non-tropical canned fruit and active yeast.

¹⁸ This applies to frozen orange juice, apple and pineapple juice, bottled and bulk wine and to ethanol.

implementation of EPA tariff preferences.¹⁹ For the implementation of TRQs, the administrative requirements for traders to use the quotas as well as the allocation mechanisms applied in practice will be assessed.

5.1.2 Implementation of the TSD Chapter

The purpose of the TSD Chapter implementation review is to analyse the way in which the Parties have implemented the provisions of the Chapter, what impacts these actions have had and how they have contributed to the attainment of the relevant SDGs, notably No. 8 (decent work and economic growth), No. 12 (responsible consumption and production), No. 13 (climate action), No. 14 (life below water), and No. 15 (life on land). This task, therefore, goes beyond contributing to EQ 1 and also contributes to EQ 4 on impact, as well as directly feeds into the overall conclusions of the evaluation on the EPA's effects on sustainable development.

The first step in the analysis consists of a review of the TSD chapter provisions to identify areas where the Parties have made commitments, either directly in the EU-SADC EPA or through a reference to the provisions of the Cotonou Agreement.

Subsequently, the evaluation team will review actions taken by the Parties (with a focus on the SADC EPA States) to implement TSD provisions. In doing so, we will build on findings from the social and environmental parts of the evaluation that analyse the legislation, policies and other measures taken by the Parties to implement, e.g., the ILO fundamental conventions, multilateral environmental agreements (MEAs) and measures related to corporate social responsibility (CSR) (see sections 5.3 and 5.4). Aspects which feature in the TSD Chapter or the corresponding provisions of the (Post) Cotonou Agreement and do not fall in the social or environmental part of the evaluation will be covered by a complementary analysis. This may include commitments related to human rights, good governance, and the inclusion of non-state actors into dialogue and cooperation.

Another cross-reference will be made with the evaluation of development assistance (section 5.6) to check if any of the cooperation activities contributed to the implementation of the TSD Chapter. We will also seek to review the national EPA implementation plans of the SADC EPA States (if these are made available) to check if they include any elements related to the TSD Chapter.

The analysis will also focus on institutional arrangements related to implementation of the TSD Chapter, its monitoring, dialogue between the Parties, and engagement with non-state actors. Although the EPA has not established a separate TSD Committee, the Parties have the possibility to discuss in the TDC any matters related to the TSD Chapter. Therefore, we will review the agendas and reports from meetings of the TDC, the Commission's EPA implementation reports (European Commission 2018; 2019; 2020a; 2021a; 2022), and other sources to establish to what extent the TDC has played a role in monitoring the implementation of the TSD provisions, cooperation between the Parties, and engagement with non-state actors. Moreover, although the EPA has not established any formal structures for dialogue between the Parties and non-state actors, there have been attempts to set them up at the implementation stage. For example, Civil Society Forums were held in 2017 and 2018, and the Parties engaged in a discussion on the parameters of such dialogue. We will, therefore, review reports from meetings of the TDC and other sources regarding this aspect.

Stakeholder consultations will be an important element to complement the research and establish to what extent the provisions of the TSD Chapter have been implemented and

¹⁹ For example, based on initial information obtained, differences in view exist between the Parties with regard to the level of tariffs on certain textile products, resulting from a controversial interpretation of the relevant market access schedule.

how stakeholders, both governmental and non-state ones, evaluate the role of the EPA structures and cooperation in supporting TSD issues.

5.1.3 Use of Export Taxes

Many African (and other developing) countries see export taxes as a means to move up the value chain: by charging taxes on the export of raw materials, they hope to encourage local processing and beneficiation of primary goods, both from agriculture and mining.²⁰ In this view export taxes are an instrument to develop domestic industries and manufacturing capacity, creating jobs, and diversifying the economy and exports.

On the other hand, export taxes constitute barriers to trade that a trade agreement should help remove or reduce. Accordingly, the vast majority of EU trade agreements have provisions prohibiting the introduction of export duties by the parties. In line with this, and because of the EU's need for raw materials, during the negotiations of the EPA the EU initially insisted "on a ban on all export taxes for South Africa and Angola, and a ban on export taxes for other SADC EPA countries in all but a few extreme cases" (Wood 2014).

In the end, provisions were made in the EU-SADC EPA so that export taxes could be introduced in exceptional circumstances. Article 26 of the EPA allows the SADC EPA countries to apply export taxes in "exceptional circumstances." This includes, for the BLMNS countries, where such measures are required for "specific revenue needs, or where necessary for the protection of infant industries or the environment, or where essential for the prevention or relief of critical general or local shortages of foodstuffs or other products essential to ensure food security" (Art. 26(2)). However, even this must be limited to "a limited number of products" and may only be done after consultations with the EU.

Furthermore, all SADC EPA states can temporarily introduce export taxes on no more than 8 products at a time (at the HS6 level except for "ores and concentrates", where it applies at HS4 level) for a maximum of 12 years to satisfy industrial development needs. Any SADC EPA state proposing to impose such export tax shall notify the EU and must enter into consultations on the export tax if the EU so requests. Export duties may not exceed 10% of the *ad valorem* export value of the goods and the SADC EPA country shall exempt from such export tax a volume equal to the average volume exported to the EU in the three years prior to the imposition of the export tax.

Based on preliminary research – to be updated as the work progresses – South Africa has levied export duties on unpolished diamonds (WTO Secretariat 2016, para. 3.63), on various agricultural products,²¹ and on scrap metal (SARS 2021). The current rate of export tax on scrap metal exported to the EU is 10% (as opposed to the 20% that applies at MFN level).²² Namibia has levied export taxes on unprocessed diamonds, raw hides and skins, and goat skins (WTO Secretariat 2016, para. 12). The extent to which these and possibly other export duties are still in place remains to be determined.

The objective of this part of the evaluation is to analyse the use of export taxes in SADC EPA States and their compliance with the conditions laid out in Article 26 EPA.²³ This will be based on the tariff books and any notices published by the SADC EPA State customs authorities, information to be provided by the Parties on any communication linked to

²⁰ Sometimes, export taxes have also been used to generate government revenue or improve food security.

²¹ Export levies apply to the export of citrus, cotton, certain dairy products, deciduous fruits, dried fruits, fynbos (protea), lucerne, mango, olive, pecan nut, potato, pork, poultry, red meat, sorghum, table grape, wine and grapes, and winter cereals (WTO Secretariat 2016, para. 4.19).

²² Schedule 1, Part 6A, to the Customs Schedule, available at <https://www.sars.gov.za/wp-content/uploads/Legal/SCEA1964/LAPD-LPrim-Tariff-2021-02-Schedule-No-1-Part-6.pdf>

²³ The potential use of quantitative restrictions on exports, including export bans, will also be assessed.

export taxes (requests by SADC countries; assessments of such requests by the TDC, etc.),²⁴ as well as interviews with traders and their representative organisations.

5.1.4 Use of Trade Defence Instruments and Disputes

Between the time the EPA was applied provisionally (October 2016) and the end of March 2023, South Africa/SACU initiated 21 anti-dumping (and no countervailing) investigations, according to information from South Africa's International Trade Administration Commission (ITAC). Of these, nine (or 43%) were aimed against EU exports of pasta, chicken and potato chips. Anti-dumping duties were imposed in six of these investigations, while the other three are still under consideration (although provisional duties were imposed in all three of those investigations). In addition, six sunset reviews, of which three resulted in the maintenance of duties, were also conducted against EU member states.

During the same period, South Africa/SACU initiated four multilateral safeguard investigations (into steel screws with hexagon heads; fully threaded fasteners; bolts; and structural steel²⁵), all of which resulted in the imposition of safeguard duties that impacted exports from the EU.

To date, South Africa/SACU has conducted one general bilateral safeguard investigation under the TDCA/EU SADC EPA (under Article 34 of the EPA), which resulted in the imposition of a safeguard duty against poultry (frozen bone in chicken cuts) imports from the EU, for a period of 4 years. The EU disputed this decision, and after consultations failed, referred the matter to arbitration. The arbitration panel ruled in favour of the EU, but only after the measure had already lapsed.

The EU has also applied trade remedies affecting the SADC EPA States, notably the inclusion of South Africa in the EU's multilateral safeguards on steel in April 2022, following the expiry of the five-year exemption period for SADC EPA States under Article 33 of the EPA.²⁶

In analysing the way trade remedies and the EPA's dispute settlement provisions have been used by the parties, the evaluation will combine economic, administrative and legal analysis. The economic aspects will be analysed as part of the evolution of goods trade (see section 5.2.1). The administrative and legal analysis, which will also cover the transparency of investigations covered by the EPA,²⁷ will start with a review of official documents related to the cases, as well as secondary literature (e.g., de Klerk 2019). In order to obtain a full picture of the cases identified, consultations with industry representatives and other stakeholders will be carried out. This step shall allow the team to assess the views from the different parties, in order to develop an as balanced view as possible of the various cases.

5.1.5 Implementation of customs and trade facilitation-related provisions

Building on our understanding of the work of the Special Committee on Customs and Trade Facilitation, we will analyse which customs-related issues contribute to difficulties for key stakeholders. The scope of the analysis will follow the structure of Chapter IV of the EPA (Articles 42 to 49):

²⁴ We note that, based on the research undertaken to date, neither the annual EU FTA implementation reports for the years 2016-2021) nor the TDC meeting reports contain any reference to the issue of export taxes.

²⁵ The structural steel investigation was divided into two (hot-rolled steel and cold-rolled steel).

²⁶ Commission Implementing Regulation (EU) 2022/664 of 21 April 2022 amending Implementing Regulation (EU) 2019/159 imposing a definitive safeguard measure against imports of certain steel products, OJ L 121/12, 22.04.2022.

²⁷ Anti-dumping, countervailing and multilateral safeguards (Arts. 32f of the EPA) follow WTO rules and are not covered by the EPA dispute settlement and will not be covered by the evaluation.

- Customs and administrative cooperation, including mutual administrative assistance;
- Customs legislation and procedures;
- Facilitation of transit movements;
- Relations with the business community;
- Customs valuation;
- Harmonisation of customs standards at regional level;
- Support to the SADC EPA States' customs administrations;
- Transitional arrangements.

We will identify, describe and review horizontal and sector-specific issues in close consultation with the relevant Commission services and stakeholders – notably representative associations of exporters in partner countries and the EU. We anticipate that information will emerge primarily from stakeholder concerns and multilateral, regional and bilateral monitoring (e.g., the WTO Trade Policy Review Mechanism, implementation monitoring of the WTO Trade Facilitation Agreement, and audit reports). Stakeholder concerns will be identified through several methods including the consultation activities directed towards MSMEs, freight forwarders and importers and the case studies (see section 5.7). A systematic assessment of the results of technical assistance linked to customs and trade facilitation-related provisions will also be carried in conjunction with the evaluation of EPA-related development cooperation (see section 5.6).

5.1.6 Use of Technical Barriers to Trade

Regulatory measures in the form of standards, technical regulations and conformity assessment procedures and accreditation, combined with market surveillance for trade in goods, are major facilitators of regional, continental and global trade. This important aspect is dealt with in Chapter Part II, Chapter V of the EPA (Articles 52 to 58).

The evaluation will investigate if there are any issues related to transparency, compliance with quality requirements, standards, labelling, testing and conformity assessment procedures etc. The main source of information will be the targeted consultations with the various target groups (public administration, business, civil society organisations; MSMEs; freight forwarders, customs brokers, and importers). This will be complemented by a review of the relevant conditions as listed in the Access2Markets database, relevant national legislations, and notifications made to the WTO, as well as a review of the Parties' websites providing information about TBTs (including legislation, drafts of new regulations, deadlines for consultations or result of consultations). Finally, the evaluation will review other aspects such as the role of the TDC on TBT matters (linked to Article 57 of the Agreement) and an assessment of the results of technical assistance linked to TBT matters (section 5.6).

5.1.7 Implementation of SPS Measures

Sanitary and phytosanitary measures (SPS) are treated under Chapter VI of the Agreement and the structure of Chapter VI very much resembles that of the TBT Chapter. Hence general methodological aspects described above are also valid for SPS-related issues (where the focus will be placed on qualitative analysis and stakeholders' concerns). We expect the review of SPS-related issues to be of particular importance to the overall evaluation since these are often listed as specific areas of importance in the Commission's annual reports on EPA implementation – with some issues having been carried over from the TDCA. For example, the 2017 report on the TDCA implementation stated that "Trade in agricultural products has remained the most sensitive area in EU-SA bilateral relations, with SA [South Africa] challenging our interpretation of human and animal risk and our SPS requirements. EU SPS requirements for game, ostriches, horses and citrus have ranked at the top of bilateral dialogues under the TDCA" (European Commission 2017, 68). The reports for 2019 and 2020 specifically referred to market access issues for EU poultry exports to South Africa following the avian influenza, with the latter report summarising

that “EU Member States are still banned from exporting poultry meat to South Africa. Since South Africa does not recognise EU regionalisation decisions, the issue is now about re-opening the market access after the Member States have been declared avian influenza-free in accordance with the international standards of the World Organization for Animal Health” (European Commission 2021a, 96). The report for 2021 reiterated the same concern (European Commission 2022).

The analysis of the implementation of SPS measures will aim at identifying whether and to what extent SPS measures hinder agri-food trade. Autonomous measures taken by the Parties will also be taken into consideration to estimate how these may have affected trade between the Parties.

For this purpose, based on stakeholder consultations, the TDC meeting reports, the annual implementation reports and other studies, the evaluation team will compile a list of SPS issues that have been addressed by the Parties since the start of the application of the EPA. The list will also specify the products concerned and trade values.

Finally, the evaluation will review other aspects such as the role of the TDC on SPS matters and an assessment of the results of technical assistance linked to SPS matters –one indicator for the effectiveness of the technical assistance in enhancing the SADC partners’ compliance with EU SPS rules and measures is the incidence of interceptions of imports from SADC EPA countries at the EU border because of non-compliance with EU SPS requirements, and notifications in the EU’s Rapid Alert System for Food and Feed (RASFF) over time.²⁸ If cooperation and technical assistance on SPS issues is effective, one would expect that the number of notifications drops following its start of application.

5.1.8 Implementation of Institutional Provisions

The analysis of the implementation of the EPA’s institutional provisions contributes to the evaluation of efficiency and effectiveness by assessing whether all institutions have been established and to what extent their operation in practice has fulfilled their mandates and has contributed to achieving the EPA’s objectives outlined in Article 1.²⁹

The analysis will therefore include EPA provisions setting out the composition, functions, decision making powers and procedures applicable to the operation of the Joint Council, the TDC, and Special Committees and partnerships.³⁰ A similar analysis will also be conducted to identify provisions which outline other tasks of each institution in the EPA management. These may be related to decisions enabling the operation of the dispute settlement mechanism, review of certain parts of the EPA (e.g., Article 26 on export duties and taxes) or other decisions for which the EPA provides a concrete timeline (e.g., decision under Article 33(3) on multilateral safeguards to prolong the exclusion of the SADC EPA States from application of certain safeguard measures). This will help to develop a precise understanding regarding the mandate of each institution under the EPA and an expectation regarding its role in the implementation of the EPA during the period under review.

Following the review of the institutional provisions in the EPA text, the evaluation will address the practical operation of all the institutional structures, based on available documents and engagement with the Parties and relevant stakeholders. Desk research will include a review of meetings reports, the annual reports by the Commission on the EPA

²⁸ RASFF, Traces and Europhyt databases. The evaluation team will endeavour to obtain equivalent data for EU exports to the SADC EPA States from the latter’s relevant authorities (ministries of agriculture, bureaus of standards, etc.).

²⁹ It is to be noted that trade-related bilateral dialogue between the EU and South Africa also takes place in the Trade and Cooperation Committee under the TDCA.

³⁰ Such as the Special Committee on Customs and Trade Facilitation, the Special Committee on Geographical Indications and Trade in Wines and Spirits, the Agricultural Partnership, and additional roles of the TDC on TBT and SPS matters.

implementation (European Commission 2018; 2019; 2020a; 2021a; 2022), and formal decisions taken by the Joint Council and the TDC, e.g., on rules of procedure.³¹ Based on this, we will be able to establish whether the institutions envisaged in the EPA have been set up and held their meetings, as well as if all decisions due in the period under review have been taken.

Moreover, through desk research and interviews with representatives of the Parties, the evaluation will seek to establish the level of effectiveness and efficiency of the institutional structures and the roles played by the Parties in this context. For example, we will inquire whether the exchanges between the EU and SADC EPA States are limited to the (annual) meetings or follow also during the year to speed up discussions or address issues which cannot wait until the meeting. Another question would relate to the extent to which institutions fulfil their mandates in playing a role of a forum to exchange information and provide updates on legislation and policies relevant for the EPA, and to what extent they help to address and solve problems with the interpretation of the Agreement and trade irritants. Likewise, we will seek to determine to what extent the meetings provide a forum for the monitoring of the EPA implementation and for addressing potential cases of non-compliance, or other concerns raised by a Party.

This analysis will be complemented by stakeholder engagement seeking views from business community and civil society regarding the operation of the institutions under the EPA. This will include the way civil society has been involved in the implementation of the EPA and views from business associations on issues such as the pace and effectiveness of the EPA structures in removing trade obstacles. The analysis will finish with conclusions and recommendations and a cross-reference to the evaluation of development assistance to check if cooperation activities contributed to strengthening institutions or addressing any of the problems identified during the meetings.

5.1.9 Use of the Regional Preference Clause

Article 108 of the EPA relates to regional preferences. It contains two sub-provisions, the first of which provides that a Party (such as an SADC EPA State) is not obliged to extend to the other Party (such as the EU) any more favourable treatment which is applied by a Party as part of its respective regional integration process. This means, for instance, that South Africa does not have to extend to the EU treatment equally favourable to the treatment it extends to Mozambique under the SADC Agreement. The second sub-provision provides that any more favourable treatment that a SADC Party provides to the EU must also be extended to the SADC Parties. Thus, if the EPA results in South Africa extending more preferential treatment to the EU on a specific issue than it does to Mozambique, such more favourable terms will also have to be extended to Mozambique.

The analysis of the use of the regional preference clause will be based on a comparison of tariffs that the SADC EPA States apply to each other (based on the SADC Trade Protocol) with the preferential tariffs offered to the EU under the EPA. This will require a comparison at tariff line level, using the tariff books of the SADC EPA States (SACU and Mozambique).

5.1.10 Rules of Origin

The SADC EPA rules of origin (RoO) were crafted to support the development of regional value chains. This is done through maximising the number of goods that can benefit from duty-free access to the respective other Party.

³¹ E.g., Decision No. 1/2019 of the Joint Council of 19 February 2019 on the adoption of the rules of procedure of the Joint Council and of the Trade and Development Committee [2019/437]: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22019D0437&from=DE>

Protocol 1 to the EPA sets out the rules and criteria to determine the originating status of products exported under the SADC EPA. The Protocol and its annexes cover some 196 pages, and essentially contain two different criteria: wholly obtained and sufficiently worked or processed products. It also provides for cumulation of origin. Wholly obtained means that the product must be entirely obtained within a Party (Art. 7). Sufficiently worked or processed means that materials imported from other countries may be used but such must be sufficiently worked or processed to obtain origin status (Art. 8f). Annex II to the Protocol contains a list of the working or processing that must be undertaken to bestow origin. This may be done in three different ways. First, it is determined how much non-originating value is included in the ex-works price of the product exported. The typical non-originating value would be up to 40%, although this differs between products. Second, the processing must result in the final product acquiring a different tariff classification to the raw material or the input used. Third, the material must undergo a specific operation or processing. Cumulation means that products or inputs obtained in another country may be considered as originating in a SADC EPA State where the final product is manufactured, provided certain conditions are met. Thus, for instance, raw materials obtained in Eswatini could be considered as originating in South Africa when incorporated in a product manufactured in South Africa. Cumulation may take place in three ways, namely bilateral cumulation, diagonal cumulation, and extended cumulation. Bilateral cumulation relates to cumulation between a SADC EPA State and the EU, which includes the use of EU raw materials in a product processed in the SADC EPA State or vice versa (Art. 3), while diagonal cumulation means that an SADC EPA State could further process goods originating in another SADC EPA State, in an ACP EPA state or in the EU's Overseas Countries and Territories (Art. 4). Global cumulation means that a SADC EPA State could source materials from any country benefiting from GSP or EBA in the EU or from any other state in the world where such materials have zero duties under normal MFN treatment in the EU (Art. 5f), excluding products that are subject to anti-dumping or countervailing duties in the EU. Cumulation is not allowed with products that cannot be exported to the EU DFQF (including those originating in South Africa), and tuna products (HS chapters 3 and 16) cannot be cumulated.

The evaluation will analyse the implementation of the EPA's RoO provisions and identify challenges in particular in relation to the implementation of cumulation, to proof of origin (e.g. use of self-certification by exporters³²), verification of proofs of origin, implementation of rules related to non-alteration, accounting segregation, tolerance and adherence to the provisions on territoriality. Specifically, the evaluation will address:

- the extent to which exporters have complied with rules of origin, respectively customs authorities identified potential issues of fraud or non-compliance with the rules. We aim to address this issue through a review of verifications of origin and reported abuse or non-compliance with rules of origin; and
- the extent to which rules of origin or their implementation have facilitated trade and not functioned as a barrier to trade. This is addressed through a review of the "strictness" of rules and the ease with which they are administered as seen by stakeholders.

We will also assess whether the product-specific rules of origin are well adapted to current trade patterns and needs of businesses on both sides. We anticipate that information will emerge primarily from stakeholder concerns.

One particular area for analysis will be the implications of the non-activation of diagonal cumulation which would have allowed the creation of value chains among SADC EPA States,

³² In this context, we note that the Registered Exporter (REX) system, which allows for the self-certification of origin by registered exporters does not presently apply to the EU-SADC EPA; the evaluation will seek to estimate the cost and trade effects of its potential application to the EPA.

and with the other ACP EPA States (and the EU's overseas countries and territories); this might be addressed in a specific case study (see section 5.7).

5.1.11 Geographical Indications

Geographical indications (GIs) inform consumers that the product they purchase was grown or produced in a particular region and, as such, possesses certain qualities unique to the relevant geographical area. They valorise the traditional know-how needed to preserve their characteristics and quality, and make it broadly known and appreciated. Thus, when a consumer buys *Rooibos* tea, the consumer knows that it was grown in the Cederberg in the Western Cape, according to an identified standard. Likewise, when a consumer buys *Champagne*, it is a guarantee that the product originates from the Champagne region in France, according to an identified standard. The GI recognition enables consumers to trust and distinguish quality products while also helping producers to market their products better.

GIs are regulated by Protocol 3 of the EPA. This Protocol only applies between the EU and South Africa, i.e., it does not apply to Botswana, Eswatini, Lesotho, Mozambique, or Namibia (Art. 1 of Protocol 3). These other SADC members may "adhere" to the Protocol on GIs by "lodging an application with the Special Committee on GIs and trade in wines and spirits" under Article 13 of the Protocol. For South Africa, currently listed GI product categories are tea, meat, beer (although no beers are subject to GIs at present), wines, and spirits. For the EU, currently listed GI product categories include fruit, vegetables and cereals fresh or processed; cheeses; meat; olive oil; "other products (spices etc)"; natural gums and resins; confectionary; baker's wares; essential oils; fisheries products; sauces; beers; wines; and spirits (Annex I of Protocol 3).

In terms of Protocol 3, South Africa agreed to protecting about 250 EU GIs, including 105 GIs for agricultural products and foodstuffs (including cheeses, olive oils and meat products). In return, the EU protects 105 South African GIs, with an option to add 30 more GIs with priority for protection. The EPA also provides for the co-existence of some names like Feta, Sherry, and Valencia oranges..

The evaluation will analyse the actual implementation of the Protocol on GIs by the Parties. It will address how the protection is ensured by national law, the enforcement modalities of the protection granted to covered GIs via the Protocol (e.g. degree of control/surveillance, is there counterfeiting/usurpation, how is it reported, etc.).

The analysis will be based on different sources and methods: it will start with a primary review of the legislation in the EU and South Africa, including the "Regulations Relating to the Protection of Geographical Indications Used on Agricultural Products Intended for Sale in the Republic of South Africa" of 22 March 2019 and relevant aspects of the trademark legislation, meeting reports the Special Committee on Geographical Indications and Trade in Wines and Spirits under Protocol 3, a review of relevant recent studies, and a review of the GI registers in the EU³³ and South Africa.³⁴

This will be followed up and complemented with consultations of relevant stakeholders, i.e. producers and traders of GI-labelled products; a focus will be on those products which

³³ The EU's GI register, eAmbrosia (<https://ec.europa.eu/geographical-indications-register/>), only lists GIs directly registered in the EU but not those protected under the Agreement; at present, it only lists Rooibos tea, which was registered in 2021; see <https://ec.europa.eu/geographical-indications-register/details/EUGI00000017018>. Only the GI database GIVIEW also includes GIs protected under trade agreements; see <https://www.tmdn.org/giview/>.

³⁴ It remains to be determined if South Africa has a functioning GI register.

have been referred to in the Special Committee meetings, such as certain spirits, raw-processed meat products, or Feta.³⁵

5.1.12 Awareness for the EPA

For the EPA to yield any tangible results, a necessary (but not sufficient) condition is that stakeholders must be aware of it and the preferences and benefits that it provides. Without such awareness, authorities will not implement commitments made, traders will not use the preferences, and businesses will not be aware of the opportunities that it creates for exporting to the respective other Party's market (or for intra-regional exports, e.g., under the regional preference clause). Evaluating the level of awareness is thus important, as it constitutes an important link between the efficiency of the EPA (in terms of assessing the extent to which commitments have been implemented) and the effectiveness of implementation (i.e., the extent to which the implementation of the EPA has actually changed trade patterns and levels).

The evaluation will analyse the level of awareness and perceptions of the EPA and its benefits and obligations, but also potential misconceptions, among:

- Relevant government stakeholders (e.g., trade ministries, line ministries, implementing agencies, customs authorities);
- Private sector stakeholders (business associations, businesses including MSMEs); and
- Civil society actors (NGOs, think tanks, etc.).

The level of awareness will be assessed as part of the consultations, where specific questions both in the survey and the interviews will refer to the awareness and level of knowledge of the EPA. Specific interviews with services providers for businesses in trade-related matters (such as consultants, customs brokers, trade lawyers) are also foreseen. More information is provided in the consultation plan (Annex I).

5.2 Evaluation of Economic Effects

The evaluation of direct and indirect economic effects of the EPA constitutes the first pillar in the analysis of the Agreement's impact on sustainable development and thus contributes to EQ 4. It comprises an analysis of the EPA's immediate effects on trade in goods (section 5.2.1), its potential indirect effects on FDI and services trade between the Parties (section 5.2.2), its effects on government revenues (section 5.2.3) and MSMEs (section 5.2.4), as well as the broader economic impacts both at sector and macroeconomic levels (section 5.2.5). The methodologies to be used for these various analyses vary, as explained in the following sections.

5.2.1 Evolution of Trade in Goods

The EU-SADC EPA provides for asymmetric liberalisation of trade in goods, as described above. It should also be kept in mind that all SADC EPA States, except for South Africa, already benefited from extensive market access preferences to the EU market before the entry into provisional application of the EPA. Similarly, South Africa already benefited from preferential treatment under the TDCA, even though in less favourable terms compared to the EPA. The EPA also created legal certainty about trade relations between the EU and the SADC EPA States, given that their preferential market access to the EU was not guaranteed under the previous Lomé trade regime (except for the LDCs benefitting from the EBA) and included new elements to facilitate trade between the parties.

³⁵ See report on the 6th meeting of the Special Committee, 15 November 2022.

The working hypothesis for the evaluation is therefore that as a result of the EPA, bilateral goods trade expanded in both ways. A necessary condition for this is that traders actually use the preferences provided by the Agreement.

The analysis of the EPA's effect on trade in goods will thus cover (for more details, see **Annex D**):

- The extent to which the Parties' trade patterns have changed over time since 2011, comparing in particular the pre-EPA (2011-2016 for SACU; respectively 2011-2017 for Mozambique) and post-EPA periods (until 2022 included), with the aim of determining changes in pattern after the start of application of the EPA;³⁶
- The utilisation of tariff preferences and TRQs by the Parties, with the aim of determining the effectiveness of the EPA and identifying the existence of any administrative burdens that might prevent the use of preferences;
- A comparison of the performance of bilateral trade between the Parties with their overall trade and their trade with other major trading partners, with the aim of determining any specific patterns in bilateral trade that may have been caused by the EPA;
- The identification of the best- and worst-performing products in bilateral trade (over time and before/after the EPA);
- The trade performance of the EU's main competitors for exports to the SADC EPA States, and vice versa;
- A review of trends in regional trade between the SADC EPA States and their trade with Africa, with the aim of identifying any potential trade diversion to the EU possibly caused by the EPA as well as a potential strengthening of regional value chains under the EPA;
- A regression analysis between trade levels and tariff levels;
- The level of trade affected by trade remedy measures;
- Identification of products performing below their export potential, with a view to identifying the reasons for the underperformance;
- Diversification of exports/trade between the Parties in terms of products and traders, as well as diversification of supply sources

The main methodology used here will be comparative descriptive statistical analysis. The evaluation team is aware of the fact that certain patterns in trends or comparisons with comparator countries do not prove causality, because a vast number of other factors influence trade performance – and in recent years the magnitude of such other factors has been extraordinarily high. To address this methodological problem, the quantitative statistical analysis will be complemented with qualitative analysis that will address, inter alia, the following issues:

- An estimation of the trade developments that can be attributed to the EPA and its implementation as opposed to other factors (such as commodity price developments, the impact of major shocks such as the COVID-19 pandemic and its economic and trade effects, climate change-related and other natural events and disasters, changing global supply chain patterns, geopolitical events and crises such as Russia's war of aggression against Ukraine, etc.), based on a combination of sources, including literature review and targeted consultations.
- An estimation of the magnitude of informal trade (both among the SADC EPA States and between the EU and SADC EPA States) to assess the robustness of and potential distortions in official trade data.
- An identification of the reasons for low utilisation of preferences and/or TRQs will be identified through literature review and targeted consultations. Particular attention will be paid to the use of preferences and TRQs by MSMEs and the specific difficulties they

³⁶ The analysis will look at both the EU28 and EU27.

may encounter when applying for preferences; this will likely have to be based on consultations with MSMEs and MSME associations and support institutions.

- An analysis of the impact of non-tariff barriers (NTBs) on bilateral trade will seek to identify the product lines affected by NTBs as well as the extent to which NTBs constitute an obstacle to trade. The analysis will especially focus on SPS measures and will not only rely on the analysis of trade data for the relevant product lines, but also on consultations with sectoral exports and businesses, as well as the review of existing studies and business survey, with a view to identify relevant stakeholder experience that will illustrate the impact.

In addition, changes caused by the EU-SADC EPA in bilateral and total trade flows, both overall and at sector level, will also be assessed through the economic modelling (see section 5.2.5 and Annex E). This, by definition, isolates the effect of the EPA and thus proves causality – but only within the simplified framework of the model specifications and assumptions. The evaluation will therefore use all three types of analysis – descriptive statistics, qualitative analysis and economic modelling results – to derive conclusions about the EPA's impact on trade.

5.2.2 Evolution of Foreign Direct Investment and Trade in Services

Even though the EPA does not currently cover investment, it was expected to have an indirect positive impact on investment due to the permanent preferential access it offers to the EU market for exports from the SADC EPA region (and vice versa), as well as cooperation focused on improving the business climate. In this context, it makes sense for the evaluation to analyse the evolution of investment flows from the EU to the SADC EPA States and vice versa and assess whether the EPA had an impact in this area. The same reasoning applies to trade in services.

The evaluation team will analyse in detail the evolution of the level of FDI and trade in services between the EU and the SADC EPA partners and will complement this analysis by identifying market conditions that can enable or prevent further FDI and trade in services in specific sectors, as well as existing reforms that have changed the business and investment climate (for better or worse). The approach will comprise:

- **Review of bilateral FDI and services trade flows:** We will identify the most important sectors for bilateral FDI and services trade, as well as those with the largest changes over time since 2011, distinguishing the pre- and post-EPA periods. The analysis will cover both absolute values and relative changes. This analysis will be conducted using statistics at different levels of disaggregation (from Eurostat, OECD and UNCTAD): the analysis will start at a fairly high level of aggregation and will be disaggregated for sectors of interest in order to identify the best/worst performing sub-sectors. Reasons for good or bad performance will be identified by a combination of sources including literature review and targeted consultations.
- **Comparison with a reference group of countries:** The comparison of bilateral trade in services and FDI between the EU and the six SADC EPA States (taken individually) with the corresponding developments for the EU and for the SADC EPA States with a reference group of major economies (United States, UK, Australia, China, India, Brazil, Turkey) will provide further evidence of the actual impact of the EPA on FDI and services trade. This will be of interest especially given the volatility of investment and its response to global and macro-economic variables.
- **Sector level analysis/case studies:** Good and bad performing sectors identified under the steps described above will be subjected to additional analysis – including, potentially, as part of the case studies (see section 5.7).
- **Review of the investment climate and restrictions to services trade:** An analysis of the investment climate and of the attractiveness to investment of the six SADC EPA States, taking into consideration the possible impact of the existence of bilateral investment treaties and of double-taxation treaties will be undertaken. We propose to

review, inter alia, the evolution of scores in the OECD's Foreign Direct Investment Restrictiveness (FDIR) index and the Services Trade Restrictiveness Index (STRI).

5.2.3 Fiscal Effects

The analysis of the impact of the EPA on the budgets of the EU and the SADC EPA States will largely result from the CGE model (see detailed description in Annex E). There are multiple sources of impact of removal of the EPA on government revenues that need to be taken into account, including: (a) the direct impact of tariffs restored, which increase tariff revenues, albeit by less than the amount implied by the EPA level of trade and the height of the tariffs due to trade diversion from SADC suppliers to third parties with duty free access to the EU market;³⁷ (b) the terms of trade changes as SADC suppliers price down to retain market share in the EU; (c) higher price levels in the EU, including on domestic production, due to the tariffs which imply higher VAT revenues; and (d) changes to income tax revenues based on the impacts on the macroeconomy. These impacts can in principle be inferred from the CGE modelling results. However, the results are inevitably very sensitive to the modelling assumptions.

5.2.4 Impact on MSMEs

To assess the impact of a trade agreement on MSMEs the proposed methodology would implement the "SME-Test" reflecting the "think small first principle" as described in the Better Regulation Guidelines and Toolbox (specifically Tool 23) (European Commission 2021b). Throughout the analysis we will put special focus on identifying the sectors where MSMEs could be stronger impacted by the EPA. The identification of the extent of MSMEs' awareness for the EPA (see section 5.1.12) is also important in this context.

The aim of the assessment can be phrased in either a positive or negative manner based on the assumed effect of the agreement on MSMEs:

- Assuming a negative impact on MSMEs, we will seek to establish whether MSMEs are being disproportionately affected or disadvantaged compared to large companies. Difficulties encountered by MSMEs will be examined, including regarding rules of origin.
- Assuming a positive impact on MSMEs, we will analyse whether MSMEs in all Parties are making use of the EPA. Particular attention will be placed on establishing whether new MSMEs are starting to export to the other Party's market, or whether already exporting MSMEs have started to export new products.

For this, a disaggregated analysis is needed; we will therefore, to the extent possible given data constraints (still to be determined), look at the MSME density at sector level, assuming that the CGE results include interlinkages between sectors, and geographically. The "SME-Test" itself will be guided by the following steps:

1. **Consultation of MSME Stakeholders:** MSMEs are a central element of the consultation strategy and will be present at every stage of it. Specific meetings with MSMEs and their representative bodies as well as MSME support institutions will be held to identify and assess positive and negative effects of the EPA.
2. **Identification of affected business:** Early on in the analysis, we will identify whether and which MSMEs (e.g. medium-sized) are among the affected population. In the cases where this is not clear, we will identify the characteristics of the affected business/sector(s), e.g. the distribution of businesses per size class. This might include further sources of information (e.g. organisations representing MSMEs interests) and additional variables like (a) the proportion of employment concerned in the different categories

³⁷ The assumption made here usually is 100% utilisation of preferences, which implies that the calculated government revenue effect constitutes the upper limit of the actual effect.

of enterprises affected, (b) weight of the different kinds of MSMEs in the sector (micro, small and medium) and (c) links with other sectors and possible effects on subcontracting, suppliers. Key data sources are Eurostat's Structural Business Statistics for the EU MSMEs as well as official national statistics from partner countries.

3. **Measurement of the impact on MSMEs:** This will be conducted in a two-step approach: First, the overall impact on MSMEs will be assessed. In order to do so, the distribution of costs and benefits of a trade agreement will be assessed with respect to the business size. It will be done mostly qualitatively, if data availability allows also quantitatively. Since the impact on micro-companies can differ strongly from the impact on medium sized ones, we will avoid a "one-size fits all" approach. A particular focus will be on the impact which the agreement may have on MSMEs' competitiveness (including in relation to larger companies), both from direct effects and indirect (including unintended) effects, such as increased regulatory costs; the analysis will provide special attention those regulatory costs that may be felt disproportionately by MSMEs such as compliance and administrative costs. Second, the above overall analysis will be enriched by collecting information on concrete examples of individual MSMEs.
4. **Assessment of alternative mechanism and mitigating strategies:** After the above-mentioned analysis and based on its findings, specific measures to mitigate the negative impact will be chosen. If considered possible, these measures will be broken down by type of enterprise.

5.2.5 Overall Economic Impacts

This analysis will rely on the computable general equilibrium (CGE) modelling undertaken by DG TRADE. The CGE model is the quantitative cornerstone/foundation of the evaluation, as many other elements of the analysis will use the economic modelling results as the starting point. Important variables of interest for the economic analysis will be those which are standard for a CGE analysis such as GDP and trade flows (total, bilateral and by sector) and sectoral output (whereas other results of the CGE such as consumer prices, employment and wages, and CO₂ emissions will be used primarily for the social and environmental analysis). Based on the CGE modelling results, we will estimate the overall and sectoral impact on the economies of the EU and the six partner countries. More details on the CGE model are provided in **Annex E**.

5.3 Evaluation of Social and Labour Effects

The analysis regarding social impacts of the EU-SADC EPA will be based on the following four steps, unless otherwise indicated in any of the thematic sections:

- 1) Analysis of the real-life situation in the EU and SADC EPA States since 2011 until now, trends in the relevant indicators (see **Annex F**), and factors influencing the situation;
- 2) Impact analysis of the EU-SADC EPA as a whole;
- 3) The analysis of impacts of selected EU-SADC EPA provisions; and
- 4) Conclusions and recommendations.

5.3.1 *Effects on Wages, Employment, Income, and Poverty*

5.3.1.1 Employment³⁸

The analysis related to the EPA's impacts for employment will seek to determine, which effects across sectors, types of jobs and worker groups may have been created by the reduction of tariffs and NTBs and the resulting changes in sectoral bilateral trade and investment, and output. In doing so, the evaluation will also seek to determine whether the observed changes may have contributed to the attainment of SDG No. 1 (no poverty) and No. 10 (reduced inequality).

The analysis will include trends since 2011 until now observed in the labour market in the EU and SADC EPA States for their whole economy and across sectors. We will report on indicators such as the labour force participation rate, the unemployment rate, the rate of inactivity, and the share of individual sectors in the total employment to determine their importance from this perspective. Moreover, to the extent data is available, we will seek to describe workers' characteristics such as education levels and compare them with the possibility to find and keep a job. Other labour market characteristics like wages, working conditions, the share of informal employment, and the respect for labour standards, will be considered in other sections. We will also identify factors influencing observed trends. These may include macroeconomic and labour policies, investment in education and skills development, sectoral policies supporting investment and job creation, impacts of the COVID-19 pandemic and the economic recovery, new organisation of work, the use of new technologies, migration, and trade policy measures.

This will be followed by an impact analysis based on the outcomes of the economic modelling. The modelling results will however need to be interpreted with caution due to the simplifying assumptions and structure of the model. For example, the model does not fully appreciate differences in skills needed in different sectors and assumes a swift move of workers between them, while in the reality this may take more time or sometimes may not be feasible.

In that part of the analysis, we will also conduct more detailed research regarding sectors identified by the model as those likely to be affected most by the EPA (positively or negatively). For each of those, we will seek to establish a sector profile, with its size in terms of jobs and changes over time, the type of workers employed, location and other basic characteristics to be able to interpret the modelling results and their implications in the context of the EU or SADC EPA States' economy and potential impacts for the people. The analysis will be complemented by stakeholder consultations, including of sectoral business associations and trade unions, to better understand the reality of the analysed sectors and the EPA effects, and to be able to formulate workable recommendations. The choice of sectors for a more detailed analysis may also be supported by the analysis of literature and trade statistics, if the most relevant sectors are narrower than those in the economic model.

5.3.1.2 Macro-level effects on wages, poverty, and income inequality

This part of the analysis will focus on impacts of the EU-SADC EPA on welfare, (real) wages, poverty and inequality levels, and the situation of vulnerable groups, including vulnerable consumers. It will start with an overview of the situation in the EU and the SADC EPA States regarding the share of population living below the poverty line, the share of those at risk of poverty and social exclusion, the level of inequality and groups in the population being most exposed at those risks. We will also analyse trends in the EU and SADC EPA

³⁸ In this section the focus is on all workers, while the analysis related to women, young people, migrants, persons with disabilities, and other vulnerable groups on the labour market will be carried out under separate headings.

States since 2011 until now and factors which may have influenced them. They may include the situation in the labour market, including unemployment and inactivity rates in certain groups, education levels in the workforce which influence job availability and wage levels, informality levels (usually connected to low wages and precarious working conditions), social protection coverage, measures taken by governments to support poor families and vulnerable groups, policies encouraging investment and job creation, trends in price levels (including the recent price and living costs increase), and others.

To the extent data is available, we will also analyse the situation of consumers regarding shares of expenditures for different categories of goods and services in their household budget. Based on this, we will be able to estimate later if the EPA may have contributed to the increased availability and affordability of goods and services important for them.

In the following step, we will use outcomes of the economic modelling to assess impacts of the EU-SADC EPA. The model will provide data outlining impacts on wages (for skilled and unskilled workers) and consumer prices for the EU and the SADC EPA States. The estimated effects should help to conclude to what extent the EPA has played a role in influencing the observed trends in poverty and inequality. For example, job creation in exporting sectors in areas known for higher poverty levels (e.g., in rural areas) supports income generation for those who may have been outside labour market beforehand or may have lived from subsistence farming and thus helps to reduce poverty. Likewise, creation of formal jobs in exporting sectors or sectors included in value chains may help to raise wage levels and improve working conditions. This in turn improves the overall welfare and consumers' purchasing power.

Results of the analysis of the EPA's impact on government revenue (section 5.2.3) will indicate the value of public revenue foregone resulting from tariff reductions and welfare gains measured as additional income generated by the agreement (e.g., in the form of taxes). The comparison between these two values will indicate the combined impact on the possibility for the state and state budget to act, e.g., to support public services, such as education, healthcare, or social protection.

As in all areas, the desk research will be complemented by stakeholder consultations.

5.3.2 Effects on the Pillars of the Decent Work Agenda

Given the broad scope of the Decent Work Agenda, the analysis will address in separate sections five impact areas related to labour standards: child labour, forced labour, freedom of association, non-discrimination at work, and EPA impacts on working conditions, including health and safety at work,³⁹ and enforcement (labour inspection). Moreover, as labour standards are covered by the TSD Chapter, for each of the thematic areas we will analyse changes in the ratification status and implementation of the relevant ILO conventions by the Parties, with a focus on SADC EPA States. Additionally, through stakeholder interviews, we will seek to establish whether the EPA and the related assistance may have supported any advancement in the respect for labour standards and progress towards attainment of SDG 8 (decent work and economic growth).

5.3.2.1 Impacts for labour standards – child labour

The analysis of potential effects of the EPA on child labour will focus on the occurrence and trends in child poverty and child labour (among children aged 5-17 years) since 2011 until now, with a due consideration of differences in the situation in the EU and SADC EPA States. It will include indicators such as child poverty and child labour rates, and trends in school attendance. Moreover, if detailed data is available, the analysis will include information

³⁹ While the occupational health and safety has been added to the list of the ILO fundamental conventions, for presentational purposes it will be discussed jointly with working conditions.

about groups in the society with higher child labour occurrence, sectors and occupations engaging children, the number of working hours, the school attendance among working children and reasons for picking up work. The evaluation will also collect and present information about measures taken by the authorities and other stakeholders to prevent and address child poverty and child labour.

Then, we will compare the map of sectors, activities and geographic areas involving child labour and groups where child poverty occurs, with the results of the economic modelling related to employment, performance of individual sectors and overall welfare. Based on this and the additional stakeholder engagement, we will seek to determine direct and indirect impacts generated by the EPA for child labour and child poverty. For example, jobs created for low-skilled workers, notably in sectors and regions where child labour and child poverty occur, may increase incomes of poor families and reduce the need for children to contribute to the household budget. Likewise, given that working women are likely to invest their income in healthcare and child education, job creation in sectors likely to employ women may contribute to improved family welfare and decrease the risk of child labour. If this is combined with actions taken by the authorities, such as provision of education for children and teenagers, and an enhanced enforcement of labour legislation prohibiting child labour, the new conditions created by the reduction of tariff and NTBs and the related trade and investment flows may contribute to the reduction and elimination of child labour. Additionally, customers and importers may require that imported goods are free from child labour, which may provide one more incentive to eliminate child labour from the value chain.

5.3.2.2 Impacts for labour standards – forced labour

The background analysis will include data related to the occurrence and trends in forced labour, including human trafficking, in the EU and SADC EPA States since 2011 until now, its types and groups of people affected, as well as actions taken by the EU, its Member States, and SADC EPA States to prevent and eliminate it. By doing so, we will seek to determine if the identified forced labour cases are likely to be related with international trade, e.g., occur in exporting sectors, and if so, if these sectors are engaged in commercial relations between the Parties. We will also seek to establish if there are certain groups of workers or groups in the population who are at risk of being victims of forced labour and factors conducive to people falling victims of forced labour, as well as factors or activities which may help to eliminate it.

Then, we will use the results of the economic modelling to determine if the created trade and investment flows have affected sectors where forced labour occurs and if so, if this had any impact on forced labour incidence, notably in the SADC EPA States. Moreover, we will seek to establish if the EPA might have created indirect effects which could help to reduce and eliminate forced labour or might have aggravated the situation. For example, job creation for women or low-skilled workers may help them to avoid bogus job offers or prevent them from falling into debt, given the latter may sometimes lead to falling into a forced labour trap. Moreover, consumer expectations, especially in the EU, related to the respect for labour standards may encourage adoption of CSR/RBC practices and sustainability certification by producers and this in turn may require the elimination of forced labour from own operations and the supply chain. As in other areas, desk research will be complemented by stakeholder consultations.

5.3.2.3 Impacts for labour standards – freedom of association

The analysis will include an assessment of the conditions for the establishment and operation of trade unions and employer organisations in the EU and SADC EPA States and their engagement in practice by the governments in consultations related to policies and legislation relevant to employment and social matters. We will also examine evidence related to bilateral social dialogue between employers and workers, including in sectors

playing an important role in trade and investment relations between the Parties. Trends observed since 2011 until now will be assessed using indicators such as the share of trade union members in the total of workers in a given sector or nationally, and data related to collective bargaining.

Subsequently, we will refer to outcomes of the economic modelling to identify sectors most affected by the Agreement, both positively and negatively, and will match these findings with the analysis of trends related to freedom of association and the right to collective bargaining in the same sectors. The analysis will be focused on SADC EPA States. We will seek to determine, if social partners and social dialogue have been present in the affected sectors and if they may have helped to strengthen positive and mitigate negative (if any) impacts of the EPA, e.g., support formal employment creation in sectors involved in trade or improvement in working conditions. Desk research will be combined with stakeholder engagement.

5.3.2.4 Impacts for labour standards – non-discrimination at work

The analysis of potential effects of the EPA on non-discrimination at work will focus on workers who may face challenges or discriminatory treatment in the labour market in the EU and SADC EPA States respectively. They may include persons with disabilities, youth, migrant workers, elder workers, ethnic minorities, and others. The background analysis will provide an overview of the situation in the EU and SADC EPA States since 2011 concerning (if data is available) indicators such as employment, unemployment and inactivity rates, sectors of employment, and working conditions of vulnerable groups of workers, and actions taken by the governments to improve their working and living standards.

Subsequently, we will use outcomes of the economic modelling to identify sectors most affected positively or negatively by the agreement (the analysis will focus on the SADC EPA States). We will then compare the list of these sectors with sectors where vulnerable workers have been employed to determine whether they may have been affected by the EPA and if so, whether their chances to find and maintain a job may have improved – as a result of the agreement – or if they may have faced a risk of being made redundant. Likewise, based on the outcomes of the economic modelling, and stakeholder engagement, we will seek to establish, if there may have been opportunities for those people to find a job in other (growing) sectors.

5.3.2.5 Impacts for working conditions and enforcement (labour inspection)

In this part of the analysis, we will seek to determine the impact of the EU-SADC EPA on working conditions, notably in sectors identified as affected (positively or negatively) by the EPA. The analysis will also include the role of labour inspection in the enforcement of the labour legislation. The background analysis will start with an overview of the situation and trends in the EU in the SADC EPA States since 2011 until now in aspects related to job quality, such as the shares of temporary and permanent workers in the labour force, part-time and full-time workers, wages, social security coverage, contract types and the ratio of those having a written contract. Other indicators will include the number of working hours per week per person and the number or rate of fatal and non-fatal accidents at work. Regarding labour inspection, they will include the number of labour inspectors, and the number of inspections over time and any observed trends in this matter. We will also consider if the related legislation gives the labour inspectors the power to conduct unannounced visits at workplaces and if they have access to all sectors of the economy, including informal establishments. The analysis will also include trends in the ratification and implementation of the corresponding ILO conventions by the EU Member States and SADC EPA States, i.e., the ILO priority convention on labour inspection (No. 81) and the two new ILO fundamental conventions (No. 187 and 155) on occupational safety and health.

Subsequently, the evaluation will analyse outcomes of the economic modelling to determine sectors that have been affected by the Agreement. We will also carry out a more detailed analysis of working conditions in those sectors and any observed trends over time to establish, if any changes may be attributable to the EPA. While changes in working conditions may be influenced by different factors and the impact of international trade on exporting countries and sectors across the world vary, there are examples of influence by importing countries and international buyers resulting, e.g., in a better observance of health and safety at work or the overall improvement of working conditions, sometimes required by the certification mechanisms or good manufacturing or regulatory practices. On the other hand, fight for export markets against regional competitors may drive working conditions to the bottom, e.g., by replacing permanent employees with casual workers on daily wages and by forcing workers to work overtime, sometimes without an adequate payment. Policy dialogue and cooperation, including technical and financial assistance may also influence the situation.

5.3.3 Effects on the Informal Economy and Informal Employment

The analysis in this section will start with outlining the theoretical framework regarding the role of the informal sector in the economy, including its contribution to poverty reduction and offering job opportunities to those who may otherwise struggle to find employment. It will also explain negative aspects related to the informal economy, such as unfair competition with formal enterprises through cutting costs and constraints imposed by informality on enterprises operating within its remit.

It will then follow with a description of the situation in the EU and SADC EPA States regarding informal work and informal economy, before moving to the analysis of potential impacts of the agreement. The latter will be focused on the SADC EPA States. In our work, we will also seek to determine whether the agreement and its effects for the informal economy have contributed to the attainment of SDG No. 1 (no poverty).

The analysis of the situation in the EU and SADC EPA States will include data related to the size and structure of their informal economy, including involved sectors and characteristics of workers engaged in informal employment, if such data is available. Moreover, based on the literature review complemented by stakeholder consultations, we will seek to establish factors influencing the existence of the informal economy and informal employment across sectors, including sectors that may have been affected by the EPA, and changes over time. We will also look for further evidence regarding linkages between trade policy measures, like EPA, with the resulting trade flows, and the informal economy in the SADC EPA States.

In the following step, based on the results of the economic modelling identifying sectors that are estimated as affected by the EPA (positively or negatively), we will conduct a more detailed analysis for a few selected sectors to estimate the impacts of the EPA for the formal and informal parts of those sectors, given the earlier identified trends and influencing factors. We will also seek to determine the likelihood of creation (or destruction) of formal, and informal jobs in those sectors given the sectors' characteristics and the nature of employment (formal or informal) in them. A similar analysis will be conducted for enterprises to determine the likelihood of establishment (or closure) of businesses in the affected sectors and whether they are likely to be formal or informal.

5.3.4 Impact on Consumers

The analysis of impacts for consumers will be approached in two parts, the first one being dedicated to impacts on consumer rights and the other one to welfare-related impacts of the EU-SADC EPA, which also affect consumers in their purchasing decisions. The analysis

will be guided by the EU Better Regulation Tool Nr 33⁴⁰ related to impacts on consumers, as well as the areas of focus in the EU New Consumer Agenda, including digital trade and digital transformation, sustainable consumption patterns, product safety, enforcement of consumer rights and consumer vulnerability (European Commission 2020b). We will seek to determine if the EU-SADC EPA has contributed to attainment of the SDGs, notably No. 1 (no poverty), No. 3 (good health and well-being), No. 10 (reduced inequality) and No. 12 (responsible consumption and production); as in other parts of the social impact analysis, a particular focus will be on the EPA's effects on vulnerable consumers.

Regarding consumer rights, we will refer to the literature (e.g., Cernat et al. 2018), according to which consumers usually benefit from global trade and preferential trade agreements due to lower prices of purchased goods and services (resulting from reduction of tariffs and NTBs), a wider variety of traded goods and services, the related satisfaction of diversified needs and preferences, and a higher quality of available goods and services. Given that the EU-SADC EPA is essentially a trade in goods agreement, we will focus our analysis on trade in goods between the Parties and its impacts for consumers. Focusing on product safety for EU consumers, we will check records of products imported to the EU from SADC EPA States in the EU Safety Gate⁴¹ reporting unsafe non-food products from third countries, and the EU RASFF system⁴² reporting unsafe food products, to determine if there were any marked changes since the application of the EPA.

The outcomes of the economic modelling will not only be used to determine overall welfare and consumer price effects, but also to identify changes in sectors with particular relevance for consumers. This will be complemented by findings of the analysis related to TBT and SPS to determine whether the relevant provisions, regulations, standards, and controls have helped to ensure product safety for consumers without creating at the same time any unjustified barriers to trade (which in turn, would restrict the availability of goods to consumers). We note in this context that some areas that are (indirectly) relevant for consumers, such as public procurement (e.g., in relation to public transport, medicines or medical devices), are not covered by the EPA. We will also seek to determine whether investment by EU companies in SADC EPA States and cooperation between the Parties, including in regulatory and administrative aspects may have also brought about changes supporting the EPA implementation and/or changes important from the consumer point of view.

We will complement our analysis with stakeholder engagement, including of consumer organisations, also taking note of position papers that have been prepared in the context of recently negotiated trade agreements.

5.3.5 Effects on Women

The gender analysis will seek to determine impacts of the EPA for women in their different roles in the society, as workers, entrepreneurs, traders (including exporters and importers) and consumers. Our work will be guided by the approach proposed in the UNCTAD's Trade and Gender Toolbox (UNCTAD 2017) complemented by the approach developed by the European Institute for Gender Equality (EIGE, 2016) and recent research on the subject. The impact analysis will be focused on the SADC EPA States. We will also seek to establish, whether and to what extent the Agreement has contributed to attainment of SDGs, notably No. 5 (gender equality), No. 1 (no poverty) and No. 8 (decent work and economic growth).

We will start with an analysis of developments in the EU and SADC EPA States since 2011 until now regarding women's participation in the labour market, in entrepreneurship and

⁴⁰ The numbering follows the November 2021 version of the Better Regulation Toolbox: https://ec.europa.eu/info/sites/default/files/br_toolbox-nov_2021_en.pdf

⁴¹ <https://ec.europa.eu/safety-gate/> (the former Rapid alert system for dangerous non-food products, RAPEX).

⁴² https://ec.europa.eu/food/safety/rasff-food-and-feed-safety-alerts_en

trade compared to the situation of men in similar roles. This will include indicators such as the labour market participation rate, the employment, unemployment and inactivity rates and trends in those, education levels of female workers, sectors having large shares in female employment, working conditions and informality levels in those sectors and factors influencing the situation, including challenges faced by women. In a similar way, we will analyse women's economic activity as entrepreneurs and traders, considering their rights in setting up and running a business, access to assets and supporting measures, as well as sectors where they operate. Finally, we will analyse women's position as consumers, including the level and type of income received and being at their disposal. Based on the available data, we will analyse gender inequalities, and other types of differences in the situation between men and women in all analysed roles, the observable trends and factors shaping them, including dedicated policy measures taken by the EU and SADC EPA States.

Subsequently, we will compare the available evidence and observed trends with the outcomes of the economic modelling (notably the collection of sectors affected by the agreement and welfare related impacts) to determine impacts of the EPA for women. We will also consider if any of the EPA provisions may have had distinct impacts for women.

Focusing on **women as workers**, we will identify sectors important for them (based on their shares in the total women's employment and a ratio of female and male workers in each such a sector) and compare observed trends in employment levels in those sectors with the results of the modelling (changes in employment levels across sectors) to determine whether the trade and investment flows triggered by the EPA have generated impacts for sectors where large shares of women work, and if so, in which way. We will also seek to establish if new opportunities may have been created for jobs for women in new sectors. We will also consider impacts of tariff reduction on public revenues and the estimated overall welfare effect to identify, whether this may have an impact on the provision and quality of public services, such as health care, education, childcare and other care facilities, which in turn may have had an impact on women's ability to participate in the labour market and undertake an economic activity.

For **women as entrepreneurs**, if relevant data are available, we will identify sectors of their economic activity and compare them with outcomes of the economic modelling to determine if the EPA had an impact on output of these sectors and, therefore, the position and income of women as entrepreneurs.

For **women as traders**, if detailed data is available, we will identify sectors and groups of products or services manufactured/provided by women-led enterprises engaged in international trade. We will compare these data with the sectoral results of the economic modelling related to impacts for trade. Based on this, we will estimate the impact that the EPA may have had on sectors where women operate as traders, and in this context on exports of their products or services or their competition with or the use of imports.

Concerning the role of **women as consumers**, we will look at results of the economic modelling regarding income and price levels to evaluate the impacts that the EPA is estimated to have had on welfare, as well as the availability and accessibility of goods and services. This part of the analysis will be closely linked to the analysis of impacts for consumers.

Desk research will be complemented by stakeholder engagement.

5.3.6 Effects on Responsible Business Conduct and Corporate Social Responsibility

The analysis related to the EPA's effects on responsible business conduct (RBC) and corporate responsibility (CSR) will seek to identify impacts of the EPA – including its Article 11 on the possibility of the Parties to cooperate inter alia in aspects related to CSR – on uptake by businesses active in the SADC EPA States of CSR/RBC practices, including the

use of international instruments. We will start with describing the EU's and SADC EPA States' approaches to CSR/RBC in the existing legislation and practice and developments in this respect since 2011 until now.

Subsequently, we will use outcomes of the economic modelling to identify sectors which have been affected by the EPA, including those where EU companies have made investments in the SADC EPA States. Then, based on additional research and stakeholder consultations, we will seek to identify the extent to which CSR/RBC practices have been applied in those sectors, to what extent this may be related to the EPA, and what additional factors might have played a role. We will therefore seek to establish the motivations or incentives, which encouraged their use. In this context, we will also seek to establish, whether the applied practices are related to the existing international CSR/RBC instruments (e.g., OECD Guidelines for Multinational Enterprises, ILO Declaration on Multinational Enterprises and Social Policy, the UN Global Compact, or the UN Guiding Principles on Business and Human Rights), or certification schemes. Moreover, given the EPA provision regarding possible EU-SADC cooperation in CSR/RBC matters, we will check whether any of the assistance projects or other forms of dialogue and cooperation included aspects related to CSR/RBC and its promotion among businesses in SADC EPA States.

5.4 Evaluation of Environmental Effects

The key objective of the overall environmental analysis is to assess the environmental effects of the EPA. As for the other components this is done in five steps: 1) impact screening, 2) establishment of the baselines for the impact areas, 3) quantitative evaluation of impacts (where possible, depending on data availability), 4) qualitative evaluation of impacts (focus depending on impact screening), and 5) concluding remarks and responses to evaluation questions. Main challenges to the assessment are the limited availability of quantitative data and limitations to isolating the effects of the EPA on the environmental performance of each country from developments which are not induced by the EPA, as the counterfactual environmental outcomes are unobservable for most of the environmental impact areas. The approach to each of the five steps is summarised below. **Annex G** includes a list of environmental impact areas, sub-areas, potential indicators and data sources as well as the proposed methodology to use the CGE sectoral output results to estimate the change in emissions and air pollutants induced by the EPA.

5.4.1 Step 1: Impact Screening

The impact screening will identify the environmental areas which should be prioritised in the evaluation. In line with the ambition of the EPA to achieve people-centred sustainable development, Table 4 includes the **selection of environmental impact areas and subareas** to be considered. As climate change is a global environmental threat, the evaluation will address global GHG emissions. All other environmental impact areas consider more local phenomena and will therefore focus on the SADC EPA countries. We expect that the evaluation will be centred around the partner countries, but impacts on the EU will be evaluated when relevant. The prioritisation is based on i) screening of **current environmental performance**, identifying the most prevailing environmental threats in the countries/regions; and ii) screening the **details of the EPA**, to identify the areas which are likely to be most affected by the EPA. The latter includes:

- The magnitude of the expected (positive and negative) environmental impacts;
- If available on time, results of the Commission's CGE modelling undertaken for this ex-post evaluation for changed economic activity by sector due to the EPA; and
- The *nature* of these impacts, the geographical scope and duration, as well as their potential *cumulative* effect.

Table 4: Overview of potential impact areas and sub-areas

Impact area	Sub-areas
Climate change	Greenhouse gas (GHG) emissions and Land Use, Land-Use Change and Forestry (LULUCF) Adaptation capacity, including in the agriculture sector
Air quality	Primary particulates Acidifying gases Ozone precursor gases
Natural resources	Forestry Mining (mineral and metals) Soil quality
Biodiversity & wildlife	Diversity of flora and fauna species Fishery Wildlife
Water	Water quality and availability
Waste & chemicals	Waste and hazardous waste management Water and soil contamination

An **impact screening matrix** will be used to provide a transparent and systemic approach to the impact screening. The matrix covers all sectors used in the CGE modelling (on the vertical axis) and the impact areas (on the horizontal axis). Available information will be used to identify the incidence and intensity of relevant impacts for each sector and impact area. Main sources for this impact screening will include i) literature review, including official government reports on MEAs; ii) the characteristics and specificities of the EPA; iii) CGE modelling results showing economic impact on output and value added across various sectors; and iv) stakeholder/expert input. Table 5 provides an example of a screening matrix, illustrating the use of a colour code scheme to flag the intensity of an impact alert (based on expert judgement) as well as a number scheme to allow for further explanation of the details of a certain impact alert. Underneath the table, the numbers will be used to report on the origin and characteristics of the different 'relevant impact' identified in the table and explain the causal link to the EPA.

Table 5: Illustrative impact screening matrix structure

Sector	Environmental impact area					
	Climate change	Air quality	Natural resources	Biodiversity & wildlife	Water	Waste & Chemical
Fishing				1		
Textile chemicals						
Veg fruit						
Minerals	2		3			
Forestry	4		5			
Sector A						
Sector ...						
Sector Z						
Non sector specific impacts						

Light green = small positive impact/ Dark green = large positive impact
Light red = small negative impact / Dark red = large negative impact

The incidence and intensity of 'relevant impacts' across a given sector (horizontal) or environmental impact area (vertical) will inform the focus of the further analysis, including which sector should get particular attention from an environmental point of view, what environmental (sub)areas to focus on and which case studies to include. The impact screening matrix will be updated throughout the work to ensure inputs from all research activities are systematically recorded and a proper evidence base is compiled before drawing conclusions.

5.4.2 Step 2: Baseline Establishment

The **baseline establishment** aims to gain an understanding of the status quo environmental governance and environmental performance of the EU and the SADC EPA countries. With a focus on the most relevant impact areas and sectors resulting from step 1, a short description per country will report on the governance, the performance and main

developments. **Literature review and data analysis** will be used to create a draft baseline; this will also cover the EPA Parties' ratification status of MEAs. Next, **stakeholder interviews** will be used to obtain additional input, validate work, and fine-tune results. Questions will address the current environmental performance and governance, the expected impact of the EPA on these matters, further possible improvements and barriers. **Triangulation of information** will be used to establish final baselines. To enhance the quality of work and avoid double-interviewing of stakeholders, the assessment conducted for step 2 will already include part of the research questions for steps 3 (quantitative evaluation of impacts) and step 4 (qualitative evaluation of impacts).

For each EPA partner country and each environmental impact area the assessment in step 2 (and to some extent for steps 3 and 4) will include:

1. Addressing the **environmental governance** framework: What legislation is in place across the relevant environmental impact areas and what public authority is responsible for environmental policy making? What is the balance of power between public authorities in the country (i.e. do regional authorities have independence in policy making or is it federally determined)? To what extent are there multi-level interactions between public authorities, market and civil society? Are there differences between countries in environmental policy? Is there any evidence of the EPA's impact on environmental governance? Have gaps in environmental governance been identified and if so, are there plans to address these gaps? Have barriers been identified to improving governance, and how could these barriers be addressed?
2. Addressing the **environmental performance**: What data can be retrieved and does data quality/quantity allow for the identification of trends? What do independent reports/evaluations say about the countries' performance in each of the impact areas (for example: the ambition level and actual implementation of nationally determined contributions, NDCs)? How effective is the policy framework put in place; i.e. what is the compliance/progress with respect to goals/targets set out in national regulation and/or MEAs? In which impact areas is environmental performance particularly weak/strong? How have recent crises such as the COVID-19 pandemic, Russia's war of aggression against Ukraine and the climate/biodiversity crisis impacted uptake of environmental policies or significantly altered trends in environmental performance? Is there any evidence of the EPA's impact on environmental performance and can this be isolated from other developments? Are there opportunities for significant improvement? If so, how could this be induced and could the EPA help taking up such opportunities? In case there are quantitative indications about the performance in a certain field (e.g. emissions) the six countries/regions will be compared.

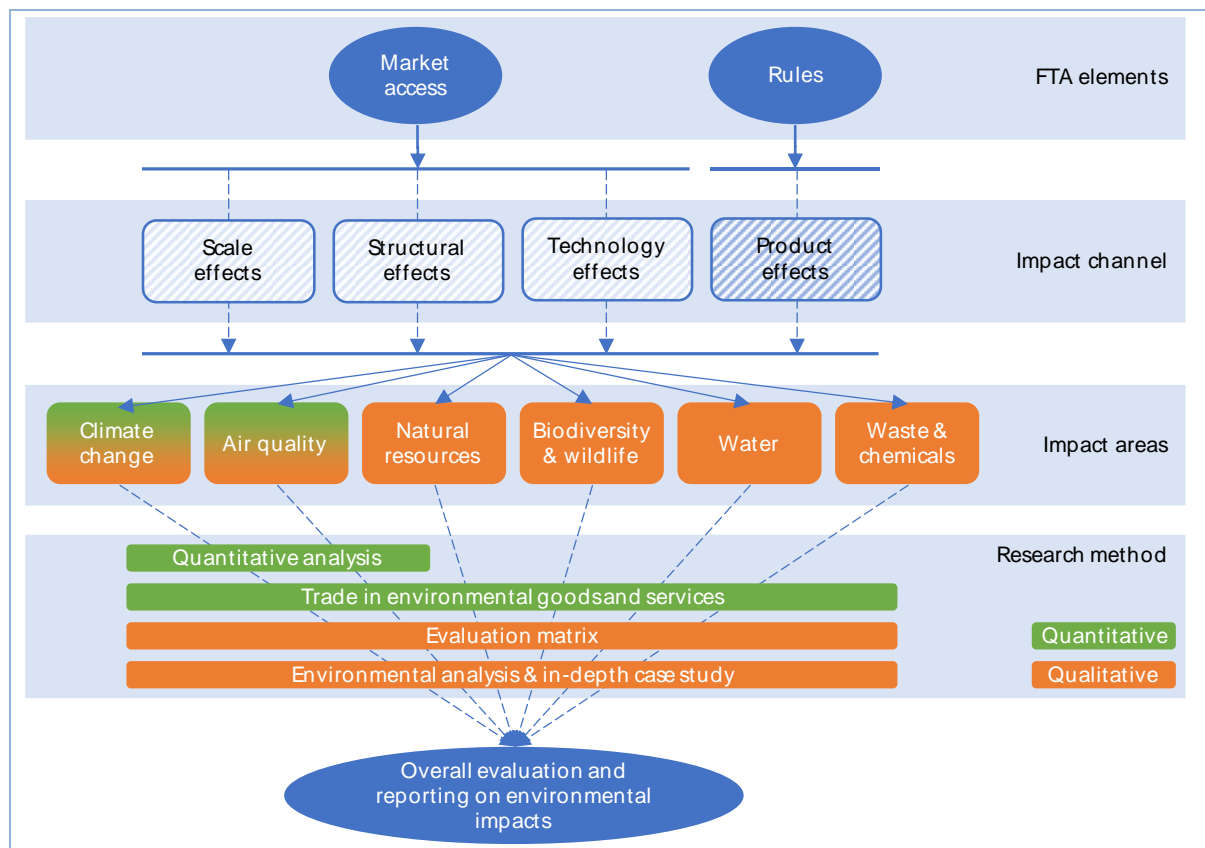
5.4.3 Step 3 and 4: Quantitative and Qualitative Evaluation of Impacts

The approach to steps 3 and 4 is presented in Figure 3. It applies the logic of first identifying the components in the EPA that are likely to have generated environmental effects (FTA elements), then establishing how these elements could have created – directly or indirectly, intended or unintended – environmental impacts (the impact channels) on various areas of environmental performance (the impact areas), and how we propose to analyse these impact areas in this evaluation.

The approach starts with the **impact channels**. Trade agreements can create direct environmental impacts as expansion of economic activity may lead to higher levels of pollution or can put additional strain on bio-resources because higher levels of output require more environmental inputs (Copeland and Taylor 2004). Trade agreements also create indirect environmental impacts, through changes in the economic structure or through specific trade measures. We consider four impact channels: the **scale effect** (the impact created from increased production as a result of the trade agreement), the **structural effect** (the dynamic effect of the EPA on the growth and contraction in

production in different sectors), **technology effects** (impacts triggered through increased efficiencies from increased competition or from a transfer in environmental goods and services) and potentially the **product effect** (impact via changes in production standards and use of goods in a country, e.g. through strengthened environmental policies or regulation, facilitated by the EPA).

Figure 3: Overall environmental approach for evaluation of impacts



Through these impact channels the EPA can create impacts in various dimensions of the environment: the environmental **impact areas**. Following identification of the most relevant impacts in the Impact Screening (step 1) and establishment of the baseline (step 2) a more detailed assessment is made, in quantitative terms (step 3), where possible.⁴³ This will be complemented by a transparent, evidence-based, qualitative evaluation for all impact areas (step 4), in which we focus on the most relevant impact areas.⁴⁴ This implies:

- For **climate change**: a focus on establishing the EPA's impacts on the major GHG emissions (e.g. CO₂, CH₄ and N₂O) at global level. Where possible we will indicate the difference in climate change impacts from trade creation and trade diversion.
- For **air quality**: detailing the impacts of the EPA on the various types of non-GHG air pollutants (ozone precursor gases, acidifying gases and primary particulates);

⁴³ Statistical data and reports from national governments to the relevant MEA governing bodies provide a starting point to assess trends. Should the Commission's CGE modelling be updated to include GHG emissions the causal relation between the GHG emissions and the EPA could also be assessed. In this, caution will be taken in interpretation of modelling results as they tend to rely on longer-term time series at national level, assuming given and national economic structures, while environmental impacts tend to be non-linear and more local than regional or national.

⁴⁴ Being a combination of the environmental performance in a certain impact area and the potential effect of the EPA on this performance.

- For the **other impact areas**: developing baselines based on qualitative (and where possible quantitative) data, for each impact area and explore developments in environmental performance since the implementation of the EPA.

For all key impact areas we will, depending on data availability, decompose impacts in the most relevant key drivers. Again the impact screening matrix will be used for prioritisation of the impact areas by means of an additional in-depth qualitative analysis, using causal chain analysis (CCA).⁴⁵

As mentioned, if good quality data is available a more detailed **quantitative assessment** can be made for climate change and air quality. A good starting point to that is the EDGAR database that contains data for the relevant air pollutants and GHGs, for the relevant countries and regions (with some aggregation). The EDGAR database covers data between 1970 and 2021 for many sectors (for most countries). Checks will be made for more recent data, including from national reports to the UNFCCC (for GHG emissions) and the UNEP (for air quality).

Isolating environmental impacts induced by the EPA from overall change in environmental performance is only possible on the basis of CGE modelling results. **Annex G** includes a possible methodology to use the CGE sectoral output results and CO₂ emissions as a basis to estimate the change in emissions and air pollutants induced by the EPA. The Annex also describes how we can approximate the scale, structural and technology/product effects with an additional extended environmental analysis. If this approach is pursued, we will define a correspondence table to match the sector classification included in EDGAR (which follows the IPCC 1996 definition) to the classification of economic activities as used in the Commission's CGE model. This table will be used for a further analysis on developments in carbon emissions, including, insofar possible, developments in the increased volume of trade in the carbon footprint of exported goods and services and in emissions from shipping. Such information is important in light of the upcoming EU Carbon Border Adjustment Mechanism that will levy a carbon premium on export of carbon-intensive products to the EU and of the inclusion of (part of) maritime emissions to the EU emissions trading system.

Complementing the CGE modelling-based analysis, we will use literature, statistics and expert judgement to indicate the potential effects. Table 10 in **Annex G** includes an indication of the sources that will be used for this assessment.

The **qualitative evaluation of impacts** will be conducted for each environmental impact area. Depending on data availability, we aim to identify trends, developments and cause-effect relations between the EPA and the environment. By combining the existing environmental drivers and pressures, the CGE results and TSD provisions, we naturally also include potential *unintended* and *unforeseen* effects.

In extensive desk research we will explore major developments since the implementation of the EPA, and discuss the effectiveness of the EPA's TSD Chapter provisions. Whenever possible, we will comment on the potential causal relation between the EPA and the developments. However, given (i) the number of expected environmental impact areas, (ii) the number of countries as well as (iii) the available resources for the project, we propose to focus on a description of trends and explore the potential impacts of the EPA,

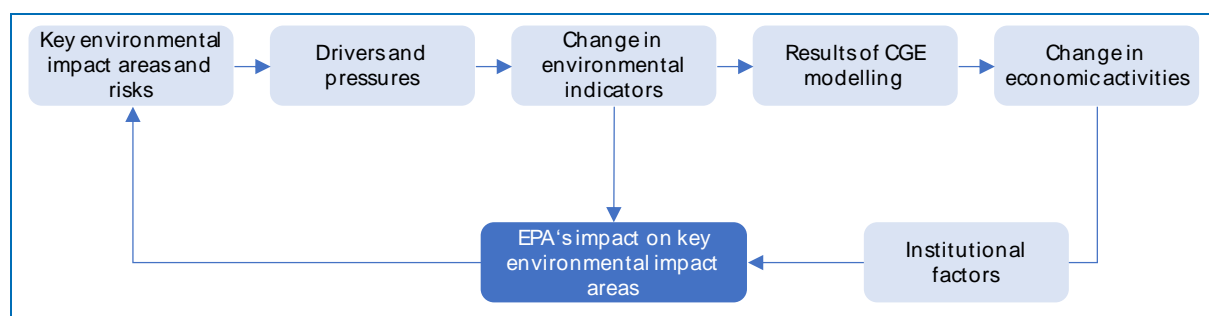
⁴⁵ For the environmental impact assessment on biodiversity and ecosystems we have taken note of the methodology for assessing the impacts of trade agreements on biodiversity and ecosystems that was developed for the European Commission under service contract No 07.0202/2019/812941/SER/ENV.D.2. The methodology used in this study includes similar steps as in this publication, but for some steps with a lower level of details due to limitations in availability of data and models. Data limitations, for example, limit the use of quantitative modelling to assess the impacts of trade agreement on biodiversity. Instead, causal chain analysis is used to provide a (mainly) qualitative assessment.

rather than isolating the causal effect of the EPA for each impact area. In case the potential impacts of the EPA are considered significant, the impact area can be selected for a case study.

Such a case study will use **causal chain analysis** (see Figure 4). Where data allows, we strive to find causal-effect links between the EPA and environmental impacts. Links between changes in production patterns – resulting from the CGE model – and changes in environmental performance will be explored, with stakeholder interviews filling information gaps and validating results. Where possible, we will explore the driving forces of the impacts (i.e. was it caused by the scale, structural, technology or product effect).

Data will be assembled in relation to **indicators** reporting on developments in key risks, threats and pressures earlier identified. This could be data on the indicators themselves (e.g. for biodiversity, the numbers of threatened species) but also evidence on related indicators, and particularly indicators relating to threats and pressures. In the case of biodiversity, this could include annual data on deforestation, changes in areas of agricultural production, size of urban centres, and mining production figures. The assessment of drivers and pressures will include an assessment of the impact of the EPA on implementation and enforcement of MEAs and key national environmental policies. This assessment aims to demonstrate reported evidence on the relevant indicators. A non-exhaustive list of indicators is shown in Table 10 in **Annex G**.

Figure 4: Conceptual model of the causal chain analysis



Next, CGE modelling results will be examined to identify the economic activities most changed due to the EPA, as these are most relevant to consider in relation to the threats and pressures affecting the key indicators. Through this, we naturally include potential *unintended* effects. For the biodiversity example, if forestry production is estimated to have increased significantly due to the EPA, the impact of this increase in production will be further analysed in the context of the deforestation threat. This may be considered in quantitative terms, if defensible relationships can be drawn between production data and threat (such as deforestation) data. Otherwise, this relationship will be assessed in qualitative terms, using literature review and stakeholder interviews. This assessment will, to the extent possible, include an analysis of the role that EPA implementation may have played in facilitating or hindering the greening of the economy, such as the path to net zero emissions and a circular economy. This will focus on developments in trade patterns and volumes as well as implementation of green technologies.

We then consider **institutional factors** that may mitigate the causal attribution of the EPA on the threats, such as clauses in the EPA (in the TSD Chapter) or other agreements that reduce the link between the activity and the identified threat or pressure, or otherwise **flow-on** to environmental outcomes beyond the boundaries of the EPA. For example, a clause requiring timber imported to Europe be sourced from sustainable forestry may act to mitigate deforestation.

Lastly in the causal chain analysis, we draw **conclusions** on the estimated impact of the EPA on the impact area, based on expected impacts to key drivers and pressures.

5.4.4 Step 5: Concluding Remarks and Responses to Evaluation Questions

In the conclusion we will provide commenting on the effect of the EPA on the performance as well as the legislative framework (and its effective implementation) in each environmental impact area. We will only discuss the potential causal relation between the EPA and environmental performance for those environmental impact areas which are prioritised based the impact screening exercise and which are assessed in more detail (either in the quantitative or qualitative analysis). In case no causal relation between the EPA and the performance of a certain impact area, it will also explicitly be mentioned.

These concluding remarks, together with the in-depth analyses conducted in previous tasks, will serve as the basis to answer the evaluation questions related to the EPA's environmental impacts.

5.5 Evaluation of Human Rights Effects

The key objective of the human rights analysis is to determine to what extent provisions in the EU-SADC EPA have directly or indirectly impacted human rights in the states-Parties to the Agreement (Box 1 indicates the main human rights related provisions in the EPA). In particular, the objective is to identify specific rights most likely to have been affected by EPA provisions and to analyse the extent to which specific trade and trade-related measures could have enhanced or impaired the enjoyment of the relevant rights and may have strengthened or weakened the ability of partner states to fulfil or progressively realise their human rights obligations.

One issue to be kept in mind during the evaluation – although strictly speaking falling outside of the scope of the evaluation – is the risk created by the uncertainty over the signature of the post-Cotonou Agreement and the implication of South Africa's withdrawal from the OACPS. If the post-Cotonou Agreement is not signed and the Cotonou Agreement lapses, a legal vacuum would be created as regards the EPA reference to the essential and fundamental elements in the Cotonou Agreement.

Box 1: Human Rights in the EU-SADC EPA

The EU-SADC EPA is based on the "essential and fundamental" elements set out in the Cotonou Agreement (Arts. 2 and 7 of the EPA). The democratic principles and fundamental human rights referred to in Articles 2 and 9 of the Cotonou Agreement are not further defined in the Agreement. They would cover relevant human rights norms and standards interpreted in accordance with the international human rights treaties binding on the Parties.

In Article 8 of the EPA, Parties reaffirm their commitments to implement already existing obligations under the ILO conventions that they have ratified and recognise decent work for all and environmental governance as a priority objective of international cooperation. Next to that, Article 8 establishes the commitment of the Parties not to weaken the level of labour or environmental protection in law or in practice to attract trade or investment.

The Parties' right to regulate is provided for in Article 9 on the right to regulate and levels of protection, which establishes limitations against the interference of other Parties into the domestic matters related to the regulation and application of labour and environmental laws through relevant laws and policies: "The Parties recognise the right of each Party to establish its own levels of domestic environmental and labour protection, and to adopt or modify accordingly its relevant laws and policies, consistently with internationally recognised standards and agreements to which they are a party".

Under Article 10, the EPA provides room for consultations on the matters related to sustainable development through the Trade and Development Committee. Each partner country is able to request consultations on matters related to sustainable development and involve civil society. But the mechanism of consultations is not clearly defined (Art.10(3)).

Article 11 of the EPA contains provisions related to the exchange of information and experience to strengthen cooperation and dialogue on sustainable development issues that may arise in the context of trade relations.

Chapter III of the EPA provides for various types of cooperation related to trade and development.

The analysis will be based on the international human rights normative framework, including the core UN human rights treaties and conventions,⁴⁶ the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights, the African Charter on Human and Peoples' Rights, the African Charter on the Rights and Welfare of the Child, core ILO conventions,⁴⁷ and, where relevant, customary international law.

Relying on the recognised methodology (United Nations 2011; European Commission 2015), the approach to the human rights analysis will entail several tasks/steps:

- Step 1. Human rights baselines for the SADC EPA States and the EU;
- Step 2. Screening and scoping exercises to identify specific human rights/issues that are most likely to have been affected by the EPA and clarify their scope and content;
- Step 3. Detailed analysis of the selected human rights / issues (maximum two), both quantitative and qualitative in nature, linking quantitative econometric (and where relevant, social and environmental results) to potential human rights impacts;
- Step 4. Policy recommendations and accompanying measures related to human rights.

Particular attention will be paid to the impact of the EPA to gender equality and the right to property, including risk of land grabbing. To strengthen argumentation, the analysis of land rights can also be combined with the analysis of environmental impacts, if data is available for calculating land use.

Stakeholder consultations will be used at all the stages of the analysis to ensure continuous communication and active engagement of relevant stakeholders who can reflect their experiences, priorities, and concerns with respect to the impact of the Agreement on human rights in partner countries.

Figure 5 summarises the approach to the analysis in a schematic way.

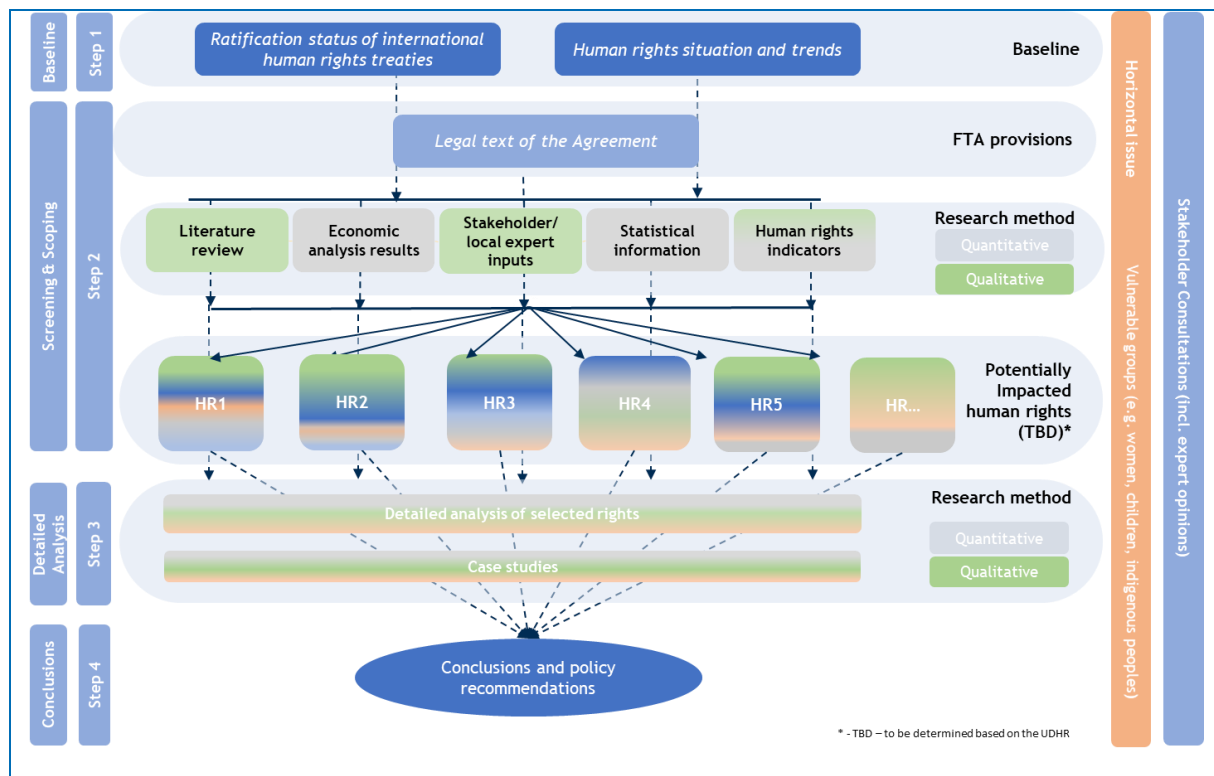
The causal chain analysis will start from the pre-existing legal situation and pre-existing vulnerabilities regarding human rights determined in **step 1** of the analysis. Then, in **step 2**, relying on specific measures included in the Agreement and vulnerabilities determined in step 1 of the analysis, various sources of information (literature review, economic analysis results, stakeholder and local expert inputs, statistical information, human rights indicators) will be used to identify what specific rights may have been affected by the Agreement. At this stage, economic model results that already disentangle the potential impact of the Agreement, will be used, together with other relevant economic data from the economic analysis. **Step 3** will represent the detailed analysis of pre-selected human rights. Because data may be used to a limited extent only, we will avail to qualitative assessments and consultations. In **step 4**, conclusions of the analysis will be provided, together with policy recommendations, also taking into account recommendations provided by various stakeholders. Along all the steps of the analysis (horizontally), we will focus (to the degree possible) on how the Agreement may have affected specific vulnerable

⁴⁶ Core UN human rights treaties include: International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social, and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Convention on the Rights of the Child (CRC), International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), International Convention for the Protection of All Persons from Enforced Disappearance (ICPED), International Convention on the Rights of Persons with Disabilities (ICRPD), and their Optional Protocols.

⁴⁷ Core ILO Conventions include: Forced Labour Convention, 1930 (No. 29), Protocol to the Forced Labour Convention (P029), Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), Right to Organise and Collective Bargaining Convention, 1949 (No. 98), Equal Remuneration Convention, 1951 (No. 100), Abolition of Forced Labour Convention, 1957 (No. 105), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Minimum Age Convention, 1973 (No. 138), Worst Forms of Child Labour Convention, 1989 (No. 182), the Occupational Safety and Health Convention, 1981 (No.155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187).

population groups (e.g. women, children, persons with disabilities, indigenous peoples, minorities, persons with low income and unskilled workers or workers in informal sector).

Figure 5: Methodology of the human rights analysis



To address the challenge of isolating the impact of the Agreement from other factors that may have affected the enjoyment of a human right over time, in steps 2 and 3, a methodological triangulation will be applied for each of the prioritised human rights to enhance the validity and credibility of the findings. The impact of the EPA will be analysed based on its legal provisions (and relevant provisions of the Cotonou Agreement which are referenced to in the EU-SADC EPA), results of the economic modelling, analysis of the pre-existing vulnerabilities regarding human rights, literature review, relevant indicators, expert opinions, stakeholder inputs. The findings of each of these methods will then be corroborated and cross-validated against each other. Altogether, this triangulation of quantitative, statistical, qualitative and interview data, provides for the best-possible analysis given the existing data limitations.

Indicators and data sources. Box 2 provides an indicative list of indicators, information and data sources to be used in the human rights analysis. This list is not exhaustive, especially regarding specific issues related to specific human rights/issues, and will be adjusted depending on the results of the screening and scoping.

Each step of the analysis is elaborated in the following sections.

Box 2: Indicative indicators and information sources for the human rights analysis

Indicators	Sources
Overall human rights indicators <ul style="list-style-type: none"> Status of ratification of human rights treaties Acceptance of 9 individual complaints procedures Reporting compliance by State parties to the human rights treaty bodies Standing invitations for country visits to the Special Procedures Accreditation of National Human Rights Institutions Social Progress Index Freedom House Civil Liberties Index Freedom House Political Rights Index Human Development Index World Economic Forum Global Gender Gap Index World Justice Project Rule of Law Index World Bank Worldwide Governance Indicators Reporters Without Borders World Press Index 	<ul style="list-style-type: none"> Reports of the UN treaty monitoring bodies Reports of the UN High Commissioner for Human Rights UN Universal Periodic Review reports Contributions of civil society stakeholders to the Universal Periodic Review Reports of Special Rapporteurs to the UN on various topics EU Annual Reports on Human Rights and Democracy EU Action Plan on Human Rights and Democracy 2020-2024 (EC) Human Rights Watch annual reports Amnesty International annual reports Reports of other international human rights organisations Reports of local human rights organisations Reports of national human rights institutions Reports and other relevant documents of the African Commission on Human and Peoples' Rights
Illustrative indicators on the right to food <ul style="list-style-type: none"> Prevalence of undernourishment Severity of food security Prevalence of stunting Prevalence of malnutrition Prevalence of anaemia in women aged 15 to 49 years Global Hunger Index Food Price Index 	On women's rights and gender equality: <ul style="list-style-type: none"> Annual reports of the World Economic Forum, Global Gender Gap Index Mainstreaming Gender in FTAs (ITC) Trade and Gender. A framework for analysis (OECD) Trade and Gender Toolbox (UNCTAD) The Commission's Gender Equality Strategy 2020-25

5.5.1 Human rights baselines

The aim of this step is to create overall human rights baselines in order to gain an understanding of the EU's and SADC partner countries' status quo regarding international human rights obligations and their implementation, as well as to identify pre-existing vulnerabilities. The findings from this step will aid the impact assessment in Steps 2 and 3. The output for this task will be concise human rights profiles for the EU and SADC partner countries and two tables that present an overview of the ratification of core international human rights treaties and fundamental ILO conventions. At this step, attention will be given to the human rights situation before the EPA came into force – pre-existing legal situation and pre-existing vulnerabilities.

First, we will identify international human rights obligations of the parties: ratification of international human rights treaties (taking into account any reservations expressed) and ILO conventions (because of the particular relevance of labour rights). In terms of presentation, the ratification status will be reflected in the tables and additional information regarding ratification, reservations and reporting obligations under human rights instruments will be presented in the human rights profiles. The tables will be based on the UN OHCHR data regarding ratification of human rights instruments and the ILO database regarding ratification of ILO conventions.

Then, to elaborate on the pre-existing conditions of stress or vulnerability, we will prepare concise human rights profiles which will be based on the literature review of various reports of the UN human rights treaty bodies, the Universal Periodic Review (UPR), and comment and contributions of different actors to the consideration of these reports, the reports of the UN special rapporteurs on various topics, and other relevant UN documents. These sources will be complemented by reports from such organisations as the European Union Agency for Fundamental Rights (FRA), the Council of Europe, international human rights organisations and NGOs (e.g. International Federation for Human Rights (FIDH), Human

Rights Watch, Freedom House, or Amnesty International), and national human rights institutions (the Botswana Office of the Ombudsman, the Eswatini Commission on Human Rights and Public Administration Integrity, Lesotho Office of the Ombudsman, the National Human Rights Commission of Mozambique, Office of the Ombudsman of Namibia, and South African Human Rights Commission) and local human rights organisations.

5.5.2 Screening and scoping

The aim of this step is to establish impact areas and identify specific human rights that are most likely to have been affected by the EPA using triangulation of various methods (analysis of the EPA legal text, CGE modelling results, literature review, statistical information and human rights indicators). The findings from this step will be the basis of the impact assessment in Step 3. The output for this task will be a concise table with key information on the specific rights likely affected by the Agreement (see below for exact parameters to be included in the table) and a separate explanatory note on the scope of the impact.

The focus of the analysis will be on the human rights issues that are most likely to be affected by specific measures under the Agreement, also in the context of pre-existing vulnerabilities. To identify specific human rights, we will rely on the findings from Step 1 on pre-existing vulnerabilities and triangulation of various methods as presented in Figure 5 above. Namely, the analysis will be based on (1) the screening of the EPA legal text for specific measures that are likely to have had a significant impact on the enjoyment of human rights in partner countries; (2) screening of literature review for specific studies related to the impact of the EPA on human rights; (3) screening of economic analysis results (results of the econometric analysis and additional economic analysis) for specific sectors/areas that can be related to human rights; (3) stakeholder inputs related to specific impacts on specific human rights as a result of the EPA; (4) screening of statistical information that may indicate areas where impact on human rights could have been possible, and (5) screening of human rights indicators that (upon availability) may indicate areas of concern where human rights impact could have occurred.

In line with the EC Guidelines (European Commission 2015) and making use of the Tool No. 29 on Fundamental Rights, Including the Promotion of Equality of the 'Better Regulation' Toolbox (European Commission 2021b),⁴⁸ we will further clarify the scope and the content of the identified human rights/issues to direct the focus of further analysis on those human rights that are majorly impacted. The content of human rights issues will be accompanied by textual explanations, substantiating on the kind of impact, specifying what particular aspects of EPA provisions are expected to lead to human rights impacts and how, as well as (where possible) noting what specific population groups are expected to be affected by the impact.

Based on that and in line with the EC Guidelines for human rights impacts assessments, the table will include the following information:

- What trade measures/ provisions could have had an impact on human rights;
- Reference in the textual proposals (if available);
- Specific rights that are likely to have been affected by the Agreement and the normative basis of each of the rights;
- Whether the affected rights are absolute human rights or not (in line with the Fundamental Rights Check list outlined in Tool No. 29 of the Better Regulation Toolbox);
- The kind of impact (direct or indirect);
- The degree of the impact (major or minor);

⁴⁸ If necessary, we will also make use of Tools 30, 31 and 32 of the 'Better Regulation' Toolbox, if that can assist in the analysis of specific human rights, e.g. right to health.

- The direction of the impact (positive and/or negative).

In the course of stakeholder consultations, the screening and scoping will be updated in case new relevant information becomes available.

5.5.3 Detailed analysis of the selected human rights

The aim of this step is to carry out a detailed quantitative and qualitative impact assessment of two selected human rights that have been identified as likely to have been affected in a major way. The output for this task will be the reporting of quantitative estimates (upon availability with respect to the specific right) and qualitative findings of the impact on the selected rights.

Applicable human rights laws will be scanned (based on the obligations of the state countries under international and regional human rights treaties) to provide a framework of applicable and binding entitlements and duties related to the selected human rights. Insofar possible, national legislation will be scanned for protection mechanisms – how legal framework related to specific rights and its implementation have evolved since the implementation of the Agreement, if and how the existing mechanisms have been used to mitigate possible negative impacts and enhance potential positive impacts from the Agreement. We will work from the baseline with the existing situation and the legal frameworks and policies shaping the selected rights from 2011 until now, with a focus on concrete issues linked to the EPA. Then we will substantiate on the impact noting the expected significance of the impact vis-à-vis the baseline and analysing the extent to which the particular measures foreseen may have enhanced or impaired the enjoyment of the relevant rights and/or may have strengthened or weakened the ability of the parties to fulfil or progressively realise their international human rights obligations. Particular attention will be given to impacts on vulnerable groups or groups of individuals that are at risk of being marginalised (Danish Institute for Human Rights 2016).

This assessment is intended to be both quantitative and qualitative in nature. Quantitative analysis will be based on the results of the econometric analysis prepared by the Commission (that will be used to the extent possible). When relevant, we will also use statistical information and human rights indicators related to those specific rights (OHCHR 2012). Qualitative analysis will be based on the sources specified above as well as stakeholder consultations and close work with local partners. Like in Step 2, to verify the results, we will use triangulation of various methods to provide the most accurate analysis possible for the selected rights at a more detailed level.

If selected rights are related to findings carried out under other pillars, then findings from those analyses will be used to complement the human rights analysis. For instance, economic analysis can provide more insights into the right to health and access to medicines, or right to food (food security), social analysis can substantiate more on labour-related aspects relevant for the right to work, right to just and favourable conditions of work and the right to an adequate standard of living, and environmental analysis can facilitate a more detailed and specialised assessment of the impact on the right to water, right to a clean environment or right to health.

5.5.4 Policy recommendations

The aim of this step is to provide policy recommendations and accompanying measures related to human rights. The output for this task will be the list of policy recommendations.

Based on all the stages of the analysis, including stakeholders' consultations, proposals for recommendations and flanking measures will be developed, with particular focus on the human rights of the most vulnerable groups. Recommendations will concern both the trade

policies with respect to their effects on human rights and non-trade-related (accompanying) measures.

5.6 Meta-Evaluation of EPA-related Development Cooperation

With development cooperation specifically foreseen in the EPA, including the establishment of a regional development financing mechanism (Article 12), the evaluation will analyse the extent to which the capacity building and technical and financial assistance provided by the EU and EU Member States to SADC EPA States has been effective to support the implementation of the EPA. The areas of cooperation are relatively broad and cover, *inter alia*, capacity to implement trade measures (including rules of origin, trade defence instruments, non-tariff measures, SPS measures, TBTs, customs cooperation and trade facilitation) and the removal of supply-side constraints to build competitiveness (including “production, technology development and innovation, marketing, financing, distribution, transport, diversification of economic base, as well as development of the private sector, improvement of the trade and business environment and support to small and medium enterprises in the fields of agriculture, fisheries, industry and services” (Art. 13(3)).

Under this activity, we will evaluate the relevance, effectiveness and impact of EPA-related assistance provided by the EU, the European Investment Bank (EIB)/European Fund for Sustainable Development Plus (ESFD+) and blended finance, and Member States since 2011 but with a particular focus on the period since the start of application of the EPA.⁴⁹ This exercise will be carried out by a meta-analysis of existing evaluation studies of trade related interventions funded by the EU in the partner countries during the evaluation period. This task will be implemented in three sequential steps:

- First, the evaluation team will compile an inventory of EU-funded trade-related development cooperation projects implemented at regional or national level, based on information provided by the Commission. This inventory is currently being built.
- Second, we will analyse the relevance, effectiveness and impact of the development cooperation projects undertaken in the context of the EPA, including any bottlenecks in project implementation. This analysis will be based on: (1) meta-analysis of recent evaluation reports, monitoring reports and other project documents; (2) the SADC EPA States’ EPA implementation plans (if available); and (3) insights gained from the stakeholder consultations.
- Third, we will summarise the contribution of development assistance results towards the implementation of the EPA and the achievement of the EPA’s objectives.

5.7 Case Studies

Four sector- or issue-specific case studies will be prepared as part of the evaluation. The purpose of the case studies will be to illustrate some of the more general findings as well as to address issues which are not very suitable to be analysed at an economy-wide or sectoral level. According to the evaluation terms of reference (ToR), case studies could cover the following areas:

- manufacturing (e.g. pharmaceuticals, indigenous products, auto parts);
- agri/food (including fisheries and aquaculture);
- investment (e.g. in renewable energy); and
- sustainable development.

There is, however, a multitude of potential case studies, and a careful selection of those cases that will provide an added value to the overall analysis, while maintaining a balance in terms of geography, issues and impact areas is important. Although a strictly scientific

⁴⁹ Although quite recent, the EU’s Global Gateway Africa–Europe Investment Package will also be covered.

selection method is hardly possible, the evaluation aims to select case studies in line with the following criteria:

- Geographically, case studies should cover effects in, and interests across, all Parties;
- Thematically, cases studies should address economic, social, environmental and human rights issues in a balanced way.

Crucially, only those issues should be selected as case studies for which a clear causal link between the EPA and the issue exists. This means, that the final selection of case studies can only be done on the basis of a sufficient level of evidence, including results of the economic modelling; as such, this is planned for the interim report of the evaluation.

Nevertheless, based on the considerations in the ToR, the established criteria and preliminary research undertaken as so far, the evaluation team has prepared a first long list of possible case study topics (Table 6).

Table 6: Initial indicative list of potential case study topics

Case study topic	Geographical focus	Key impact areas
1. Impact of the EPA on the automotive sector	EU, South Africa, Botswana	Economic, social
2. Trade Defence measures on frozen poultry from the EU	EU, South Africa	Economic
3. Geographical indications	EU, South Africa	Economic
4. SPS measures and limited fill rates of agricultural TRQs	Partner countries, EU	Economic
5. EPA and export diversification in the agricultural sector: trade in indigenous products/cannabis/medicinal plants	Partner countries, EU	Economic, social, environmental
6. Export diversification and new opportunities created by the Agreement	Partner countries, EU	Economic
7. Contribution of the EPA to regional value chain creation (value chain to be identified)	SADC EPA countries, Partner countries (Africa)	Economic
8. Effect of the EPA on investment in a specific sector, e.g. renewable energy	Partner countries, EU	Economic, environmental
9. Impact on MSMEs and the informal sector	Partner countries	Economic, social & human rights
10. The cost of non-implementation: effects of the non-activation of diagonal cumulation	Partner countries, SADC EPA countries, other ACP EPA States	Economic
11. Spatial effects of the Agreement in terms of regions benefitting and being negatively affected by the Agreement (both in partner countries and the EU)	Partner countries, EU	Economic, social & human rights
12. Impact of TSD chapter on a specific sector/topic in Partner countries	Partner countries	Human rights, social, environmental
13. Biodiversity	Partner countries	Environmental
14. Climate change	Partner countries, EU/global	Environmental
15. TSD chapter implementation	Partner countries, EU	Agreement implementation
16. Role played by civil society in the implementation and monitoring of the EPA through the mechanisms established under the Agreement	Partner countries, EU	Agreement implementation
17. Possible impact of the EPA on the right to food	Partner countries	Human rights
18. Possible impact of the EPA on land rights	Partner countries	Human rights

Case study methodologies will depend on the specific topic being studied. Once the final selection of case studies has been made during the inception phase, a brief methodology for each case study will be developed, also indicating the specific consultations to be undertaken in the context of the case studies.

5.8 Responses to Evaluation Questions, Overall Conclusions and Recommendations

Based on the findings of all the analyses as described above (sections 5.1 to 5.7) and the consultations, the team will prepare draft replies to the evaluation questions which will be presented as part of the draft final report. These will be complemented with overall conclusions and recommendations.

Conclusions will be derived from facts and findings and will be presented in relation to the evaluation questions. In addition, some conclusions may relate to other issues that have emerged during the evaluation process. In formulating conclusions, the evaluation team will:

- Strive to formulate conclusions in limited number so as to secure their quality. It either clarifies or deletes any value judgement which is not fully grounded in facts and fully transparent;
- Use evaluation criteria in a balanced way, and pay special attention to efficiency and impact, two evaluation criteria which tend to be overlooked in many instances;
- Synthesise the conclusion into an overall assessment of the EPA, and write a summary of all conclusions, which are prioritised and referred to findings and evidence. Methodological limitations will be mentioned, as well as dissenting views if there are any;
- Verify that the conclusions are not systematically biased towards positive or negative views and check that criticisms may lead to constructive recommendations.

The evaluation team will maintain a clear-cut distinction between conclusions that do not entail action and other statements that derive from conclusions and are action-oriented. Recommendations will be specific in terms of what needs to be done, specify the addressee(s), and be action oriented, and might be presented in the form of alternative options with pros and cons. As far as possible, recommendations will be:

- Tested in terms of utility, feasibility and conditions of success;
- Detailed in terms of time frame and audience;
- Clustered and prioritised;
- Moreover, the evaluation team will acknowledge clearly where changes in the desired direction are already taking place in order to avoid misleading readers and/or causing offence.

6 CONSULTATIONS

Consultation of and communication with stakeholders are important elements of the evaluation because they contribute significantly to the transparency and participatory nature of the evaluation, as well as the robustness of its findings and recommendations. Consultations are a two-way process, whereby the evaluation team provides information to stakeholders, e.g. on the methodology, interim findings and draft reports, and stakeholders provide their views on these issues and inputs (information and opinions) to the evaluation team. Box 3 summarises our expectations regarding the main inputs expected from stakeholders.

Details about the planned consultation activities are described in the consultation plan in **Annex I**. This also presents a list of the stakeholders identified so far as well as the draft questionnaire for the online public consultation.

Box 3: Expectations regarding inputs from stakeholders

Inputs from stakeholders are expected at all stages of the study. The study team will welcome, in particular:

- Suggestions for case studies with brief justifications;
- Evidence of specific cases/examples on how the Agreement has affected economic, social, and environmental performance, and labour rights and human rights, both in the SADC EPA States and in the EU. Contributions will be particularly welcome in relation to areas of analysis for which “hard data” are particularly difficult to obtain, such as:
 - Disaggregated trade in services and investment data;
 - Barriers to trade and investment stemming from regulation or administrative action (or inaction)
 - Information on preference and TRQ utilisation and the underlying reasons
 - Impact of the EPA on MSMEs;
 - Impacts of the Agreement on pillars of Decent Work Agenda, working conditions, labour standards, social protection, other public policies, and labour inspection;
 - Impacts on the informal economy and informal employment;
 - Effects on and involvement bilateral trade of vulnerable population groups; and.
 - Any of the case studies, once these have been selected.
- Oral and written contributions (position papers) expressing views on how the EPA has affected economic performance, sustainable development and human rights across the Parties;
- Responses to the online public consultation;
- Indication of relevant publications that would focus on the impact of the EPA in the SADC EPA States;
- Indication of actions taken by the SADC EPA States in areas covered by the TSD Chapter, i.e. changes in policies, strategies, action plans, and legislation in the areas of labour, environment and climate change; ratification and implementation of international conventions in these areas, and engagement with civil society into a dialogue on them;
- Comments on the draft Inception Report, Interim Report and draft Final Report;
- Proposals for and comments on draft conclusions and recommendations of the report;
- Names of organisations, or indication of vulnerable groups that may have been affected by the EPA in the SADC EPA States, as well as relevant contact details, for the evaluation team to reach out to the most relevant, additional stakeholders.

During the inception phase, the website has been established and launched. It is available, in English and Portuguese, at:

<http://eu-sadc.fta-evaluation.eu>

Stakeholders are welcome to contact the evaluation team by email to eu-sadc@bkp-advisors.com or through the contact form on the evaluation website, at <http://eu-sadc.fta-evaluation.eu/en/contact-us>.

7 EVALUATION WORK PLAN

Work on the evaluation started in March 2023, with a planned duration of 14 months. Three main reports will be prepared:

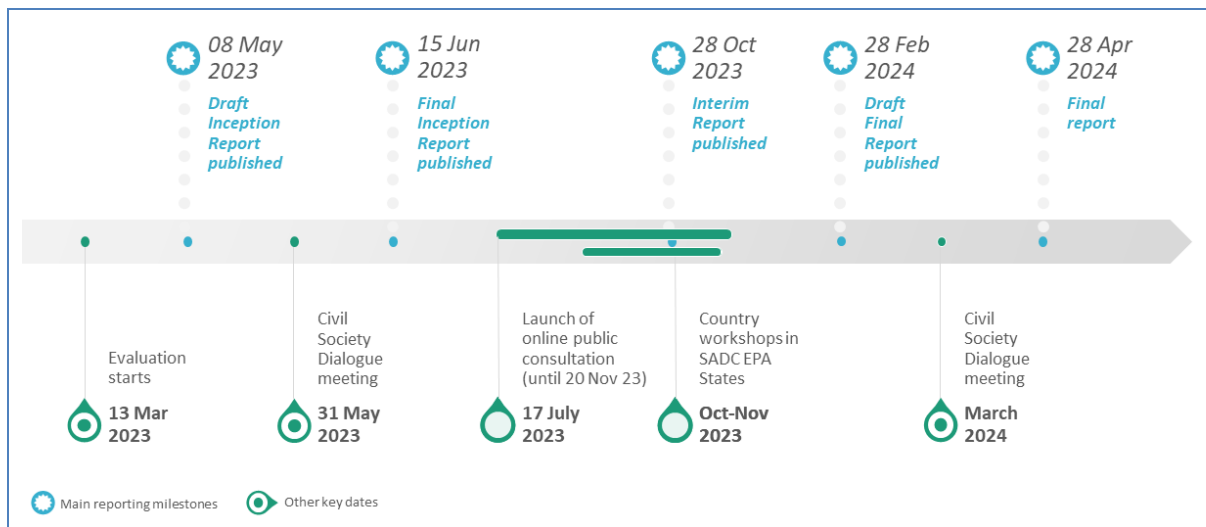
- Inception report (draft in May 2023, final version in June 2023);
- Interim report (October 2023);
- Final report (draft in February 2024, final version in April 2024).

The draft inception and final reports will be presented to and discussed with EU stakeholders in DG TRADE’s civil society dialogue meetings (planned for 31 May 2023 and March 2024, respectively). Other main consultation activities will be:

- A first round of physical consultations in SADC EPA countries in mid June/early July;
- The online public consultation inviting all stakeholders to contribute, from July to November 2023 (all identified stakeholders will receive an email informing them about the launch of the consultation); and
- Country workshops in the SADC EPA States in October and November 2023.

The evaluation schedule is presented in Figure 6, indicating the due dates for the main deliverables (reports) as well as other key milestones.

Figure 6: Evaluation schedule overview



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ANNEXES

Annex A: Draft Outline for Interim and Final Evaluation Report

ABSTRACT

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Note:

- **Executive summaries** of the final report will be prepared as stand-alone documents in English, Portuguese, French and German.

Annex B: Initial Literature Review - Summaries

Report	Summary/relevant statements
The Trade Growth under the EU–SADC Economic Partnership Agreement: An Empirical Assessment (Cipollina 2022)	<ul style="list-style-type: none"> • Scope & method: Econometric analysis changes in the intensive (difference-in-difference) and extensive (probit analysis) margins of trade resulting from tariff reductions, at HS 6-digit level; • Data source: UN COMTRADE (trade) and TRAINS (tariffs) • Main findings: <ul style="list-style-type: none"> ◦ Intensive margin (changes in exports of existing products): EPA increased SADC EPA exports to EU by 27%, but large variation across countries: BWA +139%, ZAF +34%; NAM -48%; MOZ -144% [sic!]⁵⁰; largest export increases by sector: transport, mineral products, wood & wood articles, skins & leather; largest export decreases: misc. manufactures, metals, machinery ◦ Extensive margin (exports of new products): increase in the probability of exporting a good: +2% SWZ and MOZ, +5% NAM (= diversification); decrease -2% ZAF and -10% BWA (= concentration of export portfolio)
MIRAGRODEP Dual-Dual (MIRAGRODEP -DD) with an application to the EU-Southern African Development Community (SADC) Economic Partnership Agreement (EPA) (Bouet, Laborde, and Traoré 2021)	<ul style="list-style-type: none"> • Scope: Economic impact assessment of EU-SADC EPA • Method: Dynamic CGE model (MIRAGRODEP Dual-Dual) • Data source: GTAP 9, complemented with MacMap • Main findings: very close to European Commission (2016) – same model basis <ul style="list-style-type: none"> ◦ Total trade: SADC EPA country exports from +0.01 (BWA) to 0.68% (rest of SACU); imports from +0.05 (BWA) to 1.73% (rest of SACU). EU: 0.01% for both exports and imports ◦ Bilateral trade: SADC EPA to EU: +0.15% (MOZ), +0.11 (BWA), +0.88% (ZAF), +1.9% (NAM) +8.8% (rest of SACU); EU to SADC EPA: +3.81% (MOZ), +0.07 (BWA), +0.59% (ZAF), +0.79% (NAM) +1.51% (rest of SACU) ◦ SADC EPA: Strongest increase in agro-food exports for SACU; hardly any effects for MOZ ◦ Import duties: -1.43% (MOZ), +0.03 (BWA), -0.58% (ZAF), -0.15% (NAM) +1.60% (rest of SACU); -0.34% (EU) ◦ Overall limited effects given the similarity of baseline and policy scenario (limited extend of tariff liberalisation)
The Trade Effects of the Economic Partnership Agreements between the European Union and the African, Caribbean and Pacific Group of States: Early Empirical Insights from Panel Data (Stender et al. 2021)	<ul style="list-style-type: none"> • Scope: Analysis of trade effects of different EU EPAs • Method: Gravity model • Data source: UN COMTRADE • Main findings: <ul style="list-style-type: none"> ◦ SADC only EPA with an overall effect on total EU exports (+30.6%); agricultural exports from EU to SADC (esp. ZAF) +134%, manufactured exports +28.3% ◦ SADC manufacturing exports to EU -32.3%
The economic and social effects of the Economic Partnership Agreements on selected African countries (Grumiller et al. 2018) ⁵¹	<ul style="list-style-type: none"> • Scope: Economic and social impacts of South African Development Community EPA (SADC-EPA), the Economic Community of West African States EPA (ECOWAS-EPA) and the East African Community EPA (EAC-EPA). Focus on Mozambique, Ghana • Methodology: CGE model (ÖFSE Global Trade Model) complemented by qualitative analysis and case studies. The qualitative analysis on the agreements and their implementation challenges as well as the case studies draw on text and data analysis, a literature review and field research in Ghana, Mozambique and Uganda. CGE model compares status quo ante with the EPA (i.e. not the counterfactual that would exist without the EPA): “results reported in this study refer therefore to the difference between DFQF access for most EPA countries and the large majority of products as the baseline, and a scenario with tariff reductions in EPA countries according to commitments under regional and interim EPAs” (p. 44); tariff changes only; Angola not considered.

⁵⁰ Calculation based on data reported in Table 8 leads to a reduction by 32% for Namibia and 59% for Mozambique.

⁵¹ A shortened version of this paper, focussing on the CGE analysis, is Tröster et al. (2020).

Report	Summary/relevant statements
	<ul style="list-style-type: none"> • Data source: GTAP Version 9; stakeholder interviews • Findings: <ul style="list-style-type: none"> ◦ Estimated economic effects of trade liberalization for Africa are negative, but mostly small: for SADC, GDP loss of 0.2%. All economic sectors will be affected, with industrial sectors such as machinery, chemicals and other manufacturing hit hardest. Only some already important export sectors in EPA countries, e.g. commodities and foodstuffs, might see limited increases in exports to the EU ◦ Job losses on the order of magnitude of 18,000 jobs in SADC. In particular, jobs in the manufacturing sector are affected. ◦ Promotion of export sectors needs strong industrial policies for structural transformation: a) Support services in the area of finance, skill development and extension services in agricultural and manufacturing sectors are required to foster the development of farmers and local firms. A focus on initiating collaboration and linkages among local actors (farmers and firms) as well as between local and foreign firms; b) development of effective public institutions is crucial to increase productivity, up-grading and diversification. Public-private dialogue and broad inclusion of civil society is important to ensure effective and sustainable policies and outcomes; c) Regional integration on the production as well as end market side should be used strategically ◦ EU Development Cooperation needs to support comprehensive capacity-building in the public sector ◦ EPA monitoring process must be results-oriented, inclusive, transparent, and flexible
The Economic Impact of the SADC EPA Group–EU Economic Partnership Agreement (European Commission 2016)	<ul style="list-style-type: none"> • Scope: Economic impact assessment of EU-SADC EPA • Methodology: dynamic CGE model (MIRAGRODEP); comparison of EPA with counterfactual (MFN/GSP) by 2035; only tariff liberalisation • Data sources: GTAP Version 9 • Main findings: <ul style="list-style-type: none"> ◦ GDP in SADC EPA countries: +0.01% (MOZ), +0.03 (BWA), +0.01% (ZAF), +0.23% (NAM) +1.18% (rest of SACU) (in 2035, compared to no EPA). Limited effects for Mozambique (LDC), Botswana (importance of diamonds) ◦ Total trade: SADC EPA country exports +0.13% (from +0.02 (BWA) to 0.85% (rest of SACU); imports +0.14% (from +0.06 (BWA) to 1.99% (rest of SACU). EU: 0.01% for both exports and imports ◦ Bilateral trade: SADC EPA to EU +0.91% on average: +0.14% (MOZ), +0.12 (BWA), +0.88% (ZAF), +1.97% (NAM) +8.92% (rest of SACU); EU to SADC EPA +0.73% on average: +3.96% (MOZ), +0.09 (BWA), +0.60% (ZAF), +0.82% (NAM) +1.77% (rest of SACU) ◦ Highest export increases SADC EPA: red meat (15.3%), sugar (+13.7%), other increases: beverage and tobacco, dairy products, fisheries, motor vehicles, "other food", textile, utilities, vegetable oil, vegetables and fruit, and white meat ◦ Export decreases SADC EPA: apparel (-1.2%), cattle (-0.8%), electronics (-0.4%) ◦ Wages: unskilled +0.01% (MOZ) to +1.20% (rest of SACU); skilled -0.02% (MOZ) to +1.85% (rest of SACU) ◦ Poverty: at 1USD per day: ZAF -0.02%; NAM -0.03% ◦ Import duties: -1.50% (MOZ), +0.04 (BWA), -0.59% (ZAF), -0.13% (NAM) +1.84% (rest of SACU)
SADC Trade with the European Union from a Preferential to a Reciprocal Modality (Osman 2015)	<ul style="list-style-type: none"> • Scope: CGE model analysis of EU-SADC EPA and a wider EPA comprising all SADC countries • Method: static CGE model (GLOBE); SADC liberalises 90%, EU fully • Data source: GTAP 7 database • Main findings: <ul style="list-style-type: none"> ◦ BLNS total exports +10%; total imports +30%; ZAF and MOZ limited export increase, imports +10% ◦ Intra-SADC trade decreases ◦ Tariff revenue: BWA -35.2%, MOZ -15.1%, ZAF -36.8%, rest of SACU +1.2% ◦ Wages: unskilled +0.5% (MOZ) to +4.8% (rest of SACU); skilled -0.3% (MOZ) to +3.7% (rest of SACU)
The Impact of Economic Partnership Agreements in Countries of the	<ul style="list-style-type: none"> • Scope: Economic impact of EU-SADC EPA • Method: CGE model (GTAP 6), assuming full symmetric liberalisation (base case, and other scenarios)

Report	Summary/relevant statements
Southern African Development Community (Keck and Piermartini 2008)	<ul style="list-style-type: none"> • Data source: GTAP 6 • Main findings: <ul style="list-style-type: none"> ◦ GDP in SADC EPA countries: South Africa (+0.2%), "rest of SACU" (+0.28%), Botswana (-0.06%). ◦ Total exports: BWA +0.7%; ZAF -0.1%; MOZ +0.5%; rest of SACU +13.3% ◦ Total imports: BWA -1.3%; ZAF +7.5%; MOZ +1.0%; rest of SACU +18.4%
Searching for an alternative to economic partnership agreements (Bouet, Laborde, and Mevel 2007)	<ul style="list-style-type: none"> • Method: CGE model (MIRAGE), assuming full symmetric liberalisation (and four other scenarios) • Main findings: <ul style="list-style-type: none"> ◦ SADC exports +USD7.1 B (in 2035, compared to no EPA) ◦ Real income SADC +5.1%
A Review of the Implementation of the SADC-EU EPA to Establish its Impact on the Stakeholders (Implementing Agencies and the Traders) of the Region. <i>Draft Report</i> (Tekere 2022)	<ul style="list-style-type: none"> • Scope: Review of the implementation of key areas of the EPA, the use, impact, knowledge, awareness and challenges faced in implementing the agreement from the perspective of SADC EPA States • Method/data source: Combination of methods: review of relevant literature, stakeholder consultations, expert focus discussion groups, use of qualitative and quantitative analytical tools was used in executing the review of the EPA implementation and impacts on stakeholders of the SADC EPA region • Main findings: <ul style="list-style-type: none"> ◦ Tariff Phase Down: Comparison of SACU tariff handbook of 2016 as the base year and the 2022 SACU tariff handbook shows that SACU SADC EPA states are largely on course in terms of phasing down their tariffs applied on imports from EU ◦ Main challenges affecting utilization of rules of origin (RoO) include limited capacity by SMEs to meet stringent RoO for exports to EU, limits on cumulation relating to; non-duty and quota-free South African exports to the EU, global sourcing for tuna products and general fish products sourced from the Pacific States, materials (e.g., from standard GSP beneficiaries) that are not free of customs duties when exported to the EU directly and materials from countries where such products are subject to anti-dumping or countervailing duties when shipped directly from those countries to the EU ◦ Low utilisation of tariff rate quotas due to difficulties in fulfilling EU regulations and standards that are required before one start exporting to the EU market, lack of awareness of TRQs available and product specific conditions and requirements ◦ Fish and products thereof, fruits and vegetables, nuts, nut products and seeds account for about 79.3% of all food and feed exports refused entry into the EU market from SADC EPA countries as a result of exporters failing to meet stipulated EU standards. Major reasons adduced for the rejection of these SADC EPA countries' products are improper health certificate (invalid authority), aflatoxin and propiconazole. ◦ The EPA Parties agreed to create a regional development financing mechanism such as an EPA fund to serve as an instrument for efficiently channelling development financial resources and for implementing EPA accompanying measures, but to date the EPA fund is not yet established

Annex C: Evaluation Framework

Evaluation questions	Judgement criteria (JC)	Indicators	Required analysis	Sources of evidence
Effectiveness				
EQ 1: To what extent have the outputs and operational objectives of the EPA been achieved?	JC 1.1: To what extent has the Agreement led to the progressive and gradual liberalisation of trade in goods ?	<ul style="list-style-type: none"> Level of bilateral tariffs over time TRQs Export taxes 	<ul style="list-style-type: none"> Comparative descriptive statistical analysis: evolution of market access liberalisation (tariffs, TRQs, other customs duties and charges, export taxes) Complementary qualitative analysis 	<ul style="list-style-type: none"> DG TAXUD and national customs authorities UNCTAD TRAINS Stakeholder consultations: survey, interviews (traders, freight forwarders) and workshops
	JC 1.2: To what extent has the implementation of other commitments in the EPA led to the facilitation of trade in goods (RoO, customs and trade facilitation, TBT, SPS measures, GIs)?	<ul style="list-style-type: none"> Regulatory or procedural changes in relevant areas Level of satisfaction among traders with ease of trade Incidence of complaints and trade irritants (as discussed between the Parties) 	<ul style="list-style-type: none"> Qualitative analysis: review of issues discussed between the Parties, relevant regulatory changes over time Satisfaction survey (as part of the online public consultation, OPC) 	<ul style="list-style-type: none"> Relevant EU and SADC EPA national regulations Joint Council and committee meeting documents Stakeholder consultations: survey, interviews, and workshops
	JC1.3: To what extent have TDIs and disputes been used and helped to address negative effects and conflicts in a rules-based manner?	<ul style="list-style-type: none"> Number of TDIs applied and volume of trade affected Number of disputes and trade affected Outcomes of disputes 	<ul style="list-style-type: none"> Quantitative analysis: coverage and effect of TDIs and products covered by disputes Complementary qualitative analysis: review and evolution of TDIs and disputes discussed between the Parties 	<ul style="list-style-type: none"> EU and national statistics Dispute-related documents and studies Joint Council and committee meeting documents Stakeholder consultations: interviews and workshops
	JC 1.4: To what extent have SADC EPA States made use of the regional preference clause and regional cumulation rules	<ul style="list-style-type: none"> Incidence of regional preferences among SADC EPA States going beyond EPA preferences Use of diagonal cumulation 	<ul style="list-style-type: none"> Qualitative analysis: identification of areas where Art. 108 and Art. 4-5 of Protocol I have been used Complementary quantitative analysis if cases have been determined in the qualitative analysis: level of trade affected 	<ul style="list-style-type: none"> DG TAXUD and national customs authorities Stakeholder consultations: interviews and workshops
	JC 1.5: To what extent has the TSD chapter been implemented and promoted the implementation of labour and environmental standards in the Parties?	<ul style="list-style-type: none"> Extent and depth of discussions in TDC Changes in labour and environmental regulations 	<ul style="list-style-type: none"> Qualitative analysis: review of issues discussed between the Parties, of relevant projects, and of changes in labour and environmental regulations over time 	<ul style="list-style-type: none"> TDC meeting documents EESC Information Report Desk research Stakeholder consultations: interviews and workshops
	JC 1.6: To what extent have the institutional provisions of the EPA been implemented and served to monitor and solve issues between the Parties?	<ul style="list-style-type: none"> Frequency and coverage of meetings Number and content of issues addressed and solved 	<ul style="list-style-type: none"> Qualitative analysis: review of issues discussed between the Parties 	<ul style="list-style-type: none"> Joint Council and committee meeting documents Stakeholder consultations: survey, interviews, and workshops

Evaluation questions	Judgement criteria (JC)	Indicators	Required analysis	Sources of evidence
EQ 2: What are the factors influencing (positively or negatively) the achievement of the EPA's operational objectives?	JC 1.7: To what extent has technical assistance related to the EPA been implemented and supported the achievement of EPA objectives?	<ul style="list-style-type: none"> Number and scope of projects Achieved project results 	<ul style="list-style-type: none"> Meta-evaluation of trade-related EU and Member State assistance projects in SADC and SADC EPA States 	<ul style="list-style-type: none"> Project evaluations Project documents and outputs Stakeholder consultations: survey, interviews, and workshops
	JC 2.1: To what extent have key assumptions on the utilisation of the EPA been fulfilled	<ul style="list-style-type: none"> Preference utilisation rate (PUR) Utilisation of TRQs Use of regional cumulation rules 	<ul style="list-style-type: none"> Comparative descriptive statistical analysis (PUR, TRQs fill rates) Complementary qualitative analysis 	<ul style="list-style-type: none"> DG TAXUD and national customs authorities Stakeholder consultations: survey, interviews (traders, freight forwarders) and workshops
	JC 2.2: What external factors have influenced the achievements of the EPA's operational objectives?	<ul style="list-style-type: none"> Political, economic, social, environmental developments and shocks (national, regional, global) 	<ul style="list-style-type: none"> Qualitative analysis: identification of factors influencing the achievement of EPA operational objectives 	<ul style="list-style-type: none"> Existing studies, reviews, and impact assessments Stakeholder consultations: interviews and workshops
EQ 3: Has implementation of the EPA had unintended (positive or negative) consequences, and if so, which ones?	JC 3.1: What unintended economic, social, human rights, and/or environmental developments can be attributed to the EPA?	<ul style="list-style-type: none"> Evidence for unintended positive effects of the EPA Evidence for unintended negative effects of the EPA 	<ul style="list-style-type: none"> Qualitative analysis: identification of unintended effects on economic, social, labour, environmental, or human rights aspects, and of stakeholder groups that have been affected by the EPA unintentionally 	<ul style="list-style-type: none"> Existing policies, studies, reviews, and impact assessments Stakeholder consultations: interviews and workshops
	JC 3.2: To what extent has the EPA led changes in cooperation areas where no commitments have been made by the Parties?	<ul style="list-style-type: none"> Changes (positive or negative) in regulations and conditions related to competition, public procurement, IPR 	<ul style="list-style-type: none"> Qualitative analysis of developments related to competition policy, public procurement and IPR 	<ul style="list-style-type: none"> Existing policies, studies, reviews, and impact assessments Stakeholder consultations: interviews and workshops
Impact				
EQ 4: What has been the impact of the EPA on sustainable development in its economic, social, environmental and human rights aspects?	JC 4.1: What has been the economic impact of the EPA?	<ul style="list-style-type: none"> Bilateral goods trade (EU with each SADC EPA State): total, sectoral Bilateral services trade (EU with each SADC EPA State) Bilateral FDI (EU with each SADC EPA State) Output (EU and each SADC EPA State): total, sectoral Government revenues (EU and each SADC EPA State) GDP (EU and each SADC EPA State) Diversification indices (HHI) by sector/product, market, and form/trader) 	<ul style="list-style-type: none"> Comparative descriptive statistical analysis: trends over time, before/after EPA (trade in goods and services, FDI, export diversification, MSME shares): 2011-2022 CGE model-based analysis (bilateral and total trade and output overall and by sector, fiscal effects, GDP) Qualitative analysis (MSMEs) 	<ul style="list-style-type: none"> CGE model results Eurostat COMEXT and national statistics (trade, FDI) UN COMTRADE/ITC TradeMap (for trade) UNCTAD/OECD (for FDI) Stakeholder consultations: survey, interviews, and workshops Existing studies, reviews, and impact assessments

Evaluation questions	Judgement criteria (JC)	Indicators	Required analysis	Sources of evidence
	JC 4.2: What has been the social impact of the EPA?	<ul style="list-style-type: none"> Number and share of exporting MSMEs Employment and unemployment (overall and by sector, by sex, by skills level) Wages (disaggregated as above) Poverty rates Inequality (Gini) Informality Number of labour inspectors and inspections Working hours Occupational safety Child labour incidence Trade union membership/ density Extent of responsible business conduct For details, see Annex F.	<ul style="list-style-type: none"> Comparative descriptive statistical analysis: trends over time, before/after EPA: 2011-2022 CGE model-based analysis (sectoral employment shifts, overall wages) Qualitative analysis 	<ul style="list-style-type: none"> CGE model results Eurostat and national social and other relevant statistics (for details, see Annex F) Stakeholder consultations: survey, interviews, and workshops EESC information report Existing studies, reviews, and impact assessments
	JC 4.3: What has been the environmental impact of the EPA?	<ul style="list-style-type: none"> Climate change & air quality: emissions (GHG, particulate matter, etc.) Natural resources: deforestation, mining, fish stocks, soil erosion) Biodiversity: nr of threatened species, land use change, protected areas, (illegal) trade in wildlife Water quality and use Waste: (hazardous) waste generation, recycling For details, see Annex G.	<ul style="list-style-type: none"> CGE model-based analysis (sectoral outputs, CO₂ emissions) Additional quantitative analysis (for details, see Annex G) Qualitative analysis 	<ul style="list-style-type: none"> CGE model results Eurostat, national and international environmental statistics (for details, see Annex G) Stakeholder consultations: survey, interviews, and workshops Existing studies, reviews, and impact assessments
	JC 4.4: What has been the human rights impact of the EPA?	<ul style="list-style-type: none"> Overall human rights indicators Indicators related to specific human rights Changes in relevant national legislations Incidence of human rights violations related to trade and investment 	<ul style="list-style-type: none"> Screening and scoping of potential human rights impacts based on EPA legal text, CGE model results, literature review, statistical information and human rights indicators Detailed quantitative and qualitative analysis of two human rights identified as likely to have been affected in a major way 	<ul style="list-style-type: none"> CGE model results Stakeholder consultations: survey, interviews, and workshops Human (and labour) rights monitoring body reports, EU and national human rights reports, reports by NGOs
Efficiency				
EQ 5: To what extent has implementation of	JC 5.1: To what extent are traders aware of the EPA and its preferences?	<ul style="list-style-type: none"> Level of awareness for EPA among traders 	<ul style="list-style-type: none"> Quantitative and qualitative survey and consultations review 	<ul style="list-style-type: none"> Stakeholder consultations: survey, interviews, and workshops

Evaluation questions	Judgement criteria (JC)	Indicators	Required analysis	Sources of evidence
the EPA been efficient with respect to achieving its objectives?	JC 5.2: To what extent has the Agreement led to trade diversion?	<ul style="list-style-type: none"> Views on the net benefits of the EPA Trade diversion 	<ul style="list-style-type: none"> Comparative descriptive statistical analysis: trends over time, before/after EPA: 2011-2022 CGE model-based analysis (sectoral employment shifts, overall wages) Qualitative analysis 	<ul style="list-style-type: none"> CGE model results Eurostat COMEXT and national statistics (trade) UN COMTRADE/ITC TradeMap (for trade) Existing studies, reviews, and impact assessments
EQ 6: To what extent are the costs associated with implementation of the EPA proportionate to the benefits it has generated, and how are they distributed across different stakeholder groups?	JC 6.1: What are the net benefits (i.e. benefits less costs) of the EPA implementation? JC 6.2: How are costs and benefits distributed across societal and stakeholder groups?	<ul style="list-style-type: none"> Ratio of benefits (GDP, trade) to costs (tariff revenue losses, compliance costs, and institutional costs) Number and status of net winners and losers of EPA 	<ul style="list-style-type: none"> Cost-benefit assessment: identification and estimation of costs and benefits Qualitative analysis: Identification of stakeholder groups, particularly vulnerable groups, that have been affected by the EPA positively and negatively 	<ul style="list-style-type: none"> Results of impact evaluation (EQ 4) and regulatory cost assessment (EQ 7) Stakeholder consultations: interviews and workshops Results of impact evaluation (EQ 4) Stakeholder consultations: interviews and workshops
EQ 7: Are there unnecessary regulatory costs (including administrative burden)? What is the potential for simplification?	JC 7.1: What are the regulatory costs (including administrative burden) associated with the EPA? JC 7.2: What scope, if any, has there been to achieve the objectives at a lower cost?	<ul style="list-style-type: none"> Regulatory implementation costs Compliance costs Presence of unnecessary regulatory, administrative or procedural requirements 	<ul style="list-style-type: none"> Quantitative and qualitative analysis: Identification of regulatory and compliance costs (for the Parties and trading businesses) Qualitative analysis: Identification of areas where costs reductions could be achieved 	<ul style="list-style-type: none"> Results of operational evaluation (EQ 1) Stakeholder consultations: interviews and workshops Results of operational evaluation (EQ 1) Stakeholder consultations: interviews and workshops
Coherence				
EQ 8: To what extent has implementation of the EPA been coherent with the EU's trade and development policies, in particular with the commitment to sustainable development in trade policies as a	JC 8.1: How do the provisions of the EPA align with the principles of current EU trade policy? JC 8.2: How do the provisions of the Agreement compare with EU's commitment to sustainable development in trade policies as a contribution towards attainment of the SDGs?	<ul style="list-style-type: none"> Alignment of EPA with current EU trade policy Alignment of EPA with modern EU FTAs Alignment of EPA with current EU sustainable development policies Alignment of EPA with SDGs 	<ul style="list-style-type: none"> Qualitative analysis of the degree of coherence between the EPA and current EU trade policy and trade agreements Qualitative analysis of the degree of coherence between the EPA and the EU's major policies related to sustainable development and commitment to the attainment of the SDGs? 	<ul style="list-style-type: none"> Existing policies, studies, and reviews Stakeholder consultations: interviews and workshops Existing policies, studies, and reviews Stakeholder consultations: interviews and workshops

Evaluation questions	Judgement criteria (JC)	Indicators	Required analysis	Sources of evidence
contribution towards attainment of the SDGs?				
Relevance				
EQ 9: To what extent do the provisions of the EPA continue to be relevant for the current trade needs and development issues of the EU and SADC EPA States, as well as geopolitical considerations?	JC 9.1: To what extent is the EPA relevant for current trade and development needs as well as (geo-)political considerations of the EU?	<ul style="list-style-type: none"> ▪ Degree of relevance at the time of signing the EPA ▪ Current degree of relevance 	<ul style="list-style-type: none"> ▪ Qualitative analysis: identification of key trade and (geo-)political issues faced by the EU, and assessment of the possibility of the EPA to address the issues, and identification of issues which may not be resolved through it 	<ul style="list-style-type: none"> ▪ Existing policies, studies, and reviews ▪ Stakeholder consultations: interviews with EU institutions
	JC 9.2: To what extent can the provisions of the Agreement be used to address these issues?	<ul style="list-style-type: none"> ▪ Degree of relevance at the time of signing the EPA ▪ Current degree of relevance 	<ul style="list-style-type: none"> ▪ Qualitative analysis: identification of key trade and development need of the SADC EPA States, and assessment of the possibility of the EPA to address the issues, and identification of issues which may not be resolved through it 	<ul style="list-style-type: none"> ▪ Existing policies, studies, and reviews ▪ Stakeholder consultations: interviews with SADC EPA state representatives and non-state stakeholders

Annex D: Indicators for the Analysis of the EPA's Effects on Trade in Goods

Indicator	Methodological approach and sources
<ul style="list-style-type: none"> Bilateral trade in goods between the EU and SADC EPA States taken individually, as well as a block: total and by sector 	<p>Using Eurostat COMEXT data, we will analyse the evolution of merchandise trade flows between the EU and the six partners (individually and as a block) over time. The analysis will focus on identifying changes in trend before and after the date of entry into force of the EPA.</p> <p>This analysis will be conducted using statistics at different levels of disaggregation: the analysis will start at a fairly high level of aggregation and will be disaggregated for sectors of interest to review performance and growth trends for specific product lines.</p> <p>As a robustness check, we will compare the COMEXT data with SADC EPA official statistics to check if there are any major discrepancies; should this be the case, we will investigate the reasons why relying mainly on targeted consultations as a source.</p>
<ul style="list-style-type: none"> Comparison of trends & patterns in EU-SADC EPA trade with trends of the Parties' trade with other major trading partners and global trade 	<p>To complement the analysis undertaken under activity 1 above, we will analyse – using UN COMTRADE and ITC TradeMap data – the trends in SADC EPA States' trade patterns with other major trading partners (United States, UK, Australia, China, India, Russia, Brazil, Turkey) and compare them with the trends & patterns in EU-SADC EPA trade. This will comprise absolute trade values and relative changes over time.</p> <p>In addition, the shares of bilateral trade in the Parties' overall trade will be determined at overall and sectorial levels.</p>
<ul style="list-style-type: none"> Top 20 import and export products at 6-digit level between the EU and SADC EPA States as a block, as well as for each individual SADC EPA State 	<p>Using COMEXT data, we will analyse merchandise trade flows between the EU and the partner countries at 6-digit level to determine the top 20 import and export products for the EU as well as for the SADC EPA States (individually and as a block). This will be done by looking at both values and volumes, and absolute levels and changes over time. The results will then be analysed and discussed, and when relevant context will be provided (e.g., if an export/import is linked to a specific improvement in market access under the EPA, a specific investment or used as an input for a specific industry or value chain).</p>
<ul style="list-style-type: none"> Description of main competitors for EU exports in the SADC EPA States and vice-versa for SADC EPA States' exports in the EU, for main industrial and agricultural goods, and analysis of possible trade diversion effects 	<p>We will also analyse the composition of (i) SADC EPA States' imports for the product lines corresponding to the main products exported by the EU to the SADC EPA region (based on COMTRADE and TradeMap data) and (ii) EU imports from the rest of the world for the product lines corresponding to the main products exported by SADC EPA States in the EU (based on COMEXT data).</p> <p>Based on this, we will then analyse the evolution over time of EU imports from SADC EPA's main competitors and of SADC EPA States' imports from the EU's competitors, in order to determine possible trade creation and diversion effects. The analysis will in particular focus on identifying changes in trend before and after the date of entry into force of the EPA. Trade diversion effects will also be analysed by the CGE model.</p>
<ul style="list-style-type: none"> Comparison of the evolution of trade in goods for which the tariffs were zero under the previously applicable trade arrangement vs. trade in goods for which the tariffs were greater than 0 	<p>This is applicable to EU exports to SADC EPA States, as well as South Africa's exports to the EU. Taking COMEXT data as a basis, it is envisaged to carry a simple regression analysis.</p>
<ul style="list-style-type: none"> Preference utilisation rate (PUR) Utilisation of tariff-rate quotas 	<p>Based on data provided by the Commission (for SADC EPA exports to the EU) and by partner countries' national customs authorities (for EU exports to SADC EPA States), a quantitative analysis will be undertaken to identify the key sectors and product categories where preferences and/or TRQs are not fully used.</p>
<ul style="list-style-type: none"> Products for which SADC EPA States' exports perform below their potential / products that are high demand in the EU but not yet exported by SADC EPA States 	<p>The ITC Export Potential Map will be used to identify the products for which SADC EPA States' exports are performing below their potential. Possible reasons for under-performance – and how this can be addressed within the framework of the EPA – will be identified by a combination of sources including literature review and targeted consultations.</p>
<ul style="list-style-type: none"> Evolution of intra-regional trade and evidence of trade diversion from intra-SADC (and SADC-rest of Africa) trade towards trade with the EU 	<p>In addition to the analysis of the evolution of bilateral exports and imports between the EU and the SADC EPA States (see above), we will also analyse – using COMTRADE and TradeMap data, as well as CGE model results – exports and imports within the SADC EPA region, as well as exports from the SADC EPA region to other African countries, in order to determine trade creation and diversion effects. In particular, the analysis will focus on: (i) identifying changes in trend before and after the date of entry into force of the EPA (ii) comparing trends between on</p>

Indicator	Methodological approach and sources
<ul style="list-style-type: none"> Importance of EU27 trade relations with SADC EPA States, as compared to their trade relation with the UK 	<p>the one hand trade in goods between SADC EPA States and the EU and on the other hand intra-SADC and SADC-rest of Africa) trade in goods. Using COMEXT and COMTRADE data, we will specifically review the evolution of merchandise trade flows between the SADC EPA States and the UK to be able to compare it to the evolution of merchandise trade flows between the SADC EPA States and the EU27, and thus be able to draw preliminary conclusions for the post-Brexit period. As recommended in the ToR, we will provide for selected key figures on trade in goods separate data for EU27 and the UK.</p>
<ul style="list-style-type: none"> Impact of TDI measures on trade flows 	<p>Using as a starting point the use of TDI measures by the Parties (see section 5.1.4), we will identify the products affected by the measures and assess the impact of the measures on trade flows</p>
<ul style="list-style-type: none"> Number of companies in SADC EPA States actually exporting to the EU Number of products being trade bilaterally over time Concentration/diversification indices for firm and product diversification (e.g. HHI) 	<p>This analysis will consist in analysing trade flows between the EU and its partners at the product level, reviewing growth trends per product lines and measuring the evolution of the diversification of exports over time using indicators such as concentration ratios or the HHI. For the company diversification, firm-level data will need to be provided by the Parties' customs authorities. The analysis on value addition and on the creation of regional value chains is likely to rely mainly on literature review and targeted consultations but the analysis of trade data could also provide a useful input (e.g., the analysis on the diversification of trade should allow us to assess whether SADC EPA States' exports have diversified towards higher value added products over time, and the analysis of SADC EPA States' intra-regional trade and trade with the rest of Africa (see activity above) could also give insight on the creation of regional value chains).</p>
<ul style="list-style-type: none"> Number of enterprises starting to export to the EU Number of new products exported by enterprises already exporting 	<p>This analysis will require firm-level data to be provided by the Parties' customs authorities, complemented with anecdotal evidence from stakeholder consultations.</p>
<ul style="list-style-type: none"> Diversification of the sources of supply of goods for both the EU and the SADC EPA States 	<p>This activity will consist in analysing merchandise trade flows between individual EU member states and the SADC EPA partner countries in order to assess the diversification over time of the SADC EPA States' trade with the EU, in terms of export markets and source of imports in order to evaluate the diversification (i.e. broadening) of export markets and source of imports among the different partners, the evaluation team will analyse in further detail merchandise trade flows with each individual partner and will measure the evolution of diversification over time using, as for the item above, indicators such as concentration ratios or the HHI.</p>

Annex E: Description of the CGE Model

The impact of the EPA is assessed by developing counterfactual scenarios for the evolution of the economies in the absence of the EPA. These counterfactual scenarios are compared to the actual outcomes to identify the marginal effects of the quantifiable trade barrier reductions under the EPA.

The scenarios are developed using a multi-sector, multi-region computable general equilibrium (CGE) model. CGE models have been the workhorse models for assessing the economy-wide impact of trade agreements as they take into account:

- the simultaneous impact of such agreements on a wide range of sectors, including goods and services, that interact with each other through domestic and international supply linkages;
- behavioural responses of consumers and firms to changes in policies, including to tariffs and non-tariff barriers facing goods, and to non-tariff measures impacting services and investment; and
- the resource constraints facing the economy and the extent to which these constraints are relaxed due to the incentives for investment and for labour force participation generated by the agreement through changes in the real rates of return to capital and real wages for labour.

The mainstream CGE models used internationally, including by the European Commission's DG TRADE, are built on the Global Trade Analysis Project (GTAP) database, which incorporates a social accounting matrix (SAM) for each economy represented. The SAM for each country incorporates the standard national economic accounts (i.e., gross domestic production, consumption, investment etc.), a production function for each region-sector showing the labour, capital and land requirements, the input-output structure of the economy, and the bilateral trade flows in goods services with every other economy/region together with the level of trade protection faced in each market. The changes in a SAM in a simulation thus provide a comprehensive economic picture of the impacts of the trade policy measures being simulated.

The next section describes the model used for the EU-SADC EPA counterfactual analysis.

Overview of the Modelling Framework

The specific model used for the present analysis is the GTAP-E-RD model (Corong and Strutt 2020). This in turn is based on the GTAP-RD model (Aguiar et al. 2019), a recursive dynamic (RD) extension of the standard GTAP model (Corong et al. 2017). The GTAP-E-RD model extends the GTAP-RD model with a relatively detailed specification of energy inputs and associated carbon emissions.

In the recursive dynamic framework, the model calculates a new equilibrium for each period, based on the trade policy changes implemented at the beginning of that period (e.g., scheduled tariff rate cuts). The "end of period" capital stock in one year is the "beginning of period" capital stock in the next year. The change in the productive capital stock is determined by the extent of change in the real rate of return on investment. If a trade agreement such as the EPA supports higher rates of return, the incentive to invest increases the capital stock. A similar dynamic applies in the labour market. Insofar as a trade agreement raises real wages, the incentive for persons not in the labour force to enter into the labour force increases. In turn, the increased labour supply expands the productive endowments of the economy. Accordingly, the productive endowments of an economy change from year to year.

One notable modification to the GTAP-RD model is the updating of the Armington elasticities for services trade based on the latest estimates available from CEPII.

GTAP-RD also permits a non-zero elasticity of substitution between intermediate inputs and the basic productive factors of labour, capital and land. Although normally this elasticity is set to zero, meaning that intermediate inputs cannot substitute for sector-specific factors of production, this assumption is relaxed and a positive elasticity is introduced, following the Mirage model approach.

The model is built on the GTAP 11 database (published in early 2023) with a base year of 2014. A key advantage of the latest version of the GTAP database is that it individually distinguishes all SADC EPA States (whereas the previous version 10 had combined Eswatini and Lesotho) and thus allows estimating the impacts of the EPA on all SADC EPA States individually.

Regional and Sectoral Aggregations

For the analysis of the EU-SADC EPA, the model database, which distinguishes 65 different sectors, is aggregated into 45 sectors, of which eight are services. The sectoral aggregation is shown in Table 7.

With respect to countries and regions, the model aggregates the 141 GTAP regions into 29 regions, as shown in Table 8. The SADC EPA States each separately represented, and the EU27 is one region. The level of aggregation is higher than for sectors, but inevitable given the low sector aggregation, to keep the model manageable.

Table 7: List of sectors

Nr	Sector	Nr	Sector
1	Rice	24	Leather
2	Wheat	25	Manufacture of wood and of products
3	Other Grains	26	Paper & Paper Products
4	Vegetables, fruit and nuts	27	Chemical
5	Oil Seeds	28	Pharmaceutical
6	Sugar	29	Rubber and plastics products
7	Fibres crops	30	Iron & Steel
8	Other Crops	31	Metal products
9	Cattle	32	Computer, electronic and optical products
10	Other primary	33	Electrical equipment
11	Forestry	34	Machinery and equipment
12	Fishing	35	Manufacture of motor vehicles and parts
13	Energy	36	Other transport equipment
14	Minerals	37	Other Manufacturing
15	Cement	38	Construction
16	Ruminant meat	39	Trade services
17	Other Meat	40	Land Transport
18	Vegetable Oils	41	Water Transport
19	Dairy products	42	Air Transport
20	Other prepared Food	43	Commercial services
21	Beverages and Tobacco products	44	Finance services
22	Textiles	45	Public services
23	Wearing		

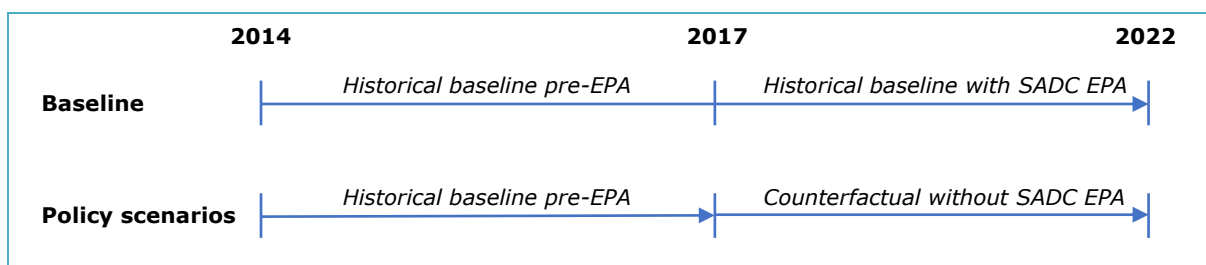
Table 8: List of regions

Nr	Country/region	Nr	Country/region
1	China	16	EU27
2	Japan	17	EFTA
3	Korea	18	UK
4	Vietnam	19	Oceania
5	Rest of ASEAN	20	Gulf Cooperation Council
6	India	21	South Africa
7	Russia	22	Mozambique
8	Turkey	23	Botswana
9	USA	24	Namibia
10	Canada	25	Lesotho
11	Mercosur	26	Eswatini
12	Mexico	27	North Africa
13	Chile	28	Rest of Africa
14	Central America	29	Rest of the World
15	Rest of America		

Baseline and policy scenarios

The model simulates the impact of the EPA by comparing the baseline, i.e. the actual trade taking place with the EPA since 2017,⁵² with the trade that would have taken in the absence of the EPA with higher tariffs (the “policy scenarios”). The simulated negative impact of increasing trade barriers (when removing the EPA) is thus interpreted as the positive impact of having the Agreement in place (and avoiding higher tariffs).

Figure 7 illustrates the simulation of the counterfactual scenario. In the historical baseline, the model is calibrated to reproduce the currently observed situation. The tariff shocks are then applied to build a counterfactual scenario in the counterfactual without the EPA in place.

Figure 7: Model baseline and policy scenarios

Baseline

The model database is simulated forward from 2014 to 2022. This simulation draws on actual and projected data for the global economy provided by international agencies such as the International Monetary Fund (IMF); population and labour force growth for each region are based on demographic data and projections by the United Nations. The baseline also takes into account the EU free trade agreements that have been implemented up to 2020 (e.g., the CETA with Canada and the EPA with Japan) and the impact of the USA–China tariff war.

The baseline also includes the implementation of the EPA with the SADC EPA States.

⁵² Although EPA provisionally entered into force in October 2016, the start date of application is an approximation to the actual start dates of the implementation of the EPA by the various Parties.

Policy scenarios

To simulate the impact of the EPA, the commitments under the EPA are removed as from 2017, and trade between the EU and the SADC EPA partners reverts to the default trade regime in the absence of the EPA. Two specific counterfactual scenarios have been designed.

Scenario A. This is the default scenario which assumes that trade between the Parties would have continued under the regimes in place at the time. Under Scenario A, bilateral trade would thus switch from the EPA to several different regimes for the period 2017 to 2022:

- The EU's exports to all SACU members would take place under the TDCA,⁵³ and to Mozambique under MFN;
- Exports from South Africa to the EU would revert to the EU-South Africa Trade, Development and Cooperation Agreement (TDCA) regime, which liberalises 95% of the EU's imports from South Africa, and 86% of South Africa's imports from the EU, with exclusion or only partial liberalisation of sensitive products (for the EU, these are mainly agricultural products, while for South Africa, they are industrial products).
- Exports from Botswana and Namibia to the EU would be subject to the EU's MFN tariffs;⁵⁴
- Exports from Lesotho and Mozambique to the EU would enjoy EBA tariffs; and
- Exports from Eswatini to the EU would face GSP tariffs.

Scenario B. Scenario B has been defined as an alternative scenario to provide an indication of the "maximum cost of no EPA or other FTA", reflecting that the TDCA was superseded by the EPA, thus in order to perceive the full benefits of progressive trade liberalisation between the Parties, it is useful to compare to a scenario with no FTA in place. In addition, TDCA was concluded only between the EU and South Africa and, in the absence of an agreement with the SACU Members other than South Africa, EU exports could have faced MFN duties there. Under Scenario B, the counterfactual trade regimes assumed from 2017 to 2022 are as follows:

- EU exports to all SADC EPA States would have faced MFN tariffs (for exports to Mozambique, no change compared to Scenario A);
- Exports from Botswana, Namibia and South Africa to the EU would be subject to the EU's MFN tariffs (for Botswana and Namibia, no change compared to Scenario A); and
- Exports to the EU from Lesotho and Mozambique would have taken place under the EBA, and from Eswatini under the GSP (no change compared to Scenario A).

⁵³ Subject to verification; although the TDCA was concluded only between the EU and South Africa, de facto (and at least in the case of Botswana also de iure), other SACU members also applied the TDCA on its imports as a result of the SACU CET implementation (see Stevens and Kennan 2007b; 2007a).

⁵⁴ Botswana and Namibia (in addition to Eswatini/Swaziland) were included in the GSP on 1 October 2014 but graduated from the GSP as a result of being upper middle-income countries; see Commission Delegated Regulation (EU) No 1016/2014 of 22 July 2014 amending Annex II to Regulation (EU) No 978/2012 of the European Parliament and of the Council applying a scheme of generalised tariff preferences, OJ L 283/23, 27.9.2014.

It is important to note that the simulation only comprises changes in tariffs. Changes in non-tariff barriers – for both goods and services – resulting from the EPA are not modelled. This means that the simulations only capture a part of the EPA's effects, and in particular any simulated changes in services sectors are exclusively the result of indirect adjustment effects across the economies. This constitutes an important limitation of the simulation.

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Annex F: Social Indicators and Information Sources

In the social part of analysis, we will seek to use the indicators (left column in Table 9), provided data is available. The list is not exhaustive and other indicators may be used as well. The right column in Table 9 indicates a preliminary list of information and data sources relevant for each section.

Table 9: Social indicators and information sources

Social indicators	Information and data sources
Employment and informality	
<ul style="list-style-type: none"> Labour force participation rate (in %) Employment rate (in %) Unemployment rate (in %) Inactivity rate (in %) Level of informal employment in the total employment (in %) Shares of formal and informal employment in analysed sectors (in %) Sectoral employment shares in total employment (in %) The level of completed education in the labour force (in % of workers) 	<ul style="list-style-type: none"> EU Joint Employment Reports EUROSTAT Labour Force Survey Employment and Social Developments in Europe European Platform tackling undeclared work, Member States factsheets Overview of the informal economy in the European Union (ILO and IMF papers) Labour Force Surveys of SADC EPA States by national institutes of statistics ILO Decent Work Country Programmes for SADC EPA States Research papers by the World Bank, IMF and other authors analysing labour market in SADC EPA States ILO (2020) study on transition from informal to formal economy in Africa National statistics regarding informal employment complemented by data from FAO, the ILO, the UN and UNDP
Gender equality	
<ul style="list-style-type: none"> Labour force participation rate for men and women (in %) Employment rate for men / women (in %) Unemployment rate for men / women (in %) Inactivity rate for men / women (in %) Sectoral employment shares in total employment for men / women (in %) The level of completed education in the labour force (in % of workers) Sectors of entrepreneurial activity and their shares in all enterprises for men- and women-led enterprises (in %) The share of women-led enterprises in all enterprises (in %) and in categories 	<ul style="list-style-type: none"> UNCTAD Toolbox on Trade and Gender EU Joint Employment Reports EUROSTAT Labour Force Survey Employment and Social Developments in Europe EU Gender equality strategy (2020-2025) EU and ITC survey on EU female traders Global Entrepreneurship Monitor Report: Women's Entrepreneurship 2020/2021 Mastercard Index of Women Entrepreneurs Labour Force Surveys of SADC EPA States by national institutes of statistics UNCTAD study (2018) on trade and gender linkages in SADC countries World Bank Business survey Studies by World Bank, the ILO, and other authors on the situation of women entrepreneurs in SADC EPA States
Consumers, poverty, and inequality	
<ul style="list-style-type: none"> The share of population living in poverty (in %) Extreme poverty rate (in %) The share of people facing risk of poverty and social exclusion (in %) Working poor / in-work poverty (in %) Income inequality (% of the total income) Gini coefficient Shares of certain goods and services in consumer/household expenditures (in %) 	<ul style="list-style-type: none"> EU New Consumer Agenda EU Joint Employment Reports EUROSTAT data regarding people at risk of poverty and social exclusion in the EU World Inequality Database World Bank's Poverty and Inequality Platform, with country profiles for SADC EPA States Oxfam (2022) report: The Crisis of Extreme Inequality in SADC. Fighting austerity and the COVID-19 pandemic World Bank's Poverty Assessment Reports for SADC EPA States World Bank's series Poverty and Shared Prosperity A 2012 report by the African Development Bank on household expenditures in SADC

Social indicators	Information and data sources
Job quality / working conditions	
<ul style="list-style-type: none"> • Wage levels (monthly, annually, daily, and hourly), the existence and application of minimum wage • Available benefits (e.g., paid leave) • Employment type: permanent, temporary, casual, self-employed, full-time, part-time (% of workers) • Written job contract (% of workers) • Working hours (per week per person) • Coverage by social security scheme (% of workers) • Type, number, and duration of training provided or paid by employer (e.g., on health and safety at work) • The rate (and absolute numbers) of fatal and non-fatal accidents at work • The number of labour inspectors • The number of labour inspections at workplaces 	<ul style="list-style-type: none"> • EU Joint Employment Reports • Employment and Social Developments in Europe • EUROSTAT data regarding working hours, and accidents at work • ILO Decent Work Country Programmes for SADC EPA States • Labour Force Surveys by national institutes of statistics for SADC EPA States • US Department of Labor annual reports on the worst forms of child labour for SADC (also include data on labour inspection) • ILO Committee of Experts reports on ratified conventions (No. 81 on labour inspection and 155 and 187 on health and safety at work)
Labour standards	
<ul style="list-style-type: none"> • Child labour rate (% in the age group) or the number of working children • The rate of hazardous child labour (in % of working children) • The rate of children enrolled in education • The number of trade unions/employer organisations • Trade union density (share of trade union members in % in the total of workers) • The number of collective agreements • The number of persons in forced labour conditions • The number of cases of human trafficking • The number of investigations / convictions in cases on human trafficking • The share of vulnerable persons (e.g., persons with disabilities) active on the labour market • Employment and unemployment rate for youth 	<ul style="list-style-type: none"> • EU Joint Employment Reports • EUROSTAT data on child poverty, persons at risk of poverty and exclusion and persons with disabilities • EU Strategies towards the Eradication of Trafficking in Human Beings 2012-2016 and 2021-2025 with data on trafficking • OECD data on EU trade union membership • EU Strategy for the Rights of Persons with Disabilities (2021-2030) • US Department of Labor annual reports on the worst forms of child labour for SADC • National statistics related to child labour, work of persons with disabilities, youth, migrant workers, and minorities • US Department of State annual reports on trafficking in persons in SADC EPA States • Global Slavery Index publications • United Nations Office on Drugs and Crime report: Trafficking in Persons in the SADC Region. Statistical Report 2014-2016 • Data collected by NGO Verité: Trafficking Risk in Sub-Saharan African Supply Chains • ILOSTAT data on trade union membership in SADC EPA States • ILO Decent Work Country Programmes for SADC EPA States • ITUC reports on freedom of association in SADC EPA States • ILO Committee of Experts reports on ratified ILO fundamental conventions

Annex G: Technical Issues Related to the Environmental Impact Analysis

Emission and air pollution analysis

As the Commission's CGE modelling does not cover effects on methane and nitrous oxide emissions, nor on air pollutants, we have developed a methodology to estimate the change in emissions and air pollutants induced by the EPA. We can extend this analysis to include CO₂ emissions, depending on the CGE results. Since we need to combine the CGE modelling results with our model, it is not fully possible to decompose the overall impact figure into the four drivers of the result (scale, structural, technology and product effects) using the extended environmental input-output model underlying the CGE results. However, with the CGE sectoral output results as a basis, we can approximate the scale, structural and technology/product effects with an additional extended environmental analysis for both these additional airborne emissions:

- Scale effects: an increase in the scale of production implies expanding production at a given level of unit input requirements, output mix and state of (abatement) technology. The calculation of this effect is represented by the following formula:

$$E_i^{FTA} = e_i^0 \cdot \frac{Y^{FTA}}{Y^0}$$

where e_i^0 is the baseline emission level for country i and Y is total value added

- Structural effect: Taking into account the different emission intensities across the various economic sectors, the product effect takes into account that if less emission-intensive sectors gained more from the EPA than more resource-intensive sectors, the overall environmental impact on GHG emissions and air pollution might still be positive. The calculation of this effect is represented by the following formula:

$$E_i^{FTA} = \sum_k \left(e_k^0 \cdot \frac{y_k^{FTA}/Y^{FTA}}{y_k^0/Y^0} \cdot \frac{Y^{FTA}}{Y^0} \right) - \sum_k \left(e_k^0 \cdot \frac{Y^{FTA}}{Y^0} \right)$$

where FTA refers to value of the indicators in the future situation with the FTA in place, k is a particular sector, y is value added in that sector, Y value added in the overall economy

- Technology/product effect: Due to the EPA, there could be an increase in exchange of more efficient technologies or production methods, which could change the emission intensity of production of the sector as a whole and also lead to a lower overall impact on emissions. This effect however requires an in-depth understanding at product level of which potential efficient technologies might be traded more, which requires too much data to model consistently for all sectors in the economy. Therefore, the approach will be based on a qualitative analysis on the technology effect – based on literature and interviews - to identify whether any of the sectors in the EU and the partner countries have met lower emission intensities for any of the GHG or other pollutants in focus of this analysis. In case we find that evidence, an assumption on a reduction of the emission intensity level for that sector will be made and included in the overall analysis. In addition, we propose to assess the EPA's impact on the **trade in environmental goods and services**.

Table 10: Preliminary list of environmental impacts areas, sub-areas, potential indicators and data sources

Impact area	Sub area	Indicator	Example of data sources
Climate Change	GHG emissions and LULUCF	GHG emission level (and intensity) - Mt of CO _{2eq} (by sector) (negative) GHG emissions	UNFCCC, national reports and stats., NDC UNFCCC, national reports and stats.
	Adaptation capacity	Increased climate resilience of key economic sectors Risk and vulnerability indicators (for key sectors and risk categories)	UNFCCC, national reports and stats. National Adaptation Plan
	Primary particulates	PM emission levels (Levels of PM _{2.5} and PM ₁₀)	WHO, WB, UNEP, Edgar, national stats., WB databank on PM emissions, UNEP
Air quality	Acidifying gases	Emission levels (Levels of SO _x , NO _x and NH ₃ emissions)	WHO, WB, UNEP, Edgar, Knoema, national stats.
	Ozone precursors	Emission levels (Levels of CO, CH ₄ , NMVOCs, NO _x emissions)	WHO, WB, UNEP, Edgar, Knoema, national stats.
	Forestry	Deforestation rate % forestland % of illegal sold wood % protected forestland	WB / WDI / FAO UNEP-WCMC/ IUCN WB / WDI / FAO Interviews/scientific literature UN biodiversity map/WDPA/national stats.
Natural resources		Trade & production of forest # Of trade in timber under CITES Production of biofuels: Sugar cane, ethanol	FAO database National CITES Reports FAO database
	Mining	Production of mining (raw minerals) Mining export (minerals and metal export)	World mining database World bank database
	Fisheries	Fish (commercial) stock	International Council for the Exploration of the Sea/Technical & Economic Committee for Fisheries/ http://www.seaaroundus.org http://www.mpatlas.org
		# of protected marine area	European Soil Data centre (ESDAC)/ FAO
	Soil quality	Soil erosion	ESDAC / International Committee on Contaminated Land reports
		Soil contamination	FAO database
		Consumption of fertilizers	AMAP reports / UNEP reports
		Mercury emissions	GBFI/ WB /IUCN Red List
		# of (threatened) species	National reports
		Land use change	FAO database/national stats.
Biodiversity & wildlife		% of sq. km of protected areas	National stats.
		Cropping patterns/livestock patterns	FAO database
		Rate of deforestation/land use change	WDI/ UNEP-WCMC/ IUCN
		Use of pesticides & fertilizers	UNEP / FAO database
		FDI flows to agriculture, mining, forestry	FAO database
		(Illegal) Trade of wildlife (frogs, sharks orchids)	CITES annual illegal trade reports (since 2016) CITES database
			UNEP/SDG monitoring
			National reports/OECD reports
			National & OECD reports
			WDI (for social related issues)
Water	Water quality	Fresh water quality Water quality – pesticide pollution Water quality – Nitrate pollution # of industries that comply with mining discharges	Water.org/UNOPS reports/national stats. FAO database/ UNEP database Scientific literature/national reports National reports
	Water use	Water scarcity - Water Exploitation Index	FAO database/National reports
		Inland waterbodies/water body extent	National stats./ waste.ccacoalition.org
Waste and chemicals	Management of waste and hazardous materials	% of waste that end in landfills Generation of waste by waste category, hazardousness and NACE Rev. 2 activity Consumption of chemicals by hazardousness	SDG monitoring database UN COMTRADE database
		National recycling rate	
		Municipal Waste collected, total	
		Imported fertilizers (nitrate, phosphorus and urea)	

Annex H: List of Documents to be Consulted

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Annex I: Consultation Plan

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