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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX 22**

to the Commission Implementing Decision on the financing of the multiannual action plan in favour of Sub-Saharan Africa for 2023-2025

**Action Document for Competition and Consumer Product Safety in Sub-Saharan Africa**

**MULTIANNUAL PLAN**

This document constitutes the multiannual work programme within the meaning of Article 110(2) of the Financial Regulation, and an action plan within the meaning of Article 23(2) of the NDICI-Global Europe Regulation.

# 1 SYNOPSIS

## 1.1 Action Summary Table

<b>1. Title CRIS/OPSYS business reference Basic Act</b>	Competition and Consumer Product Safety in Sub-Saharan Africa OPSYS number: ACT-62008 Financed under the Neighbourhood, Development and International Cooperation Instrument ( <u>NDICI-Global Europe</u> )
<b>2. Team Europe Initiative</b>	Yes Team Europe Initiative in support to African economic integration towards African Continental Free Trade Agreement (AfCFTA) to which Germany, France, Sweden, Denmark, the Netherlands, Spain, Finland, Ireland, Portugal are contributing.
<b>3. Zone benefiting from the action</b>	The action shall be carried out in Sub-Saharan Africa.
<b>4. Programming document</b>	Multi-Annual Indicative Programme for Sub-Saharan Africa 2021-2027
<b>5. Link with relevant MIP objectives / expected results</b>	<u>Priority Area 5</u> : Sustainable Growth and Decent Jobs <u>Specific Objective 1</u> : Increase sustainable intra-African trade and mobility, making them safer, cheaper, faster and greener; and strengthening Africa-EU trade. <u>Result 1.5</u> : Non-tariff barriers are reduced. <u>Result 1.7</u> : Accompanying trade related policies are harmonised in order to strengthen the continent's business environment and foster investment. <u>Specific Objective 3</u> : An investment climate in Sub-Saharan Africa conducive to private sector development and investments, and improved business capacities and access to finance for MSMEs. <u>Result 3.1</u> : Improved investment climate, regional market intelligence and identification of barriers to investments.
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	<u>Sub-Saharan Africa Regional MIP</u> : Priority Area 5: Sustainable Growth and Decent Jobs

	(Economic Integration and Trade)			
	<u>DAC Sector:</u> 331 - Trade policy and regulations			
<b>7. Sustainable Development Goals (SDGs)</b>	Main SDG: SDG 8 – Decent work and economic growth Other significant SDGs: SDG 1 – No Poverty, SDG 3 – Good health and well-being, SDG 5 – Gender Equality, SDG 9 – Industry, Innovation and Infrastructure, SDG 10 – Reduced Inequalities, SDG 12 - Sustainable Consumption and Production, SDG 17 – Partnerships for the Goals			
<b>8 a) DAC code(s)</b>	33110 - Trade policy and administrative management - 15% 33120 - Trade facilitation - 25% 33130 - Regional trade agreements (RTAs) - 25% 25040 - Responsible business conduct - 25% 33181 - Trade education/training - 10%			
<b>8 b) Main Delivery Channel</b>	40000 - Multilateral Organisations 10000 – Public Sector institutions 60000 - Private sector institution			
<b>9. Targets</b>	<input type="checkbox"/> Migration <input type="checkbox"/> Climate <input type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input checked="" type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
<b>10. Markers (from DAC form)</b>	<b>General policy objective @</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
	Aid to environment @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women's and girl's empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with Disabilities @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>

	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. Internal markers and Tags:</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Digitalisation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	digital connectivity digital governance digital entrepreneurship digital skills/literacy digital services	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Connectivity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	digital connectivity energy transport health education and research	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
	Migration @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Reduction of Inequalities @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>BUDGET INFORMATION</b>			
<b>12. Amounts concerned</b>	<p>Budget lines (article, item)<sup>1</sup>:</p> <p>14.020120 : EUR 6 400 000 (West Africa)</p> <p>14.020121 : EUR 2 400 000 (East and Central Africa)</p> <p>14.020122 : EUR 11 200 000 (Southern Africa and Indian Ocean)</p> <p>Total estimated cost: EUR 20 000 000</p> <p>Total amount of EU budget contribution EUR 20 000 000</p> <p>This action is contributing to the Team Europe Initiative (TEI) in support to the African economic integration towards the African Continental Free Trade Area (AfCFTA) to which Germany, France, Sweden, Spain, Denmark, Finland, Ireland, the Netherlands, Portugal and Belgium are also contributing.</p>			

<sup>1</sup> Calculated as follows: The Continental component (€4 000 0000) was split along the 3 budget lines as such: 35% on West Africa line (€1 400 000), 35% on East and Central Africa line (€ 1 400 000), 30% on Southern and Indian Ocean line (€ 1 200 000). The COMESA component (€ 10 000 000) was allocated to the Southern and Indian Ocean line.

MANAGEMENT AND IMPLEMENTATION	
<b>13. Type of financing</b>	<p><b>Direct management</b> through:</p> <ul style="list-style-type: none"> <li>- Procurement</li> </ul> <p><b>Indirect management</b> with the entity(ies) to be selected in accordance with the criteria set out in section 4.4.2</p>

## 1.2 Summary of the Action

The European Union, as first trade partner, cooperation for trade provider and partner for sustainable and green investment is the strategic partner to support Sub-Saharan Africa's (SSA) economic integration and business environment.

More specifically, both the EU and SSA have a common interest in partnering on Competition and Consumer Product Safety to contribute to creating a level-playing field, and to easing market access for African and EU businesses selling products both in Africa and in the EU, and also to benefit their consumers.

This Action intends to strengthen Sub-Saharan Africa Competition regime and Consumer Welfare. It aims to increase intra-African and EU-Africa trade by improving SSA's business environment to attract investment, to benefit African and EU consumers and businesses, and to create decent jobs.

The core support of this Action will focus on competition, consumer welfare, and consumer product safety regulatory and policy frameworks, their enforcement and their understanding and compliance by stakeholders.

In order to promote continental and regional economic integration, and maximise trade-driven growth, the Action will have a geographic focus on regions with the most mature competition authorities, i.e. the ones that have enforcement structures in place (with an adopted competition law and an operational authority in place).

It will therefore have three regional components linked to three Regional Competition Authorities (RCAs) and their Regional Economic Community (REC) mandated in Regional Economic Integration and Trade: West African Economic and Monetary Union (WAEMU); East African Community (EAC); Common Market for Eastern and Southern Africa (COMESA). In the particular case of West Africa, activities will be foreseen to support the convergence between the WAEMU competition authority and ECOWAS' competition authority (ERCA) linked to their Memorandum of Understanding. In Southern and Eastern Africa, potential activities could be foreseen in support of the MoU being negotiated at the time of writing between COMESA's Competition Commission (CCC) and EAC's Competition Authority (EACCA).

In addition, in order to cover other requests for short term support by other regions and their authorities and countries and also to provide support to Competition at the continental level, the Action will have a continental component. This may be partly anchored at the African Continental Free Trade Area (AfCFTA) Secretariat, mandated in Continental Economic Integration and Trade.

The **Overall Objective** (Impact) of this Action is to foster the business environment, competitiveness and economic growth of Sub-Saharan Africa economies

The **Specific Objectives** (Outcome) of this action are to:

1. Strengthen the regulatory and policy frameworks of African Competition Authorities
2. Strengthen African Competition Authorities and Courts' enforcement capacities
3. Foster Public and Private sector compliance with Competition law, consumer welfare, and Consumer product Safety rules

The **Outputs** to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

*Contributing to Specific Objective 1:*

Output 1.1 Competition, regulations and policies are further developed based on international best practices and standards, coordinated and/or harmonised at national, regional, and continental level

Output 1.2 Consumer welfare, including, Consumer Product Safety regulations and policies are further developed based on international best practices and standards, coordinated and/or harmonised at national, regional level

*Contributing to Specific Objective 2:*

Output 2.1 Competition-related investigatory capacities are increased

Output 2.2 Competition-related Judicial capacities are increased

Output 2.3 Effective market surveillance mechanisms are in place for Consumer Product Safety

*Contributing to Specific Objective 3:*

Output 3.1 Public and Private bodies have an increased understanding and dialogue on Competition law and enforcement, on Consumer welfare, and on Consumer Product Safety rules and enforcement mechanisms

## 2 RATIONALE

### 2.1 Context

Competition and Consumer welfare and product safety are complementary to trade policy. Highly concentrated markets have several negative repercussions: first, consumers pay higher prices for goods and services. Second, dominant companies often have the means to restrict market entry to newcomers, thus undermining investment and innovation.

Consumer welfare and product safety policies are needed to improve the health and safety of consumers but also business opportunities, as they are a means to improve consumer and business trust in well-functioning markets. Robust product safety frameworks also contribute to a more even level-playing field for diligent companies complying with product safety rules.

Competition and Consumer Safety law, policies and rules play thus a vital role to address these shortcomings, and ultimately contribute to an increase in trade driven by consumption and business activities.

This Action builds on the momentum for African integration especially in regards to the Protocol on Competition under the African Continental Free Trade Agreement (AfCFTA) and the African Union action plan ‘Boosting Intra-African trade (BIAT)’. The African Continental Free Trade Area (AfCFTA) agreement is one of the African Union flagship projects under the ten-year implementation plan of its Agenda 2063 whose main objective is to ‘create a single market for goods and services with free movement of people and investments’, thus expanding intra-African trade across the continent, enhancing competitiveness, and supporting economic transformation in Africa. In addition, the AfCFTA agreement includes individual countries’ commitment to tackle non-tariff barriers to trade in goods. The Competition Protocol has among other ambitions to reach an integrated and unified African continental competition regime, and to develop and strengthen the capacity of African States to deal with anti-competitive business practices. The AfCFTA Agreement also includes a specific protocol on Technical Barriers to Trade that countries are expected to comply with, as part of ensuring that traded goods are of acceptable quality and pose no threats to the health and safety of consumers and the environment.

Trade and regional integration constitute an important component of the Africa-EU partnership. The 6<sup>th</sup> Africa-EU Summit in February 2022 reiterated the commitment of the two partners to support the continental economic integration process, in particular the African Continental Free Trade Area (AfCFTA).

The European Union, as first trade partner for African products, primary Aid for Trade provider and key partner for sustainable and green investment in Africa is the strategic partner to support the African economic integration agenda. It stands ready to share good practices in competition policy as the only long-standing regional enforcer of competition law and given its experience in policy coordination amongst EU national competition authorities. It stands ready to do the same in Consumer Product Safety due to its well-established and fully functional consumer product safety regime, and its expertise in supporting the implementation of consumer product safety frameworks.

The EU and Africa have an interest in partnering for further alignment with Competition and Consumer welfare and Consumer Product safety policies to contribute to creating a level-playing field for African and EU based businesses selling products both in Africa and in the EU. Partnering will also result in increased and easier market access for EU and African businesses especially in countries where bilateral trade agreements with the EU (EPAs) are signed, and health and safety benefits for their consumers in line with EU/international standards.

This Action will contribute to the objectives of the EU Trade Policy Review of increased cooperation with African countries in economic integration and the use of common standards. It will also contribute to the 2020 New EU Consumer Agenda which has international cooperation with Africa on consumer product safety as one its key priorities. As well as to the new 2022 EU Standardisation Strategy which caters for fostering coordination with partners on common standards for goods and services and envisages support for standardisation projects in African countries. It may also have the potential to contribute to EU Green Deal latest developments (i.e. the Circular Economy Action Plan, the Sustainable Products Initiative, the EU Due Diligence Act, the Carbon Border Adjustment Mechanism).

It is part of the deployment of the Global Gateway Africa – Europe Investment Package under the 2020 Joint Communication to the European Parliament and the Council Towards a comprehensive Strategy with Africa that aims among others, to strengthening economic integration at regional and continental levels so as to achieve sustainable and inclusive growth and decent job creation, as well as, promoting transformative and competitive economies.

Finally, the Action will also contribute to the implementation of the Gender Action Plan (GAP) III for the EU's external action, specifically to strengthening economic and social rights and the empowerment of girls and women and to advancing equal participation and leadership.

## 2.2 Problem Analysis

Effective competition enforcement is an important pre-condition to reap the benefits of increasing liberalisation on the African continent for businesses and consumers welfare.

Over the last two decades, an increasing number of African countries and RECs have adopted or modernised their competition laws. Some RECs have also adopted subsidy provisions. And amongst the jurisdictions with a competition law, a significant number has also set up a dedicated competition authority to enforce existing provisions.

Whilst these developments form important steps to foster a 'competition culture' on the continent, various markets in Africa still suffer from a low level of overall competition (70% of African countries rank in the bottom half of countries globally on intensity and existence of market-based competition. And in more than 40% of African countries, a single operator holds over half the market share in certain sectors)<sup>2</sup>.

In addition, enforcing existing competition law on the ground comes with many obstacles:

- African competition authorities oftentimes lack appropriate resources and further expertise both at political and technical level. At regional and national level, resource constraints may also prevent competition authorities from identifying relevant competition problems in the market and, even after the identification of such issues, to open cases. In the area of cartel and antitrust enforcement, high-quality intelligence (e.g., through leniency programmes) and data (including relevant analytical tools) are necessary to open cases against cartelists and dominant companies alike in a given market. Regarding merger control, it might be comparatively easier to set up a basic ex ante notification system. However, the challenges posed by the legal and economic analysis are similar to those experienced in cases on monopolistic behaviour. Lastly, the challenges in State aid enforcement at the regional level are undoubtedly even bigger.
- In the same vein, courts need support to get an even deeper understanding of competition law – once authorities are able to bring more cases, the functioning of appellate courts is essential to guarantee the fairness and procedural accuracy of competition law enforcement.
- Moreover, beyond capacity building amongst enforcement agencies and courts, competition advocacy is relevant amongst line ministries (especially regarding cartels) and other regulators as well as companies that need to acquaint themselves with the functioning of competition law.

Consumer Product Safety is also an important pre-requisite for business environment and consumer welfare.

Data shows that even with a mature product safety framework in place, the harm associated with unsafe consumer products can be immense. The European Commission estimates that the burden posed by dangerous consumer products in the European Union (preventable detriment from injuries/death caused by unsafe products) amounts to 11.5 billion Euros per year<sup>3</sup>. Although comparable data does not exist for African countries, it is clear that improved health and safety of African consumers will have a direct economic payoff.

<sup>2</sup> Source: World Bank, <https://www.worldbank.org/en/news/feature/2016/07/27/africa-competition>

<sup>3</sup> Source: European Commission, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52021SC0169&rid=2>

In Sub-Saharan Africa, both the EAC and the COMESA regions have regional bodies with a mandate in consumer welfare, the EAC Competition Authority, and the COMESA Competition Commission, which aim to respond to the following challenges:

- Member States are at different stages of establishing consumer welfare and product safety frameworks, with some having well-established consumer welfare and product safety laws and policies, while others have yet to enact them. And different levels of regulatory stringency and implementation may itself discourage trade and investment due to uncertainty.
- Low technical capacities to enforce consumer product safety because of low capacities of government officials and limited infrastructure.
- Weak or inexistent market surveillance regimes in most of the Member States.
- Limited awareness of consumer product safety among businesses and consumers.

**Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:**

The main stakeholders of the Action will be:

- The AfCFTA Secretariat, the WAEMU Directorate for Competition, the EAC Competition Authority (EACA), the COMESA Competition Commission (CCC) will play a key role to help structure the overall activities, coordinate, and link with Regional and National Competition Authorities and relevant Appellate and Higher Courts. In addition, the WAEMU directorate will coordinate with the ECOWAS Competition Authority (ERCA) to ensure activities support their convergence MoU. Also, relevant RCAs will play a key role in linking activities with the Institutional and technical bodies at regional and national levels linked to Consumer welfare and Product Safety: Standards/quality/metrology/certification, Government bodies, Consumer product safety and Government agencies.
- Relevant judicial authorities will be engaged and benefit from the action, as part of capacity building and public sector awareness and compliance fostering efforts.
- The African Union Commission (AUC) Department of Economic Development, Trade, Industry and Mining (ETIM); and the Regional Economic Communities (WAEMU, ECOWAS, EAC, COMESA) who are the mandated institutions for economic integration and trade matters. And national authorities namely the Partner States' Ministries and Agencies covering trade, industry, consumer protection and other relevant Sectoral Ministries are essential stakeholders. Continental, regional and national authorities will be engaged and benefit from the action, as part of private and public sector awareness and compliance fostering efforts.
- Regional and national business associations such as *i.a.* the «Fédération des Organisations Patronales d'Afrique de l'Ouest» (FOPAO), the East-Africa Business Council, the COMESA Business Council, sectoral business organisations, consumer associations, trade promotion associations, SMEs where relevant, as part of private sector awareness and compliance fostering efforts.
- Relevant Thematic Fora such as the Africa Competition Forum, International Forum on Consumer Protection for *i.a.* advocacy efforts.
- Relevant international organisations and European partners.
- Relevant Civil Society Organisations (CSOs), in particular those covering the interests of women and young entrepreneurs.

### 3 DESCRIPTION OF THE ACTION

#### 3.1 Objectives and Expected Outputs

The **Overall Objective** (Impact) of this Action is to foster the business environment, competitiveness and economic growth of Sub-Saharan Africa economies

The **Specific Objectives** (Outcome) of this action are to:

1. Strengthen the regulatory and policy frameworks of African Competition Authorities
2. Strengthen African Competition Authorities and Courts enforcement capacities
3. Foster Public and Private sector compliance with Competition law, consumer welfare, and also with Consumer product Safety rules

The **Outputs** to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

*Contributing to Specific Objective 1:*

Output 1.1 Competition regulations and policies are further developed based on international best practices and standards, coordinated and/or harmonised at national, regional, and continental level

Output 1.2 Consumer welfare, including, Consumer Product Safety regulations and policies are further developed based on international best practices and standards, coordinated and/or harmonised at national, regional level

*Contributing to Specific Objective 2:*

Output 2.1 Competition-related Investigatory capacities are increased

Output 2.2 Competition-related Judicial capacities are increased

Output 2.3 Effective market surveillance mechanisms are in place for Consumer Product Safety

*Contributing to Specific Objective 3:*

Output 3.1 Public and Private bodies have an increased understanding and dialogue on Competition law and enforcement, on Consumer welfare, and also on Consumer Product Safety rules and enforcement mechanisms

## 3.2 Indicative Activities

**Activities related to Output 1.1: Competition regulations and policies are further developed based on international best practices and standards, coordinated and/or harmonised at national, regional, and continental level**

- Research, analysis, political negotiations on competition regulatory and policy framework
- Diagnostics/Analysis of competition regulatory and policy framework including the analysis of regulations, and definition of Action Plans with priority reforms
- Draft regulations (regional) guidelines, manual and procedures
- Trainings/workshops on streamlining legislation/guidelines
- Draft, amend and update harmonised regulations (regional/national)
- Develop activities to coordinate, share experiences and best practices between and among Competition Authorities, RECs, and at continental level.

**Activities related to Output 1.2 Consumer welfare, including, Consumer Product Safety regulations and policies are further developed based on international best practices and standards, coordinated and/or harmonised at national, regional level**

- Research and analysis, regulatory and policy frameworks, including international best practices and gender and youth considerations
- Definition of Action Plans with priority reforms
- Trainings/workshops on streamlining legislation/guidelines
- Draft, amend and update harmonised regulations (regional/ national)
- Develop activities to share experiences and best practices among Member States in particular with regards to most affected consumers (i.e. women and young people)

**Activities related to Output 2.1 Competition-related Investigatory capacities are increased**

- Support on investigations (i.e prosecution of hard-core cartels, and implementation of leniency programmes (whistle blower schemes), subsidy control, antitrust, etc.) and other enforcement initiatives
- Trainings/workshops and Technical Assistance on Subsidy control, antitrust investigations, cartels, specific cases, market studies, mergers, and other enforcement initiatives
- Electronic Filing and Case Flow Management System to render carrying out of investigations more efficient and ensure the proper confidentiality of information

**Activities related to Output 2.2 Competition-related Judicial capacities are increased**

- Trainings/workshop on competition law and policy, due process, rights of parties and evaluation of evidence

**Activities related to Output 2.3 Effective market surveillance mechanisms are in place for Consumer Product Safety**

- Support to deploy regional product safety market surveillance mechanisms including a rapid alert system for dangerous non-food products
- Support for a dedicated web portal with consumer product safety information

**Activities related to Output 3.1 Public and Private bodies have an increased understanding and dialogue on Competition law and enforcement, on Consumer welfare, and also on Consumer Product Safety rules and enforcement mechanisms**

- Awareness and advocacy and sensitisation events to focus on Continental, Regional, National authorities as well as line ministries, judicial courts and other regulators.
- Awareness and advocacy/sensitisation events to well inform businesses, business and consumer associations, SMEs, Civil Society, in particular women and young entrepreneurs. on Competition negotiations, frameworks, enforcement, achievement and opportunities. And on consumer welfare, Consumer Product Safety frameworks, enforcement and surveillance achievements and opportunities.
- Public, Private, Policy practitioners events including academia, think tanks, competition and/or consumer product safety lawyers and economists.

The commitment of the EU's contribution to the Team Europe Initiative to which this action refers, will be complemented by other contributions from Team Europe members. It is subject to the formal confirmation of each respective member's meaningful contribution as early as possible. In the event that the TEIs and/or these contributions do not materialise, the EU action may continue outside a TEI framework.

### 3.3 Mainstreaming

**Environmental Protection & Climate Change****Outcomes of the SEA screening**

The Strategic Environmental Assessment (SEA) screening concluded that no further action was required.

**Outcomes of the EIA (Environmental Impact Assessment) screening**

The EIA (Environment Impact Assessment) screening classified the action as Category C (no need for further assessment).

**Outcome of the CRA (Climate Risk Assessment) screening**

The Climate Risk Assessment (CRA) screening concluded that this action is no or low risk (no need for further assessment).

**Gender equality and empowerment of women and girls**

As per the OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that this action promotes women's meaningful involvement and contributes to their economic empowerment.

With regards to Competition in SSA, it is important to highlight that Competition law is gender-neutral. However, the Action can contribute to reducing the barriers to success and entry into markets for women and youth owned businesses by fostering reforms and knowledge on competition functioning to include or address women and young entrepreneurs. This is particularly relevant in Services Sectors since Services firms in Africa have a higher percentage of female top managers than manufacturing firms.

On Consumer Product Safety, unsafe products affect vulnerable and disadvantaged consumers, including women, the most. Their lower level of access to information, education and redress puts them in a more disadvantaged position vis-à-vis other consumers. In addition, due to current gender roles, women are more exposed to certain product categories such as cleaning and cosmetic products, including skin lightening products. At the same time,

women drive most households' purchases in SSA, and also tend to have prime responsibility for childcare. Increasing women's awareness of product safety will thus considerably enhance the overall level of consumer safety. Also addressing gender gaps in product safety is important for women empowerment.

This action will foresee measures for targeted awareness/advocacy events and also in favour of civil society in line with the overarching goals of the NDICI-Global Europe to support inclusive, participatory, empowered, and independent civil society and democratic space in partner countries, and an inclusive and open dialogue with and between civil society. This project will aim at increasing participation of private sector organisations in regional integration processes.

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**Human Rights**

The action will integrate a rights-based approach and will contribute to ensuring that rights holders, including vulnerable groups, are taken into account. The action will encourage active participation of a wide range of stakeholders in economic groupings and industry clusters aimed at generating benefits at community level.

At all stages gender-responsive human rights-based approach principles (applying all human rights for all, meaningful and inclusive participation and access to decision-making, non-discrimination and equality, accountability and rule of law for all, and transparency and access to information supported by disaggregated data) will guide the planning and implementation of the Action.

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**Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D0. Although Competition and Consumer Product Safety can have the potential to cover specific Services and Products targeting people with disabilities, no activity is foreseen to target specifically people with disabilities. However, this consideration is taken into account since awareness/advocacy events will include relevant CSOs and regulation drafting is foreseen to encompass best international standards.

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**Reduction of inequalities**

This action can ultimately contribute to the reduction of inequalities through strengthening the business environment and consumer welfare to contribute to economic development and decent job creation.

Increasing competition within a given market ultimately eases the entry of new businesses which can give rise to reducing inequalities through more economic opportunities for other sectors of population.

In addition, enhanced Consumer Product Safety may lead to reduce inequalities as unsafe products affect vulnerable and disadvantaged consumers, including women, the most.

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**Democracy**

Development of clear regulatory frameworks will be promoted with a strong emphasis in ensuring good governance and transparency in the policy and regulatory adoption. The engagement of civil society and private sector organisation in advocacy will be promoted to ensure more inclusive and transparent governance structures that reply to the needs of private sector and consumers.

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**Conflict sensitivity, peace and resilience**

The action will not have a core focus on peace and resilience, however in line with the development- security nexus, it is important to flag the relevance of economic sustainable growth for stabilisation and sustainable development.

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**Disaster Risk Reduction**

This action will not target or impact disaster risk reduction, however it will ensure climate impact mitigation through the strengthening of harmonised regulations (regional/ national) on Competition and Consumer Product Safety complying with international standards.

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**Other considerations if relevant**

N/A

### 3.4 Risks and Lessons Learnt

Category	Risks	Likelihood (High/ Medium/ Low)	Impact (High/ Medium/ Low)	Mitigating measures
People and organisations	Limited capacity/conditions to participate in and/or integrate the result of capacity building activities.	<b>M</b>	<b>M</b>	The Action focuses on most mature Competition Authorities in order to reduce the risk of not achieving results.
People and organisations	Existing overlapping Jurisdiction of Regional Competition Authorities can create duplication of activities.	<b>H</b>	<b>H</b>	<p>The Action will cater for activities on coordination at inter-regional level with the participation of the respective RECs and RCAs when relevant, to ensure coordination among overlapping regional jurisdictions. Moreover, in the case of WAEMU and ECOWAS activities will support their common convergence MoU. And in the case of COMESA and EAC, activities could potentially be foreseen in support of their MoU being negotiated at the time of writing.</p> <p>The national work plans that may be developed under the action will be shared and discussed with the relevant Competition Authorities to ensure coherence across components.</p>
People and organisations	Public authorities might be reluctant to strengthen competition policy in order to protect the interests of dominant domestic companies.	<b>H</b>	<b>H</b>	The Action will mobilise public stakeholders sector regulators, line ministries, etc.) to showcase the benefits of competition law.
External environment	There might be reluctance of some economic operators and respective to move on Competition regulation particularly for fears of crowding out and outcompeting domestic providers.	<b>H</b>	<b>H</b>	The Action will mobilise private stakeholders as well as trade associations and consumer organisations targeting specific to showcase the benefits of competition law.
External environment	Lack of interest from businesses and consumer groups to implement consumer product safety initiatives	<b>M</b>	<b>M</b>	The Action will target specific business and consumer groups with higher consumer protection culture. And design specific compliance workshops targeted to specific sectors/markets, also including latest new developments such as the EU Green Deal (e.g., the proposal for an EU Due Diligence Act, the

## Lessons Learnt:

Developing Competition and Consumer Product Safety rules as the sole focus of an action is a relatively new endeavour, as past EU interventions have focused mainly on Regional Integration through which support was channelled for Competition policy, and for Food Products Safety. This Action will seek to streamline the support for Competition as well as including Consumer Product Safety support.

Key lessons learned from ongoing and past EU regional programmes in this thematic priority, include:

- Within the framework of the past EDF10 « *Programme d'Appui à l'Intégration économique régionale et au commerce (IERC)* », the EU supported Competition activities for the WAEMU (November 2016 to October 2018) focused on increasing WAEMU's competition authority capacities for the identification and resolution of anti-competitive practices.  
Support focused on regional competition law awareness raising activities, and technical assistance to conduct two studies: one to support defining regional competition policies, and one to analyse the state of play of competition enforcement during the period 2000-2017. Moreover, further capacity-building activities were conducted benefitting both WAEMU's competition authority and the national authorities of 8 of its Member States. These activities focused in providing trainings through workshops/seminars to national experts, judges and regulatory stakeholders (both with a general and sectorial focus) on investigation techniques, proof rendering and indemnities.
- Within the framework of the past EDF10 the 'Regional Integration Support Mechanism (RISM)' programme, supported the COMESA Competition Commission and COMESA countries were supported on COMESA Competition Regulations and also national competition regimes. During the programme, a total of 7 countries were able to align their national competition laws to the regional regime. Specific activities included capacity building support for government officials and judges in Zambia on competition law. In Uganda, sensitisation meetings were held for parliamentarians as well as drafting meetings for the competition bill. Similar support was provided in Sudan where public awareness meetings on competition were undertaken.

## 3.5 The Intervention Logic

The underlying intervention logic for this action is that the Action will be mindful of the fact that competition and consumer protection laws rely on different competences and regulatory frameworks within the EU and Africa.

It will have a geographic focus on regions with the most mature competition authorities, i.e. the ones that have enforcement structures in place (with an adopted competition law and an operational authority in place) to maximise their trade-driven growth. Namely: WAEMU; COMESA; EAC.

It will support activities of inter-RCA and inter-REC nature across SSA, particularly in West Africa, between WAEMU's RCA and ECOWAS' ERCA aiming at ensuring the implementation of their convergence MoU. And potentially in Southern and Eastern Africa between EAC's EACCA and COMESA's CCC negotiating a MoU at the time of writing.

It will also support consumer welfare activities, and particularly in the case of the COMESA Competition Commission for consumer product safety.

In addition, in order to cover on demand requests for short term support by other regions, RCAs, and countries and also to provide support to the AfCFTA Secretariat and the AUC, the Action foresees to top up the current TEI Technical Assistance Facility (TAF) to the AfCFTA, facilitating the mobilisation of experts from the EU National Competition Authorities. This would allow the Action both to cover the needs arising from the AfCFTA Competition Protocol negotiations and implementation, as well as to carry some activities in less mature regions and countries.

The Action will also build upon past EU actions (UEMOA's IERC, COMESA's RISM and the Africa-EU Competition Cooperation Project.

The **Overall Objective** (Impact) of this Action is to foster the business environment, competitiveness and economic growth of Sub-Saharan Africa economies. This will contribute to increase SSA's trade, investment opportunities, and decent job creation and will be done by strengthening its business environment and consumer welfare through increased Competition, consumer protection, and also through increased Consumer Product Safety. In order to do this the Action will first strengthen the regulatory and policy frameworks on these matters (**SO1**) by analysing and

identifying the gaps and needs for priority reforms. Once done, the Action will support the development of needed regulations and policies and their coordination and/or harmonisation (**Outputs 1.1, 1.2**).

Building on the existing frameworks, the Action will strengthen African Competition Authorities and Courts enforcement capacities (**SO2**) at the authorities level to support investigations or specific cases, market studies, mergers with economic and legal technical assistance, and to support their capacities on *i.a* antitrust and subsidy control (**Output 2.1**). At the same time, the Action will do the same at the judicial level with capacity building activities on competition law and policy, due process, rights of parties and evaluation of evidence (**Output 2.2**).

In addition, enforcement capacities in Consumer Product Safety will be also supported through the deployment of a market surveillance mechanism to detect and remove unsafe products (**Output 2.3**).

Finally, the Action will focus on the public and private actors that are subject to a competition, consumer welfare and Consumer Product Safety regime with a strong focus on the private sector (**SO3**). Compliance with requirements and understanding of the competition and consumer regulatory frameworks and prosecution activities is key for well functioning and safe markets (**Outputs 3.1**). At the same time, public and private bodies need to be aware of developments and of the opportunities both matters can give rise to so they can both exploit them (**Output 3.1**). The different stakeholders of these events will be targeted according to their relevance in a given market, with a particular focus on highly concentrated sectors, and sectors and vulnerable consumers or subject to a higher risk of unsafe consumer products (i.e women and young people) based on RCAs/RECs/AfCFTA/AU available data. For these, coordination with the respective RECs, the AfCFTA Secretariat and the AUC will be ensured.

Under each sub-regional component, activities will be implemented both at regional and at country level. Each sub-region throughout the inception phase together with the implementing partners may develop national work-plans for the member states with indicative ‘soft-earmarking’ of funds to develop country-specific interventions complementary to the continental and regional wide activities and with EU bilateral programmes. These country-level activities will also include, when relevant, activities to ensure the coherent implementation of provisions in line with the Economic Partnership Agreements (EPAs) with the EU. For countries where there is an overlap of jurisdiction, the program implementers of the sub regional component will discuss and assess the proposal under other regional components, to ensure the mitigation of overlaps, and stronger coordination will be needed.

### 3.6 Logical Framework Matrix

This indicative logframe constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest. New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

PROJECT MODALITY (3 levels of results / indicators / Source of Data / Assumptions – no activities)

Results	Results chain (a): Main expected results (maximum 10)	Indicators (a): (at least one indicator per expected result)	Baselines (values and years)	Targets (values and years)	Sources of data	Assumptions
<b>Impact</b>	To foster the business environment, competitiveness and economic growth of Sub-Saharan Africa economies	1. Volume of trade in SSA 2. Business Enabling Environment	1. Exports US\$ 205,741 million, Imports US\$ 249,728 million 2. 51.8 for SSA (Doing Business 2020)	1. Exports US\$ 216,028 million, Imports US\$ 262,214 million (+5% increase) by 2028 2. Tbd in inception	1. World Bank World Integrated Trade Solution, UN/AfCFTA Secretariat COMTRADE 2. World Bank	Not applicable
<b>Outcome 1 (Specific objective)</b>	1.Strengthen the regulatory and policy frameworks of African Competition Authorities	1.1. GERF 2.15 Number of processes related to partner country practices on trade, investment and business, or promoting the external dimension of EU internal policies or EU interest, which have been influenced	1.1: zero in 2023	1.1: 20 by 2028 (five per each regional component)	1.1. Progress reports for the Action done by PMU	N.A.
<b>Output 1 relating to Outcome 1</b>	1.1. Competition regulations and policies are further developed based on international best practices and standards, coordinated and/or	1.1.1. Number of draft regulations and policies developed and/or amended with support of the action by region	1.1.1: zero in 2023 1.1.2: zero in 2023 1.1.3: zero in 2023 1.1.4: zero in 2023	1.1.1: one in each RCA 1.1.2: one in each country of the region	1.1.1: Draft regulations and policies, and the minutes of their final discussion with the	Conducive policies at regional level with sufficient

	harmonised at national, regional, and continental level	<p>1.1.2. Number of draft coordinated and/or harmonised regulations with support of the action by region</p> <p>1.1.3. Number of draft Action Plans defined with priority reforms on competition with support of the action, by region and country</p> <p>1.1.4. Number of professionals knowledgeable of the best policy regulatory practices as a result of exchanges organised by the action (**GERF 2.14)</p> <p>1.1.5. Number of activities to share experiences and best practices among RCAs, RECs and at continental level created with support of the action</p>	1.1.5: zero in 2023	<p>1.1.3: one per country of the region</p> <p>1.1.4: Tbd in inception phase</p> <p>1.1.5: 3 meetings</p>	<p>relevant stakeholders; Annual reports done by PMU</p> <p>1.1.2: Draft regulations and their joint assessment or discussion minutes with the stakeholders; Annual reports done by PMU</p> <p>1.1.3: Draft Action Plans and minutes of their discussion with relevant stakeholders; Annual reports done by PMU</p> <p>1.1.4: Pre- and post-event assessments; sign-in lists; Annual reports done by PMU</p> <p>1.1.5: Annual reports done by PMU</p>	budgets to pursue further strengthening of competition reforms
<b>Output 2</b>  <b>relating to Outcome 1</b>	1.2 Consumer welfare, including, Consumer Product Safety regulations and policies are further developed based on international best practices and standards, coordinated and/or harmonised at national, regional level	<p>1.2.1. Number of draft regulations and policies developed and/or amended with support of the action by region</p> <p>1.2.2. Number of draft coordinated and/or harmonised regulations with support of the action by region</p> <p>1.2.3. Number of draft Action Plans defined with priority reforms on consumer product safety with support of the action, by region and country</p> <p>1.2.4. Number of activities to share experiences and best practices among RCAs, RECs and at</p>	<p>1.2.1: zero in 2023</p> <p>1.2.2: zero in 2023</p> <p>1.2.3: zero in 2023</p> <p>1.2.4.: zero in 2023</p>	<p>1.2.1: one in each RCA</p> <p>1.2.2: one in each country of the region</p> <p>1.2.3: one per country of the region</p> <p>1.2.4: 3 meetings</p>	<p>1.2.1: Draft regulations and policies, and the minutes of their final discussion with the relevant stakeholders; Annual reports done by PMU</p> <p>1.2.2: Draft regulations and their joint assessment or discussion minutes with the stakeholders; Annual reports done by PMU</p> <p>1.2.3: Draft Action Plans and minutes of their discussion with relevant stakeholders;</p>	Conducive policies at regional level with sufficient budgets to pursue further strengthening of consumer welfare reforms

		continental level created with support of the action			Annual reports done by PMU  1.2.4: Annual reports done by PMU	
<b>Outcome 2 (Specific objective)</b>	2. Strengthen African Competition Authorities and Courts enforcement capacities	2.1. Number of cases pursued by the RCAs by region  2.2. Number of investigations pursued on the safety of Consumer Products by the CCC  2.3 Number of competition cases taken by Courts by region	2.1: 90 in 2022  2.2: 1 in 2021  2.3: tbd	2.1: 120 by 2028 (+30%)  2.2: 2 by 2028 (+100%)  2.3 tbd	2.1: RCAs Annual, Statistical reports, Annual reports done by PMU  2.2: RCAs, Annual, Statistical reports, Annual reports done by PMU  2.3 Courts reports, RCAs, Annual, Statistical reports, Annual reports done by PMU	Competition distortion cases will arise. Surveillance mechanism properly deployed. The knowledge and practices are incorporated onto the relevant institutions internal training and methodological systems.
<b>Output 1 relating to Outcome 2</b>	2.1 Competition-related investigatory capacities are increased	2.1.1. Number of market investigations undertaken with the support of the action, by region 2.1.2. Number of Market Sectors analysed with the support of the action, by region  2.1.3. Number of officials capable of market analysis, identification and investigation of uncompetitive behaviours thanks to the trainings provided by the Action, disaggregated by sex, region, country and institution (**GERF 2.14)  2.1.4. Number of trainings provided to officials with the support of this action by region Action	2.1.1: zero  2.1.2: zero  2.1.3. zero  2.1.4. zero	2.1.1: Tbd in inception  2.1.2: Tbd in inception  2.1.3. Tbd in inception  2.1.4. Tbd in inception	2.1.1: RCAs, Annual, Statistical reports, Annual reports done by PMU  2.1.2: RCAs, Annual, Statistical reports, Reports on market sectors by RCAs, Annual reports done by PMU  2.1.3. Pre- and post-training assessments; sign in lists; Progress reports for the Action done by PMU	The trained officials stay at their job. The knowledge and practices are incorporated onto the relevant institutions internal training and methodological systems.
<b>Output 2 relating to Outcome 2</b>	2.2 Competition-related Judicial capacities are increased	2.2.1. Number of judicial decisions taken with the support of this action by region	2.2.1: zero  2.2.2 zero	2.2.1: Tbd in inception  2.2.2: Tbd in inception	2.2.1: RCAs, Annual, Statistical reports; Court information	Competition distortion cases

		<p>2.2.2. Number of policies and legal acts analysed and submitted to judicial review with the support of the action by region</p> <p>2.2.3. Number of trainings provided to judges, advocates, etc with the support of action by region</p>	2.2.3. zero	2.2.3. Tbd in inception	<p>systems;Annual reports done by PMU</p> <p>2.2.2: RCAs, Annual, Statistical reports, Annual reports done by PMU</p> <p>2.2.3. Progress reports for the action done by PMU; Pre- and post-training assessments; sign in lists</p>	<p>will reach judicial level. Competition policies will be submitted to judicial input. Judiciary will devote resources and time for absorption of the new knowledge and practices and mainstreaming those in their legal-institutional systems.</p>
<b>Output 3 relating to Outcome 2</b>	2.3 Effective market surveillance mechanisms are in place for Consumer Product Safety	<p>2.3.1. Status of the regional rapid alert system for product safety</p> <p>2.3.2. Number of alerts exchanged via the regional rapid alert system.</p>	<p>2.3.1: None by 2023</p> <p>2.3.2: zero in 2023</p>	<p>2.3.1: Established, operational for X countries and Y product groups by 2028</p> <p>2.3.2: Tbd in inception</p>	<p>2.3.1: Annual reports done by PMU; the Rapid alert system</p> <p>2.3.2: Annual reports done by PMU; the Rapid alert system</p>	<p>Surveillance mechanism is deployed and functional, and is supported by the CCC for further operation and maintenance.</p>
<b>Outcome 3 (Specific objective)</b>	3. Foster Public and Private sector compliance with Competition law, consumer welfare, and Consumer product Safety rules	3.1. Number of public and private sector workshops/meetings/events organised with support of the action by region	3.1 zero in 2023	3.1 Tbd in inception	3.1 Progress reports for the action done by PMU; Reports of RCAs, AfCFTA Secretariat	Continued dialogue and sharing of experiences among continental, regional, and national stakeholders
<b>Output 1 relating to Outcome 3</b>	3.1 Public and Private bodies have an increased understanding and dialogue on Competition law and enforcement, on Consumer welfare, and also on Consumer Product Safety rules and enforcement mechanisms	3.1.1. Number of Awareness events to inform public bodies, courts about Competition law and enforcement and on Consumer welfare with support of the action	<p>3.1.1. zero in 2023</p> <p>3.1.2. zero in 2023</p> <p>3.1.3. zero in 2023</p> <p>3.1.4. zero in 2023</p> <p>3.1.5. zero in 2023</p> <p>3.1.6. zero in 2023</p>	<p>3.1.1: Two in each region for the duration of the EU action</p> <p>3.1.2: Two in the COMESA region for</p>	<p>3.1.1. Progress reports for the Action done by PMU</p> <p>3.1.2. Progress reports for the Action done by PMU</p>	The increased understanding is used for the reforms in each region and country.

		<p>3.1.2. Number of Awareness events to inform public bodies about Consumer Product Safety rules and enforcement in the region with support of the action</p> <p>3.1.3. Number of representatives of public bodies with increased understanding on competition disaggregated by region, country, institution and sex, age-youth</p> <p>3.1.4. Number of public/private/practitioners Awareness events to inform businesses, SMEs, CSOs, etc. of Competition law, enforcement, negotiations, achievements and opportunities organised with support of the action, by region and country</p> <p>3.1.5. Number of public/private/practitioners Awareness events to inform businesses, SMEs, CSOs, etc. of Consumer Product Safety rules, enforcement, achievements and opportunities organised in the region with support of the action, by region and country</p> <p>3.1.6. Number of representatives of private sector, business and consumer associations and civil society with increased understanding on consumer welfare, consumer product safety, disaggregated by region, country, institution and sex, age-youth</p> <p>3.1.7. Percentage of women and youth involved in awareness events with support of the action by region</p>		<p>the duration of the EU action</p> <p>3.1.3; Tbd in inception</p> <p>3.1.4: One event per year in each country</p> <p>3.1.5: One event per year in each country</p> <p>3.1.6: One event per year in each country</p> <p>3.1.6:50% of women and youth involved in training and awareness events</p>	<p>3.1.3. Progress reports for the Action done by PMU</p> <p>3.1.4. Progress reports for the Action done by PMU</p> <p>3.1.5. Progress reports for the Action done by PMU</p>	<p>Further exchange and dialogue is pursued by the regional and national authorities.</p>
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## 4 IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement.

### 4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### 4.3 Implementation of the Budget Support Component

N.A.

### 4.4 Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>4</sup>.

#### 4.4.1 Direct Management (Procurement)

A part of this action may be implemented in direct management via contracts, to achieve all objectives and outcomes foreseen in section 3 under the West Africa – WAEMU component, Eastern Africa – EAC component, Southern Africa – COMESA component.

#### 4.4.2 Indirect Management with an entrusted entity

A part of this action may be implemented in indirect management with entity (ies), which will be selected by the Commission's services using the following criteria: i) Past experience in managing EU actions; ii) Technical capacities and available expertise or operational capacity to mobilise a targeted technical expertise in the area targeted; iii) Experience in working with the private sector, academia, business organisations, CSOs; iv) Capacity to develop a strong EU communication and visibility programme; (v) wide geographic coverage.

The implementation by this (these) entity (ies) entails all objectives and outcomes foreseen in section 3 under the continental – AfCFTA component, via the provision of technical assistance to support the AfCFTA Secretariat, RECs and their Member States to complete the AfCFTA negotiations on competition, to implement effectively the related protocols and/or annexes, and for other ad-hoc and additional support.

#### 4.4.3 Changes from indirect to direct management mode (and vice versa) due to exceptional circumstances (one alternative second option)

Should the implementation through indirect management with an entrusted entity as described in section 4.4.2 reveal not possible due to circumstances outside of the Commission's control, the Commission will revert to direct management – procurement, contributing in achieving all objectives and outcomes foreseen in section 3 under the continental – AfCFTA component.

Similarly, should direct management – procurement as described in section 4.4.1 reveal not be possible due to circumstances outside of the Commission's control, the Commission will revert to indirect management

<sup>4</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

with entrusted entities as per 4.4.2. to be selected in accordance with the above criteria i) Past experience in managing EU actions; ii) Technical capacities and available expertise or operational capacity to mobilise a targeted technical expertise in the area targeted; iii) Experience in working with the private sector, academia, business organisations, CSOs; iv) Capacity to develop a strong EU communication and visibility programme; (v) wide geographic coverage.

#### 4.5 Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provision.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the carrying out of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

#### 4.6 Indicative Budget

<b>Indicative Budget components</b>	<b>EU contribution (amount in EUR)</b>
<b>Implementation modalities</b> – cf. section 4.4	
<b>Continental component - AfCFTA</b>	<b>4 000 000</b>
Indirect management with entrusted entity (ies) – cf section 4.4.2	4 000 000
<b>West Africa component – WAEMU</b>	<b>5 000 000</b>
Direct Management (Procurement) – cf section 4.4.1	5 000 000
<b>Eastern Africa component- EAC</b>	<b>1 000 000</b>
Direct Management (Procurement) – cf section 4.4.1	1 000 000
<b>Southern Africa component- COMESA</b>	<b>10 000 000</b>
Direct Management (Procurement) – cf section 4.4.1	10 000 000
Procurement – total envelope under section 4.4.1	16 000 000
<b>Evaluation</b> – cf. section 5.2	
<b>Audit</b> – cf. section 5.3	N.A.
<b>Contingencies</b>	N.A.
<b>Totals</b>	<b>20 000 000</b>

#### 4.7 Organisational Set-up and Responsibilities

The underlying intervention logic for this action is that there will be one framework programme with several geographic components. The objective is to put together a structured approach promoting coherence between the different components of the action.

To support the coordination and monitoring of the action, creating synergies between the implementation of the different subregional components, an Overall Monitoring Group will be organised. The co-leaders for the different components will participate. This meeting could take place back to back with the Technical Consultative Group of Economic Integration co-chaired by the European Union and the AfCFTA Secretariat which includes the AUC, RECs and relevant Business Associations representatives.

In addition to this, each regional component will have an Operational Steering Committee piloted by the corresponding RCA, its corresponding REC and the European Union, which will be tasked with overseeing and validating the overall direction and policy of the programme's component. It may include the main Regional/National courts, some national stakeholders i.e., from the ministry of Trade. The selected implementing partner as per section 4.4 above will ensure the secretariat of the Operational Steering Committee.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action and may sign or enter into joint declarations or statements, for the purpose of enhancing the visibility of the EU and its contribution to this action and ensuring effective coordination.

## 5 PERFORMANCE MEASUREMENT

### 5.1 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring: Wherever appropriate, the Regional Delegations or the implementing partner will be responsible for monitoring and reporting on indicators of the logframe matrix, including the collection of baselines and data collection in the inception phase of the action.

Indicator values will be measured at regional or on a country-by-country basis depending on the nature of the activities and encompassing sex-disaggregated data where relevant.

In addition, considering the complexity of the action that covers different implementation levels it will be critical that implementing partners are able to communicate and report on the specific activities in each country (at a country-by-country level) to have a clear overview on the impact of the action at country level. While the indicator values at the logframe matrix may remain aggregated for the sake of simplification, implementing partners will need to be able to provide the disaggregation details in their regular reporting agreed mechanisms and in line with the country plans to be developed through the reporting phase.

With regard to the nature of the Action, data collection, performance monitoring and reporting will be carried out for each geographic component individually. Specific modalities for each of them (indicators, targets and assumptions) will be defined in the respective contracts/agreements and during the inception phases, in a way that will provide inputs for the performance monitoring of the Action globally.

### 5.2 Evaluation

Having regard to the importance and nature of the action, a mid-term and a final evaluation may be carried out for this action or its components via independent consultants contracted by the Commission. It will be carried out for problem solving and learning purposes, in particular with respect to a bigger focus on RCA harmonisation of regulations.

In case a final evaluation is envisaged: it will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that all regions may not advance at the same rhythm and that a key factor of success is the involvement of the different stakeholders.

The Commission shall inform the implementing partner at least 1 month in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports may be shared with the partners and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, apply the necessary adjustments.

The evaluation will be gender and human rights sensitive, assess gender equality and human rights results and implementation of rights-based approach working principles (participation, non-discrimination, accountability and transparency).

The financing of the evaluation may be covered by another measure constituting a Financing Decision.

### 5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

## 6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

In line with the 2022 ‘[Communicating and Raising EU Visibility: Guidance for External Actions](#)’, it will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union’s support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

However, action documents for specific sector programmes are in principle no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.

## Appendix 1 REPORTING IN OPSYS

A Primary Intervention(project/programme) is a coherent set of activities and results structured in a logical framework aiming at delivering development change or progress. Identifying the level of the primary intervention will allow for:

Articulating Actions or Contracts according to an expected chain of results and therefore allowing them to ensure efficient monitoring and reporting of performance;

Differentiating these Actions or Contracts from those that do not produce direct reportable development results, defined as support entities (i.e. audits, evaluations);

Having a complete and exhaustive mapping of all results-bearing Actions and Contracts.

Primary Interventions are identified during the design of each action by the responsible service (Delegation or Headquarters operational Unit).

The level of the Primary Intervention chosen can be modified (directly in OPSYS) and the modification does not constitute an amendment of the action document.

The present Action identifies as:

<b>Action level</b>		
<input checked="" type="checkbox"/>	Single action	Present action: all contracts in the present action
<b>Group of actions level</b>		
<input type="checkbox"/>	Group of actions	Actions reference (CRIS#/OPSYS#):
<b>Contract level</b>		
<input type="checkbox"/>	Single Contract 1	
<input type="checkbox"/>	Single Contract 2	
	(...)	
<input type="checkbox"/>	Group of contracts 1	