

**TERMS OF REFERENCE
FOR**

**Technical support to develop model legislation, protocols, guidelines for health and food
safety related to fisheries and aquaculture in CARIFORUM States**

1. BACKGROUND INFORMATION	9
1.1. Beneficiary	9
1.2. Contracting Authority.....	10
1.3. Background	10
1.4. Current situation in the sector	11
1.5. Related programmes and other donor activities	14
2. OBJECTIVE, PURPOSE & EXPECTED RESULTS.....	14
2.1. Overall objective.....	14
2.2. Purpose	14
2.3. Results to be achieved by the Consulting Firm's Authorized Key Experts (KEs)	14
3. ASSUMPTIONS & RISKS	15
3.1. Assumptions underlying the project	15
3.2. Risks.....	15
4. SCOPE OF THE WORK.....	15
4.1. General.....	15
4.2. Specific work	19
4.3. Project management	21
5. LOGISTICS AND TIMING	21
5.1. Location.....	21
5.2. Start date & period of implementation.....	21
6. REQUIREMENTS.....	21
6.1. Staff.....	21
6.2. Office accommodation	24
6.3. Facilities to be provided by the Contracting Authority.....	24
6.4. Equipment.....	24
6.5. Incidental expenditure	24
6.6. Expenditure verification.....	25
7. REPORTS.....	26
7.1. Reporting requirements.....	26
7.2. Submission & approval of reports	27
8. MONITORING AND EVALUATION	27
8.1. Definition of indicators.....	27
8.2. Special requirements	28

BACKGROUND INFORMATION

Beneficiary

The direct beneficiaries for the implementation of this assignment are the CARIFORUM countries¹.

Contracting Authority

CRFM Secretariat
Princess Margaret Drive
Belize City, Belize C.A.
Tel.: +501-223-4443
Fax: +501-223-4446
Email: secretariat@crfm.int
Web site: <http://www.crfm.int>

Background

The Forum of the Caribbean Group of African, Caribbean and Pacific (ACP) States (CARIFORUM) is the body that comprises Caribbean ACP States for the purpose of promoting and coordinating policy dialogue, cooperation and regional integration, mainly within the framework of the Cotonou Agreement between the ACP and the European Union, and also the CARIFORUM-European Community Economic Partnership Agreement (EPA). The region occupies a total area of 510,713 km² and comprises 4 large island states, 8 small island states and 3 mainland states, all with a total population of 28 million (2014); 89% lives in Dominican Republic, Haiti, Jamaica, and Trinidad and Tobago. The countries are positioned around the Caribbean Sea with USA to the north, the Atlantic Ocean to the east, Central and South America to the west and south, respectively. The countries are predominantly small economies, depending mostly on agriculture and tourism, and are susceptible to natural disasters. Although there are many similarities in the grouping around culture and history, their geography may be very different and the present-day social and economic indicators such as population, per capita income, life expectancy etc., vary enormously so much so that a distinction is drawn in membership identifying less developed countries (LDCs) for special treatment. The combined GDP of the CARIFORUM region in 2013 was approximately US\$136.54 billion, with the Dominican Republic accounting for 45% of the total GDP².

The fisheries sector is important for CARIFORUM States as it provides employment, contributes to food security and export earnings. The marine capture sub-sector is characterized as largely artisanal/small-scale multi-gear fishery, where fishers utilize small boats and limited gear technology (fish traps, cast nets, and hook and line) to catch spiny lobster (Jamaica, The Bahamas), conch (Jamaica, The Bahamas, Belize, Dominica Republic), shrimp (Guyana, Suriname, Trinidad and Tobago), and finfish (all countries). The aquaculture sub-sector in the region varies from experimental and small-scale for oyster (Jamaica and Belize) and sea moss (Antigua and Barbuda, Barbados, Dominica, Saint Lucia) to large scale shrimp and tilapia production (Jamaica, Belize, Dominica Republic). Direct employment in marine fisheries and aquaculture is an estimated 121,218 persons, with suppliers of goods and services and other indirect service 354,712 persons³. Total marine fish production is an estimated 181,653 MT (2012). Fish harvested are sold mainly on the domestic market while industrial catches are

¹ CARIFORUM members includes Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago. The group also allows observer status for British and Dutch Overseas Territories and Countries (OCT) and French Overseas Departments (DOMs) in the Caribbean (<http://www.caricom.org/>).

² World Bank. www.worldbank.org

³ Masters, J. 2014. CRFM Statistics and Information Report 2012 and <http://www.codopesca.gob.do/>

processed (limited to freezing and packaging) and exported. The total earnings from marine capture fisheries and aquaculture export was over USD 191 million in 2012⁴.

Regional cooperation in managing marine fisheries and aquaculture resources in CARIFORUM countries is promoted through CARICOM/CRFM. In February 2002, CARICOM established the Caribbean Regional Fisheries Mechanism (CRFM) to promote and facilitate the responsible utilization of the Region's fisheries and other aquatic resources for the economic and social benefits of the current and future population of the region⁵. All CARIFORUM States, with the exception of the Dominican Republic are members of the CRFM. However, in October 2008, the CRFM and the Government of Dominican Republic signed a Memorandum of Understanding to facilitate cooperation to ensure the sustainable development, utilization conservation and management of the fish stocks and associated ecosystems occurring within the Caribbean Sea and adjacent areas, through, *inter alia*, the effective and efficient development and implementation of programmes, projects and activities in these areas. The CRFM has a close, on-going relationship with the Dominican Republic in fisheries.

The objectives of the CRFM are: (a) the efficient management and sustainable development of marine and other aquatic resources within the jurisdiction of Member States; (b) the promotion and establishment of cooperative arrangements among interested States for the efficient management of shared, straddling or highly migratory marine and other aquatic resources; and (c) the provision of technical advisory and consultative services to fisheries divisions of Member States in the development, management and conservation of their marine and other aquatic resources.

The recently approved Caribbean Community Common Fisheries Policy⁶ includes several provisions addressing Sanitary and Phytosanitary (SPS) issues in fisheries, including 3 of the 9 objectives (Art 4.3(b) (g) and (i)), and Article 18 on Marketing and Trade). In order to address SPS issues in marine fisheries and aquaculture, a plan is outlined in the CRFM's Strategic Plan⁷ and Biennial work plan⁸, which represents a consensus of Member States priorities, under Strategic Objective C: Sustainable Management and Use of Fisheries Resources. The overall aim of the SPS plan is to reduce post-harvest loss, improve the quality of fish and fisheries products, and improve infrastructure for marketing and trade of fish and fisheries products to meet domestic needs and international standards.

Current situation in the sector

The World Trade Organization (WTO) Agreement on the application of Sanitary and Phytosanitary measures (SPS Agreement) to protect human, animal and plant life and health, encourages countries to adopt measures on the basis of international standards, guidelines and recommendations. These standards, guidelines, etc., were developed by the relevant international organizations, such as Codex Alimentarius Commission (CODEX), the International Office of Epizootics (OIE), the International Plant Protection Convention (IPPC), and other relevant regional and international organizations. International trade in fish and seafood is governed by general international trade rules including the principles, rights, obligations and standards established by the General Agreement on Tariff and Trade and the World Trade Organization Agreements (WTO). International trade laws such as the TBT and SPS

⁴ Masters, 2014. and Produccion pesquera para el periodo 2008-2011, por grupos explotados, en MT (<http://www.codopesca.gob.do/>)

⁵ CRFM, 2002 Agreement establishing the Caribbean Regional Fisheries Mechanism

⁶ CRFM, 2011. Agreement Establishing the Caribbean Community Common Fisheries Policy (www.crfm.int). It was confirmed at the 51st Special COTED meeting (October 2014) that the CCCFP represents the approved policy of the Community and should be applied as far as possible.

⁷ CRFM, 2013. 2nd Draft CRFM Strategic Plan (2013-2021). CRFM Administrative Report. 39pp.

⁸ CRFM, 2014. CRFM Biennial Work Plan and Budget, 1 April 2014 to 31 March 2016. CRFM Administrative Report. 24 pp.

Agreements⁹ adopt SPS standards which protect public health while facilitating regional and international trade. As such, WTO Member States¹⁰ are obligated to apply international standards, guidelines, and recommendations when trading agricultural products (including fisheries and fisheries products) but not to "arbitrarily or unjustifiably discriminate between Members where identical or similar conditions prevail."¹¹ CARICOM/CARIFORUM makes similar requirements of Member States. The Revised Treaty of Chaguaramas¹² requires "*the establishment of an effective regime of sanitary and phytosanitary measures*" (Article 57, Section 1k) and the harmonization of laws and administrative practices in respect of SPS measures (Article 72, Section 2e).

Currently, the standard of fish handling practices/quality control systems varies among CARIFORUM countries, from products that are acceptable to international health and food safety standards to others that are not. Continued viability of the sector faces several challenges, some of these are related to inadequate development of SPS systems to suit the specific needs of fisheries and aquaculture operations. Of particular importance are:

- barriers in trade of fish and fisheries products due to inadequate SPS standards;
- concern about food security and decreasing usage of local, fresh seafood, the solution for which improved SPS support is an essential component;
- inadequate legislation, institutional and laboratory infrastructure that are important support structures necessary to improve SPS;
- the responsibility for the inspection of processing plants, fishing vessels, landing sites, and fish markets is distributed amongst different government ministries which needs to be consolidated into a single national agency (where required);
- impacts of global environmental changes including climate change, for which improved management and monitoring of the natural environment sustaining fisheries and aquaculture production must play a vital part.

In order to optimize returns from fish catches in the region, significant improvements are needed in post-harvest handling, processing, quality control and marketing of fish and fish products. These improvements are critical as CARIFORUM States seek to expand regional and international trade related to fisheries and aquaculture products to markets in Europe, USA, and the Latin American regions. Some of these importing countries have established stringent rules which are inhibiting the expansion of trade in fish and fish products¹³. For example, the European Union Council Directives 91/493/EEC, 91/492/EEC¹⁴ and others specify minimum health conditions for the production and the placing on the market of fishery products produced for human consumption within the EU, regardless of where these products are manufactured. The application of the 1991 EU harmonized health conditions and later amendments/additions to import from CARIFORUM countries has resulted in the loss of access to international markets for fishery products on account of a lack of capacity to respond to the requirements; which translate into loss of export earnings, decreased food security, and negative impact on rural stability.

⁹ Agreement of Technical Barrier to Trade and the Agreement on the Application of Sanitary and Phyto-sanitary Measures

¹⁰ WTO Member States include all CARIFORUM countries except The Bahamas (an Observer).

¹¹ Agreement on the Application of Sanitary and Phytosanitary measures, Article 2, section 3

¹² CARICOM, 2002. Revised Treaty of Chaguaramas Establishing the Caribbean Community including The CARICOM Single Market and Economy. 288p.

¹³ Vanthuyne, 2002. Strategy and project proposal for an integrated CARICOM/CARIFORUM Programme to enhance the regional institutional capacity to expand the trade in fishery products locally, regionally and internationally

¹⁴ www.faolex.fao.org

Many CARIFORUM countries do not have adequate legislation that takes into account fish issues related to SPS standards; hence, the need for harmonized guidelines and the associated supporting legislation for inspection and certification of all fish products on SPS standards based on international protocols¹⁵. This will provide a framework for accessing international markets such as the EU, USA, and Canadian markets for fish exports, assist trade between CARIFORUM countries, and provide a platform for countries to maintain updated legislation¹⁶. In 2003, the OECS¹⁷ developed three model instruments to harmonize SPS standards across that region; namely, (a) draft "Guidelines for OECS region on sanitary standards for marine products for human consumption", (b) draft OECS "Sanitary standards for marine products (human consumption) regulations", and (c) draft OECS "Outline of Export Act". The purpose of these guidelines and legislation were to enhance the sanitary handling capacity of marine products for human consumption while improving product quality and value¹⁸. This project will review these model legislation/guidelines along with other recent legislation enacted or bills developed in other CARIFORUM States to address SPS issues, and update/revise these as appropriate to develop model legislation and guidelines that are consistent with international principles and standards and are suitable for adoption across the CARIFORUM region. As such, the scope of these instruments to be developed will include the wider CARIFORUM region and recent regional and international best practices, rules and standards.

Within the CARIFORUM region there are a number of ministries/agencies with overlapping mandates on sanitary standards as it relates to food safety¹⁹. The need for SPS coordination, at national and regional levels, and implementation of the SPS Agreement was clearly articulated at a WTO workshop²⁰. According to workshop participants, some of the impacts of poor coordination include: the application of inconsistent SPS measures, duplication of efforts, confusion due to lack of information exchange, and SPS agreements being signed without input from the authorities responsible for agriculture health and food safety. Hence the need to establish clear responsibilities for the different entities responsible for SPS matters, strengthen communication among ministries and agencies, develop capacities, and establish a mechanism to facilitate coordination. Given the linkages to the adoption of international standards through the WTO and resonated by the Revised Treaty being executed by regional organizations such as CAHFSA, coordination between national and regional levels is important for the successful adaptation of SPS measures to satisfy international and regional legal obligations. This project seeks to address coordinating mechanisms at the national and regional levels to develop and implement SPS standards and trade for fish and fisheries products in the CARIFORUM region.

Support for this project is provided by the Sanitary and Phytosanitary Measures programme, one component of the 10th EDF Programme titled "Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement

¹⁵ Article 3 of the SPS Agreement speaks to the issue of harmonization, and states in section 1: "To harmonize sanitary and phytosanitary measures on as wide a basis as possible, Members shall base their sanitary or phytosanitary measures on international standards, guidelines or recommendations, where they exist, except as otherwise provided for in this Agreement, and in particular in paragraph 3".

¹⁶ Vanthuyne, 2002; Country reports on SPS priorities.

¹⁷ In 2010, the revised Treaty of Basseterre established the Organization of Eastern Caribbean States (OECS) economic union. Countries include Antigua and Barbuda, Dominica, Grenada, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Montserrat, Turks and Caicos, and British Virgin Islands. The Treaty paves the way for the introduction of legislative competence at the regional level, so that Member States of the Organisation act in concert to develop and enact legislation in certain areas specified in the Treaty. <http://www.oecs.org/>

¹⁸ OECS, 2003. Technical Assistance Inputs to Enhance Sanitary Standards and Capacity in the Supply Chain for Marine Products for human consumption in the Eastern Caribbean States. 162p.

¹⁹ Country reports on SPS priorities.

²⁰ SPS Committee, 2011. Workshop on SPS Coordination at National and Regional Levels. (<http://wto.org>)

(EPA): *Sanitary and Phytosanitary Measures (SPS)*²¹, implemented by the Inter-American Institute for Cooperation on Agriculture (IICA), with the fisheries sub-component being executed by the CRFM Secretariat. The project aims to facilitate CARIFORUM States to gain and improve market access by complying with Europe's Sanitary and Phytosanitary (SPS) measures and to help CARIFORUM states to better develop their own regionally harmonized SPS measures and institutional capability to meet the requirements necessary to maintain and expand on the trade of fish and fish products locally, regionally and internationally.

Related programmes and other donor activities

The SPS project activities address legislation, coordination, and capacity building related to agriculture, fisheries, plant protection, animal health, food security and the environment. Component 1 of the project deals with the development of model legislation, protocols, standards, measures, guidelines in the area of AHFS including fisheries. Legislation related to plant protection, animal health, and food safety model legislation will be developed. It is important that these activities are linked to fisheries as other legislation may include some aspects of fisheries.

In the conduct of the assignment, a Consulting Firm will be contracted. The Consulting Firm's Authorized Key Experts who have a crucial role in implementing this assignment, and referred to as Key Experts (KEs), are expected to liaise with the above-mentioned programmes or institutions when appropriate in order to gather relevant information and to ensure cooperation with the projects/programmes.

OBJECTIVE, PURPOSE & EXPECTED RESULTS

Overall objective

The overall objective of the project of which this contract will be a part is as follows:

To support the integration of CARIFORUM states into the world economy and specifically to increase production and trade in agriculture and fisheries which meet international standards while protecting plant, animal and human health and the environment.

Purpose

The purpose of this contract is as follows:

1. To strengthen national and regional SPS systems by establishing a comprehensive legislative framework for health and food safety (AHFS) in the fisheries sector.
2. To develop and organize an efficient responsive institutional framework and mechanism for coordination of SPS issues at both the national and regional levels.

Results to be achieved by the Consulting Firm's Authorized Key Experts (KEs)

The KEs will achieve the following results as part of this assignment:

- CARIFORUM Guidelines on Sanitary Standards for fishery and aquaculture products for human consumption formulated;
- A Model CARIFORUM Export Control Act formulated;
- Model CARIFORUM Sanitary Standards for fishery and aquaculture (human consumption) Regulations formulated;

²¹ IICA, 2014. 10th EDF SPS Project: Support to the Caribbean Forum of ACP States in the Implementation of Commitments Undertaken Under the Economic Partnership Agreement (EPA): Sanitary and Phytosanitary Measures (SPS).

- Coordinating mechanisms for national and regional fisheries SPS governance and its integration into the overall SPS regime formulated;
- Model instruments reviewed and endorsed through a regional validation process including a validation workshop to be convened by the CRFM Secretariat.

ASSUMPTIONS & RISKS

Assumptions underlying the project

In 2001, a diagnostic mission was organized to assess the capacity and potential of CARIFORUM Member States to expand their capacities for production and trade in fishery products locally, regionally, and internationally²². This led to the inclusion of fisheries in the EPA project proposal. The need for this activity was further reiterated by CRFM (Member States) in the CRFM biennial workplan and reviewed again most recently by regional stakeholders at the Blue Growth Workshop in Grenada²³.

It is assumed that CARIFORUM States are willing to cooperate in project activities and will actively utilize prepared guidelines and legislation. Government officials and key stakeholders are expected to attend and participate in the validation workshop. It is also assumed that national/regional organizations and implementing agencies are committed to strengthening their links, willing to share data and information, and willing to establish coordination mechanism to ensure effectiveness and sustainability of this intervention.

Risks

It is expected that the CRFM Secretariat will take all the necessary measures to ensure the fulfilment of its obligations as set out in this project. However, Acts of Gods, such as hurricanes, flooding, etc., may delay project implementation. Also, project awareness to civil society and direct stakeholders is important as the lack of information may lead to non-participation. Failure to meet these requirements could result in the project not meeting the expected results. However, these risks have been minimized, since Member States requested the intervention, have been kept updated of project plans, and will commit the necessary time to assist in implementation. Also, the projects visibility activities will improve project awareness.

SCOPE OF THE WORK

General

Project description

This assignment will provide support to CARIFORUM countries and the CRFM Secretariat to:

- (1) develop/adapt and validate model legislation, protocols, guidelines for health and food safety related to fisheries and aquaculture, and
- (2) support the establishment of SPS governance framework.

It is expected that the assignment should be completed in two phases to allow sufficient time for the CRFM to conduct additional internal consultations on the draft documents and for the CRFM Secretariat to make the necessary preparations for a Regional Validation Workshop. The CRFM Secretariat will provide logistical support to the KEs, assist in identifying documents, assist in the identification of stakeholders to be consulted, make all logistical preparations for country visits,

²² Vanthuyne, 2002. Strategy and project proposal for an integrated CARICOM/CARIFORUM Programme to enhance the regional institutional capacity to expand the trade in fishery products locally, regionally and internationally.

²³ CRFM, 2014. Report of the CRFM/CFNO/CTA Regional Fisheries Workshop: Investing in Blue Growth, St. George's, Grenada 20-21 November 2014. CRFM Technical and Advisory Document - Number 2014/3

assist in the circulation of documents for review, and approve all documents before presentation at the validation workshop (including the final draft document).

This assignment reviews existing **legal and regulatory framework** against international best practice, principles and standards, and development of model legislation and guidelines for health and food safety (AHFS) in fisheries. This task involves the formulation of *CARIFORUM Guidelines on sanitary standards for fishery and aquaculture products for human consumption*", (b) *CARIFORUM Sanitary standards for fishery and aquaculture products (human consumption) regulations*", and (c) Model "*CARIFORUM fish and fishery product Export Act*". The development of these instruments will take into account previous efforts at the national and sub-regional levels and any successful applications to date. The scope of the revised model legislation should:

1. reflect the situation of CARIFORUM countries;
2. include fisheries and aquaculture;
3. be applicable to harvesting, handling, production, processing, storage, transportation and marketing of fisheries products intended for human consumption; and
4. reflect international principles, rules and standards.

This assignment also addresses the development of an effective **national and regional coordination mechanisms** for the fisheries and aquaculture component and for its incorporation into the overall SPS governance framework. At the national level consideration should be given to:

- the support for the formal establishment of a SPS governance framework (including coordination mechanisms) in each country comprising the Ministry(ies) which make up the competent authority (including Bureau of Standards) in the context of the WTO Sanitary and Phyto-sanitary Agreement and other arrangements. This body should include the Competent Authority representatives for all foods that are produced locally, exported, and imported.
- the development of public-private sector partnership (PPPs) and advocacy, in keeping with CRFM efforts to realize participatory approaches to fisheries management.
- initial information gathering by a subset of national representatives at key meetings (e.g., CAHFSA, SPS, OIE) to inform the development of the mechanism for managing contributions to regional and international activities.
- support to strengthening the representation at the international level in SPS forum (CODEX, OIE).

At the regional level, to operationalize coordination and implementation mechanisms, by:

- supporting regional coordination of fisheries and aquaculture SPS policy/management cycle
- gathering of information by regional representatives at key meetings to inform the development of the mechanism for managing the regional contributions to international activities.
- Harmonizing national SPS governance frameworks in each country into a regional governance framework.

In order to achieve the above, there is the need to identify existing national and regional entities that could be part of the governance framework by conducting a stakeholder analysis and institutional analysis that considers and rationalizes existing and potential roles and relations. This should include the determination of linkages of the fisheries and aquaculture component with other components of the food industry sector, and also with the appropriate regional entities, including analysis of regional stakeholders.

This assignment will include the following:

Review of legal instruments

The KEs will conduct a review of the current situation and existing legal instruments, which will form the basis for the development of new model legislation. The CRFM acknowledges that the model legislation has to address new developments in SPS, to be applicable throughout CARIFORUM states, and to include the CCCFP and other initiatives. Existing legislation /instruments should be examined for their adequacy through the identification of gaps, and to determine whether they should be amended or new legislation needs to be devised. Other documents to be reviewed should include, but not be limited to, the following national, regional and international legislation/procedures/obligations/protocols on food security, food health, food safety, agriculture, etc., as it relates to fish and fisheries products:

- international sanitary standards, guidelines, recommendations, e.g., CODEX, IPPC, OIE, IHR
- CARICOM/CARIFORUM and other regional obligations, guidelines, and policies on SPS measures/standards
- national regulations on food safety, including agriculture or SPS policies
- food safety requirements of CARIFORUM main trading partners such as Europe, USA, Canada, etc.

Stakeholder consultation

The assignment will be undertaken with close involvement of national, regional and international stakeholders. These stakeholders will be given several opportunities for effective involvement: remote consultations (email, phone, skype), informal face-to-face consultations (country visits), and formal meeting (national consultations, regional workshop).

Stakeholders include (but not limited to) relevant international organizations, (FAO, OIE, IPPC, etc.) and regional organizations (CAHFSA, CROSQ, Comite Nacional para la Aplicacion de Medidas Sanitarias y Fitosanitarias, CNFO, etc.). At the national level, stakeholders include National Government Ministries/Departments (Health, Agriculture, Legal Affairs (Attorney General Departments and Chief Parliamentary Counsel), Customs and Excise, Veterinary, Plant Protection, etc.); Competent Bodies responsible for food safety; Teaching/Research institutions (UWI, Agriculture Research and Extension Institute (Guyana), Scientific Research Council (Jamaica)); Exporters/Processors; Official Laboratories; National Fishermen Organizations; Technical National Implementation Networking Team²⁴ (TNINTs).

Country visits

In order to collect data and information for this assignment, missions to ten CARIFORUM countries will be undertaken to consult with key agencies involved with SPS and the development of policies and legislation, and to facilitate a national consultation. Data from non-visited countries will be gathered by other methods. The suggested ten countries are Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago (or as specified by the CRFM). Criteria for the selection of these countries were based on fish production, trade levels, and the status of SPS

²⁴ The Regional and National Technical Implementation Networking Teams (TNRINT) is managed by IICA mainly through virtual means of web/network. IICA Country Offices in close collaboration with the designated National Focal Points of the CARIFORUM States are responsible for the direct support to countries for the development and implementation of the annual work-plan.

legislation/instruments. During visits, KEs will spend on average 2 working days in any country, one of which should be used for the national consultation. The missions will give KEs the opportunity to meet representatives from key agencies, identify key legislation, and conduct a stakeholder and institutional analysis that considers and rationalizes existing and potential roles and relations. The KEs will be accompanied by one technical officer of the CRFM Secretariat. Travel and subsistence cost for this officer will be covered as per section 6.5.

National consultations

The objectives of the national consultations (indicative each of 1 day, number of participants in each meeting 30) are to: (i) discuss zero drafts of the proposed model legislation and (ii) to discuss structure and operations of national and regional coordination mechanisms for the CARIFORUM region. Format of the national consultations will be determined by the national Fisheries Administration in collaboration with the CRFM Secretariat. Consultations will be undertaken in Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago (or as specified by the CRFM). The Fisheries Administrations, IICA Country Offices, and CRFM Secretariat will assist with facilitation, organization, and logistical arrangements for consultations. Participants should include key stakeholders involved in SPS activities as it relates to fisheries and aquaculture, key food safety agency, legal and technical resource persons. The organization of national consultation should include domestic travel arrangements (land, air, sea), accommodations & payment of daily subsistence allowance (for participants requiring overnight), conference room (internet, projector, screen, coffee breaks, lunch), printing and distribution of documents, press/media coverage, and any other activities necessary to complete this activity. National Fisheries Administration will assist with the logistics for contracting the workshop venue, sending invitation letters to participants, distribution of documents, and securing travel arrangement where necessary.

Stakeholder and institutional analysis

Country visits will also give KEs the opportunity to conduct a stakeholder and institutional analysis of organizations/individuals/groups involved in the utilization of sanitary standards as it relates to fisheries and aquaculture. This analysis should take into account the national and regional networking and coordination requirements for achieving an effective overall SPS governance framework, rationalize existing and potential roles and relations, inform the legislation process, and strengthen representation of the regions interests in international SPS forum.

Communication and visibility

Given the important communication and visibility potential of project activities and the national consultations for disseminating the results and activities of this project, the KEs will: (i) provide summarized information for the development of an infographic and press-releases; (ii) participate in two short video interviews; (iii) and any other media activity/event agreed on by the CRFM.

Validation of technical documents

The project will rely on other activities, not funded by this assignment, to review and validate the legislation/guidelines and proposal/plans for the establishment of national and regional coordinating mechanism.

1. The CRFM Secretariat in collaboration with IICA Country Offices and TNINTs will convene a special meeting(s) in all 15 CARIFORUM States to: (i) review and endorse the model guidelines/legislation, and (ii) review and endorse proposal and plan (systems and processes) for the establishment of national and regional coordinating mechanisms that could be part of a governance framework for SPS. The TNINTs should submit comments on the technical outputs to the KEs who are expected to finalize based on their recommendations and comments. The special meeting(s) should include at least five representatives from the fisheries and aquaculture sectors to ensure fisheries issues will be adequately addressed. To ensure uniformity across all CARIFORUM countries in reviewing the technical outputs the KEs will provide countries with an agreed standard format that the TNINTs should use to

complete the validation. Meeting(s) by the TNINT will not be financially supported by this assignment.

2. The KEs will participate in a CRFM regional workshop (only workdays and DSA will be covered by this assignment). The KEs will present (i) the model guidelines, legislation, and regulations and (ii) the proposal and plan (systems and processes) for the establishment of national and regional coordinating mechanism that could be part of a governance framework for SPS. CARIFORUM State representatives at this workshop will be asked to endorse the final documents to facilitate CRFM approval and recommendation to COTED and other CARICOM bodies.

Following extensive consultations and national/regional validation of the legislation/guidelines, the KEs will finalize the documents based on comments and recommendations of stakeholders.

Technical Assistance will be provided through a Key Expert team comprised of a Senior Legal Specialist (Team Leader) supported by a Senior SPS Specialist. In the conduct of the assignment the Key Expert team will be supported by the CRFM Secretariat that will guide the KEs in implementing the tasks. The CRFM Secretariat will assign a staff (fisheries expert) who will work closely with the team including participation in the national consultations.

Geographical area to be covered

The project will cover Antigua and Barbuda, Barbados, The Bahamas, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, St. Kitts and Nevis, Saint Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

Target groups

Target groups for this project are CARIFORUM States FDs and their respective Ministries, Competent Authorities for SPS, and legal authorities at the national and regional levels.

Specific work

The KEs will undertake the following activities:

1. Initial remote contact and briefing with IICA (Barbados Office) and CRFM Secretariats regarding execution of the project.
2. Organize first mission to the region and country visits, including dates and travel schedule. Initial contact with countries on the organization of the national consultations. This should be done in collaboration with CRFM Secretariat and CARIFORUM States. For countries not selected for site consultations, initial contact with countries to clarify approach for gathering required stakeholder feedback and information.
3. Briefing with IICA and CRFM Secretariat at the CRFM Secretariat office in Belize, and develop and finalize work-plan and travel schedule;
4. Collect and review existing and draft national legislation, regulations and guidelines on SPS in CARIFORUM States, including the OECS 2003 Guidelines and draft harmonized regulations for OECS region on sanitary standards for marine products for human consumption, OECS Export Act outline, and other existing policy instruments related to SPS matters;

5. Consult with relevant national, regional and international organizations, taking into account regional and international standards, guidelines, and recommendations (e.g, CODEX, OIE, IPPC);
6. Prepare zero draft of the model CARIFORUM sanitary standards guidelines/regulations/ legislation for fishery and aquaculture products for the CARIFORUM region, to be presented and discussed at the national consultations;
7. Conduct stakeholder and institutional analysis in respect of SPS governance framework and to take into account the need to represent the region's interest in international fora.
8. In consultation with the CRFM Secretariat, organize country visits to meet with the Competent Authority/organizations related to SPS, Fisheries Departments, Legal Departments and other relevant stakeholder organizations;
9. During country visits conduct national consultations (each of 1 day, indicative number of participants in each meeting is 30-50) in ten countries, namely, Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago, or as specified by CRFM;
10. Prepare summarized information for the development of an infographic and press-releases; and participate in two short video interviews.
11. Prepare national consultation reports, including stakeholder and institutional analysis reports, documenting findings and recommendations on sanitary standards for fisheries and aquaculture in the CARIFORUM region;
12. Prepare a first draft of the model CARIFORUM guidelines/legislation/ regulation on Sanitary standards for fisheries and aquaculture and circulate to relevant organizations for comments;
13. Develop a proposal and plan (systems and processes) for the establishment of national and regional coordinating mechanisms that could be part of an overall CARIFORUM SPS governance structure. Circulate to CARIFORUM States and relevant organizations for comments;
14. Review comments from CRFM TNINTs, CRFM Secretariat, and other stakeholders, prepare final technical documents, and submit to CRFM Secretariat;
15. Participate in a CRFM regional workshop to present final technical documents for approval;
16. Finalize technical documents and submit to the CRFM Secretariat;
17. Prepare Monthly and Final Technical Reports as required.
18. Prepare requisite monthly and final financial reports for the expenditures incurred, to be submitted to the CRFM Secretariat by the 20th of the following month, fully supported by original invoices and receipts.
19. Final Technical and financial reports should include methodologies used to deliver the various outputs/outcomes, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat by the end of the contract period.

20. Should any funds be left over at the end of the LOA, the Consulting Firm shall return to the CRFM Secretariat, unless agreed to in writing on the use of such funds.

Project management

Responsible body

The CRFM Secretariat, HQ in Belize is responsible for managing the implementation of this assignment.

Management structure

The CRFM Secretariat is implementing this project through the Headquarters in Belize. For the purposes of this assignment, CRFM Secretariat will act as the Contracting Authority and in effect, also the Project Manager.

The CRFM Secretariat will closely supervise the implementation of this intervention and equally monitor its execution pursuant to these Terms of Reference. The CRFM Secretariat, will support and supervise the implementation of this assignment, monitor activities and ensure follow-up activities are completed by the Member States.

All contractual communications including requests for contract modifications or changes to the Terms of Reference during the execution period of the contract must be addressed with a formal request to CRFM Secretariat's Belize Office.

Facilities to be provided by the Contracting Authority and/or other parties

Not applicable.

LOGISTICS AND TIMING

Location

The place of posting for the two KEs will be Belize City, Belize. Country consultation will be carried out in Barbados, The Bahamas, Belize, Dominican Republic, Grenada, Haiti, Jamaica, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago (or as specified by CRFM) according to approved timeline and work-plan presented by the KEs.

Start date & period of implementation

The intended start date is 16 February 2015 and the period of implementation of the contract will be 9 months from this date. Please see Articles 19.1 and 19.2 of the Special Conditions for the actual start date and period of implementation.

REQUIREMENTS

Staff

Note that civil servants and other staff of the public administration, of the partner country or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded

or on personal leave. CRFM Secretariat professional staff will be assigned to work closely with the KEs to guide delivery of the outputs.

Key Experts

The Consulting Firm's Authorized Key Experts who have a crucial role in implementing this assignment are referred to as Key Experts (KEs). Their profiles are described as follows:

Key expert 1: Senior Legal Expert and Team Leader

Qualifications and skills

- A post-graduate degree in fisheries law, ocean law, international law of the sea, maritime law, or any other related field;
- Training in Common Law systems and knowledge of Civil Law;
- High level of proficiency in spoken and written English; working knowledge of Spanish and/or French would be an asset
- Proven team leading skills

General professional experience

- 8 years experience in ocean and fisheries law;
- Proven report-writing, communication and project management skills

Specific professional experience

- Specific experience drafting legislation (minimum 3 assignments);
- Experience in the drafting of health and food safety guidelines, standards or legislation would be an asset;
- Demonstrated knowledge of sanitary standards, food hygiene, and food safety would be an advantage;
- Working experience in the Caribbean region would be an advantage;
- Experience in carrying out consultancy assignments for the EU or other equivalent international development partners (minimum of 3 assignments)

The indicative number of missions, requiring overnights, for this expert will be 10.

Key Expert 2: Senior SPS Specialist

Qualifications and skills

- A degree in science, technology, international marketing/trade, agriculture health, food safety or phytosanitation;
- High level of proficiency in spoken and written English; working knowledge of Spanish or French would be an asset

General professional experience

- At least 5 years experience working with national/international bodies in standardizing and conformity assessment related to agriculture/fisheries health and food safety and/trade in agriculture and food products.
- Proven report-writing, communication and facilitation skills

Specific professional experience

- Specific experience in the process of elaboration and implementation of standards and conformity assessment procedures for agriculture/fisheries health and food safety (minimum 3 assignments);
- Demonstrated knowledge of sanitary standards, food hygiene, and food safety
- Familiarity with the SPS agenda in CARICOM/CARIFORUM region and internationally;
- Working experience in the Caribbean region would be an advantage.

The indicative number of missions, requiring overnights, for this expert will be 10.

Indicative number of working days by expert and task

No.	Indicative Task	Key Expert 1 (Days)	Key Expert 2 (Days)
1	Initial briefing and document review	2	2
2	Document review and development of initial draft model CARIFORUM sanitary standards guidelines/regulations/legislation for fishery and aquaculture products for human consumption, and submit to CRFM Member States through the CRFM Secretariat.	10	5
3	Conduct field visits to 10 countries to meet with Fisheries Administration and relevant health and food safety agencies, and conduct National Consultations in respect of legislation, as well as analysis of institutional and stakeholder roles and responsibilities for SPS governance.	25	25
4	Develop proposal and plan for coordinating mechanisms for national and regional governance	2	10
5	Communication and visibility	2	1
6	Participate in regional workshop to present findings	4	4
7	Further develop and submit final documents (guidelines, model legislation, etc.)	3	2
8	Team technical reporting	3	3
9	Team leader task	1	
	Total	52	52

All experts must be independent and free from conflicts of interest in the responsibilities they take on.

Additional information

- a) The Consulting Firm's Authorized Experts must complete a timesheet using template provided by the CRFM Secretariat at the start of the implementation period.
- b) The Consulting Firm's Authorized Experts are entitled to work a maximum of 6 days per week. Mobilisation and demobilisation days will not be considered as working days. Only in case of travel for mobilisation longer than 24 hours, the additional days spent for mobilisation will be considered as working days.

Non Authorized experts

Not required.

Support staff & backstopping

The CRFM Secretariat will provide support facilities to the team of experts (back-stopping) during the implementation of the contract.

Backstopping and support staff costs must be included in the fee rates.

Office accommodation

Office accommodation of a reasonable standard and of approximately 10 square metres for each expert working on the contract will be provided by the CRFM Secretariat in Belize City, Belize.

Facilities to be provided by the Contracting Authority

The Contracting Authority must ensure that experts are adequately supported and equipped. In particular it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion.

Equipment

No equipment is to be purchased as part of this service contract. Any equipment related to this contract that is to be acquired must be purchased by means of a separate supply tender procedure.

Incidental expenditure

The provision for incidental expenditure covers ancillary and exceptional eligible expenditure incurred under this contract. It cannot be used for costs that should be covered by the Consulting Firm as part of its fee rates, as defined above. Its use is governed by the provisions in the General Conditions and the notes in the Service Contract. It covers:

- a) **KEY EXPERTS**
 - Travel costs and daily subsistence allowances (per diems) for **missions** for Key Experts, outside the normal place of posting, to be undertaken as part of this contract. If applicable, indicate whether the provision includes costs for environmental measures, for example CO2 offsetting.
 - Travel costs for **field visits** for the Key Experts (car or boat rental, fuel and domestic flights or other appropriate means of transport).

- b) **NATIONAL CONSULTATION ORGANISATION**
 - The cost of organisation of the national consultation includes cost for venue, communication, transport (domestic travel or car or boat rental to/from);
 - The payment of a lump-sum to participants requiring an overnight stay to cover accommodation and meals must not exceed the published IICA per diem rate for the country;

- The payment of a lump sum rate for the country, in accordance with the published IICA per diem rate, to all participants not requiring an overnight stay, to cover the cost of meals and incidentals;
 - In the two cases above, an attendance list signed by each participant and a separate list stating that the lump-sum was received (with an indication of the amount) shall be used to justify the expenditure.
- c) **FUNDING OF REGIONAL OFFICERS ACCOMPANYING KEY EXPERTS ON MISSIONS.**
Exceptionally, the cost of flights, accommodation and meals for the representatives of the regional fisheries bodies accompanying the Key Experts on regional or national missions or in-country field visits, under the following conditions:
- i) The payment of a lump-sum to Officers requiring an overnight stay to cover accommodation and meals must not exceed the published IICA per diem rate for the country.
 - ii) The payment of a per diem rate for the country, in accordance with the published IICA per diem rate, to all participants not requiring an overnight stay, to cover the cost of meals and incidentals;
 - iii) If private or administration's means of transport are used by the representatives of the regional fisheries bodies accompanying the Key Experts on regional or national missions, the cost will be reimbursed upon submission of the relevant official receipt.
- d) **OTHER**
- The cost of producing and delivering up to three extra copies of the Final Technical Report.
 - The cost of translating technical documents from English to Spanish and French.

The provision for incidental expenditure for this contract is USD 93,000. This amount must be included unchanged in the Budget breakdown.

Daily subsistence costs may be reimbursed for missions foreseen in these terms of reference or approved by the Contracting Authority, and carried out by the consulting firm's authorised experts, outside the expert's normal place of posting.

The per diem is a flat-rate maximum sum covering daily subsistence costs. These include accommodation, meals, tips and local travel, including travel to and from the airport. Taxi fares are therefore covered by the per diem.

The Contracting Authority reserves the right to reject payment of per diem for time spent travelling if the most direct route and the most economical fare criteria have not been applied.

Prior approval by the Contracting Authority for the use of the incidental expenditure is not needed.

Expenditure verification

The provision for expenditure verification covers the fees of the auditor charged with verifying the expenditure of this contract in order to proceed with the payment of any pre-financing instalments and/or interim payments.

The provision for expenditure verification for this contract is USD 1,500. This amount must be included unchanged in the Budget breakdown.

This provision cannot be decreased but can be increased during execution of the contract.

REPORTS

Reporting requirements

Please see Article 26 of the General Conditions. For the project, there must be a final technical report, a final invoice and the financial report accompanied by an expenditure verification report at the end of the period of implementation of the tasks. The Draft Final Technical Report must be submitted to the CRFM Secretariat at least 2 weeks before the end of the period of implementation of the tasks. Note that the monthly and final technical reports are additional to any required in Section 4.2 of these Terms of Reference.

The final technical report must be submitted to the CRFM Secretariat after receiving approval of the draft final technical report. The final technical report must consist of a narrative section detailing methodologies used to deliver the various outputs, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat.

Consistent also with CRFM Secretariat's reporting obligations outlined under its LOA with IICA in respect of the 10th EDF SPS project commitments, technical monthly reports also need to be prepared using the template approved under the agreed LOA.

To summarise, in addition to any documents, reports and output specified under the duties and responsibilities of each key expert above, the Consulting Firm shall provide the following reports:

Name of report	Content	Time of submission
Inception Report	Analysis of existing situation and work plan for the project	No later than 10 days after the start of implementation
Interim Technical Monthly Reports	On a monthly basis, and using template provided by the CRFM Secretariat, provide details of work progress, constraints, and follow-up actions. Additionally, the first draft of the guidelines and model legislation should be prepared no later than 10 days after national consultations are completed.	Last day of each month of project implementation
Interim Financial Monthly reports	On a monthly basis, and using template provided by the CRFM Secretariat, supported by original invoices and receipts, showing budgets for activities undertaken, expenditures and balances.	By the 20 th of the following month.
Draft Final Technical Report	A draft final technical report which would include methodologies used to deliver the various outputs, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat by the stipulated deadline. Also revised draft documents taking into account changes and comments	No later than 10 days after completing the regional workshop.

	from the CRFM Secretariat and Member States by the stipulated deadline.	
Final Report	<p>A final technical report, taking into account comments provided by the CRFM Secretariat. The report would include methodologies used to deliver the various outputs, with lessons learned and recommendations for follow up action. The report should be produced in Microsoft Word for Windows format and submitted electronically to the CRFM Secretariat by the stipulated deadline.</p> <p>Also revised draft legislation and stakeholder analysis documents taking into account changes and comments from the CRFM Secretariat and Member States by the stipulated deadline.</p> <p>A final invoice.</p>	One week after receiving approval of the Final Technical Report.
Final Financial Report	<p>A final Financial report using the template provided by the CRFM Secretariat, supported by original invoices and receipts, showing the overall budget for all activities undertaken, expenditures and balances.</p> <p>Should any funds be left over at the end of this LOA, the Consulting Firm shall return to the CRFM Secretariat, unless agreed to in writing on the use of such funds.</p>	By the 20 th of the following month.

Submission & approval of reports

One electronic copy and two hard copies of the model legislation, stakeholder and institutional analysis report and the final technical report referred to above must be submitted to the CRFM Secretariat. The documents must be written in English. The CRFM Secretariat is responsible for approving the final versions of the model legislation and reports in consultation with the 10th EDF SPS Project Management Team.

MONITORING AND EVALUATION

Definition of indicators

The results to be achieved by the Key Experts are included in Section 2.3 above. Progress to achieving these results will be measured through the following indicators:

- i. Timeliness of backstopping support from the Head Office of the Firm;

- ii. Technical outputs prepared and approved by CRFM Secretariat;
- iii. Model legislation finalized and available to all CARIFORUM States;
- iv. Respect of project milestones, time schedule and timely delivery of all reports;
- v. Meeting expectations of the Target Group;
- vi. Level of representation at the national consultations.

The Key Experts may suggest additional monitoring tools for the duration of the contract.

Special requirements

Not applicable.

* * *