



Statement of the Council of Ministers of CARIFORUM  
on the  
Ex-Post Evaluation of the CARIFORUM-EU EPA

The Council of Ministers of CARIFORUM wishes to put on record, the Region's concerns with a number of 'findings' of the Study commissioned by the European Commission, the **"Ex-post Evaluation of the EPA between the EU and its Member States and the CARIFORUM Member States"**. As a region, we are particularly troubled that in spite of the detailed concerns raised by our senior officials in writing, this document remains in the public sphere, including on the official site of our partner under this Agreement. It is being regarded by some as an accurate assessment of the operation of the Agreement.

The Report claims that the objective of the evaluation was to determine the extent to which the CARIFORUM-EU EPA has been implemented. The Report also claims that the evaluation reflects equally, the state of implementation of the EPA by the two Parties: CARIFORUM and the EU. In reality, however, the analysis used was not equally robust for both Parties, resulting in glaring weaknesses in the evaluation itself.

Specifically, the evaluation and the Report appear to have approached the implementation efforts of the EU Party with a presumption of compliance. The evaluation shows scant regard for CARIFORUM's concerns, including those regarding procedural and regulatory barriers to the EU market, such as the EU visa requirements, which continue to impact effective mode 4 access to the EU market, especially for cultural and professional services.

On the other hand, there are numerous instances of scathing but unfounded, general statements which portray a general negative view of CARIFORUM and a presumption of non-compliance by CARIFORUM with its implementation obligations. One example of this is the 'finding' that several CARIFORUM States do not have an independent judicial system that can provide preliminary injunctions and final rulings regarding intellectual property rights. There are also instances where the authors, in the absence of evidence, resort to asserting possible non-compliance.

In addition to being patently imbalanced, the number of inaccuracies in the Report, at the expense of CARIFORUM, is unacceptable. In the absence of any specific analysis or provision of evidence to support, CARIFORUM is branded non-compliant, even in circumstances where the observations are not applicable to all CARIFORUM States. For example, the Report states in bold text that 'several' CARIFORUM countries maintain export duties and quantitative restrictions, but goes on to identify two States where restrictions may exist.

The Report also boasts numerous examples of conclusions being drawn, and findings presented which are not supported by the literature/data review in the evaluation itself. For instance, even where the Report states clearly that the relevant information was not received and/or reviewed, there was yet the pronouncement of non-compliance or “possible” non-compliance by CARIFORUM.

The Council of Ministers of CARIFORUM acknowledges that the Study was conducted by independent consultants on behalf of the European Commission, and that CARIFORUM Senior Officials engaged both the Commission and the Consultants to have issues addressed. However, it is important that CARIFORUM places its position on record, and more so, as the Report is being inaccurately cited in some quarters as “the joint five-year review mandated under the CARIFORUM-EU EPA.” In actuality, the Second-Five Year Review of the CARIFORUM-EU EPA, which was scheduled to take place in 2020 had to be postponed on account of the COVID-19 pandemic and the two Sides are in consultation on its scheduling later this year. Indeed, Senior Officials from both sides continue to be engaged in the preparatory work at the technical level.

CARIFORUM looks forward to the second review of the CARIFORUM-EU EPA, in particular given the key finding of the first review that CARIFORUM States had not yet started to reap the anticipated benefits of the Agreement. In this regard, CARIFORUM hopes that the upcoming Review will address the need for the EU to build greater awareness of the EPA among EU operators, including border/regulatory agencies, to curtail the barriers experienced by CARIFORUM States, particularly for the trade in services.

End Note: The commitment to engage in the five-yearly reviews of the EPA is found in the Joint Declaration (EPA Article 5) under which the Parties have undertaken to comprehensively review the EPA every five years in order to determine the impact of the Agreement, including the costs and consequences of implementation.