

General Review of PACER Plus



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Legal Obligations

- Article 1 of the **Institutional Provisions Chapter (Chapter 12)** provides for a general review of the Agreement with a view to furthering its objectives in three years from the date of entry into force, and every five years thereafter, unless otherwise agreed by the Parties.
- Article 2 further states that ‘unless otherwise provided for in this Agreement, **each Committee (Subsidiary Bodies)** shall commence an initial review of the relevant Chapters and Annexes within two years of the date of entry into force of this Agreement and submit a final report to the Joint Committee, including any recommendations, within three years of the date of entry into force of this Agreement’.
- **Chapter 10** of the Agreement further specifies that:
 - “At the direction of the Joint Committee, the Work Programme shall be reviewed within three years of the commencement of its implementation, and thereafter at regular intervals to assess its overall effectiveness in terms of assisting the developing country Parties to implement their PACER Plus obligations.”
 - “The Joint Committee shall, where appropriate, modify, renew or terminate the Work Programme, taking into account outcomes of reviews and the needs of the developing country Parties as mutually prioritised and determined by Participating Parties and available resources.”

Terms of Reference

- In accordance with the above-stated provisions of the Agreement, the PACER Plus Implementation Unit (PPIU) seeks to engage a **panel of three (3) experts** in the fields of Trade in Goods, Trade in Services and Investment and Development Cooperation, to conduct the review.

I. OBJECTIVE & SCOPE

1. Objectively assess the benefits of PACER Plus for Parties, having regard to the objectives of the Agreement as set out in the chapters, associated annexes, and documents
2. Assess the implementation (and impediments to implementation) of the Agreement since its entry into force in 2020 and the priority requirements in each Party to deliver on the objectives of the PACER Plus Agreement
3. Identify required modifications to the PACER Plus DEC WP and Design of the Implementation Package with due regard to the status of implementation of the obligations under the PACER Plus, and the development and cooperation objectives as set out in the Implementing Arrangement for Development and Economic Cooperation. Identify if the model is right with recommendations for improvement.
4. Consider measures to strengthen Parties' observance of the PACER Plus provisions and obligations; and
5. Consider the parallel independent review of the Arrangement on Labour Mobility and any implications for PACER Plus
6. Highlight opportunities and risks to the successful implementation of PACER Plus

The Review Panel Must:

1. Conduct consultations with PACER Plus Parties and implementation partners to determine:
 - the implementation status of each Chapter with due consideration of the PACER Plus Implementation Monitoring Matrix and baseline assessments, including M&E Framework.
 - The role of the Development Economic Cooperation in the ongoing implementation of the Agreement and negotiation of the built-in agenda, as well as advancing economic integration among the Parties (Implementation Arrangement of the Development & Economic Cooperation) on PACER Plus.
 - The efficiency and effectiveness of the institutional and decision-making process, funding and budget approval of DEC and PPIU activities relating to the Agreement including assessment of the role of the PPIU.
 - Review of the Rules and procedures of the Joint Committee and the Terms of Reference of the Subsidiary Bodies.
 - Recommended improvements to the PACER Plus Agreement and Work Programme.
2. Consider the results of the parallel independent review of the Arrangement on Labour Mobility and any implications on the Development Economic Cooperation and Work Programme.
3. Consider the outcomes of any reviews from other Free Trade Agreements (FTAs), (AANZFTA, Pacific Islands Country Trade Agreement, Melanesian Spearhead Group Trade Agreement, interim Economic Partnership Agreement with the EU) of which PACER Plus Parties are members.
4. Adopt learnings from other relevant Regional Trade Agreements (RTAs) **e.g. Regional Comprehensive Economic Partnership (RCEP)**

Expected Deliverables:

The Consultant(s) will deliver the following outputs:

1. A short Inception Report — including:
 - (i) a detailed work plan including a consultation plan of PACER Plus Parties and implementation partners,
 - (ii) a list of any secondary data to be gathered or identified, and
 - (iii) constraints to the assignment with proposed mitigation measures.
2. Draft Report — that meets the objectives of the project and the scope required. The consultant is to discuss the structure of the draft report with the PPIU (may include the Budget Committee) prior to the drafting process.
3. Final Report — that reflects and addresses comments on the Draft Report
4. Presentation to the PPIU and Joint Committee, as required by the PPIU.

