

Technical Expert - Terms of Reference Template

Technical Assistance (TA) Request:	Policy brief and workshop on competitive neutrality provisions in free trade agreements			
Expertise Required:	Expert in competitive neutrality			
Project Name/Service line/Project number	EDM/GER/1173			
Assignment Length	Short-term <input checked="" type="checkbox"/>		Long-term <input type="checkbox"/>	
Assignment Effort	Part-time <input checked="" type="checkbox"/>		Full-time <input type="checkbox"/>	
Job Stage	Current/Active <input checked="" type="checkbox"/>	Proposal <input type="checkbox"/>	Talent Pool <input type="checkbox"/>	Corporate <input type="checkbox"/>
Donor	Global Affairs Canada			
Apply by Date	June 6, 2025			
Job Level	Entry <input type="checkbox"/>	Mid <input type="checkbox"/>	Senior <input checked="" type="checkbox"/>	Executive <input type="checkbox"/>
Minimum Years of Experience	10			
Language(s)	English			
Sector:	Trade Policy			
Position Type:	Consultancy			
Duration/Level of Effort:	4 months			
Position Location: (e.g. Remote or In-Person)	Remote and in-person			

Background

Funded by Global Affairs Canada, the **Expert Deployment Mechanism for Trade and Development (EDM)** provides technical assistance to Official Development Assistance (ODA)-eligible countries to maximize the development impacts of trade and investment. Over seven years (2018-2025), EDM will invest CAD 16.5 million to support Canada's developing country trading partners to negotiate, implement, benefit from, and adapt to trade and investment agreements with Canada.

EDM is a demand-driven project that will benefit potential partners – including governments, local private sector groups and local civil society organizations – through capacity building and technical advisory support on policy reform issues that have a high potential to reduce poverty and gender inequalities and support progress in trade and investment agreement negotiations.

The ASEAN regional economic integration project has been a remarkable success, advancing slowly but steadily towards a common market and full enjoyment of the four economic freedoms (the free

movement of goods, services, labour and capital) by the region's 650 million people. The evidence of this success is ASEAN's impressive economic growth, which has outperformed the global economy over the past two decades.

Trade liberalization has made an important contribution to ASEAN's economic development. ASEAN has pursued an active program of trade negotiations with external trading partners, which has, to date, yielded 13 bilateral or plurilateral trade agreements. ASEAN Member States have also concluded over 80 bilateral trade agreements.

ASEAN is currently engaged in trade negotiations with Canada and the EDM has provided expert assistance to deepen Member States' understanding of negotiating issues, build consensus negotiating positions among the Members and strengthen their capacity to implement the obligations of an eventual agreement.

As part of the agreement, Canada seeks to negotiate provisions on competitive neutrality, intended to prevent state interventions from distorting competition and ensure a level playing field for all market participants. Canada's seeks to develop innovative trade disciplines, building on the work of the Organisation for Economic Cooperation and Development (see <https://www.oecd.org/en/topics/sub-issues/competitive-and-fair-markets/competitive-neutrality-in-competition-policy.html>) and the United Nations Conference on Trade and Development (see <https://unctad.org/fr/node/40400>), as well as other governments and academic institutions. The goal is to broaden the disciplines in free trade agreements (FTAs) to cover the full range of government marketplace framework laws and regulations that ensure fair competition.

FTA disciplines on competitive neutrality continue to evolve and ASEAN Member States have varying degrees of experience in dealing with these issues in their trade agreements. For this reason, the ASEAN Secretariat has request EDM assistance to deepen Member States' understanding of the history, evolution, substance, legal and practical effect, and economic impact of competitive neutrality provisions in trade agreements.

Short description

EDM provides expert assistance to ASEAN Member States in addressing issues related to trade and investment agreements, with a focus on poverty reduction, gender equality, and sustainable trade. It aims to enhance understanding of negotiation issues, build consensus among Member States, and strengthen their capacity to implement agreement obligations. This report and workshop are specifically focused on competitive neutrality provisions in trade agreements.

Linkage to EDM Performance Measurement Framework

This assistance is consistent with the EDM Performance Management Framework, Immediate Outcome 1100: *Enhanced ability of partner country MDAs to engage in exploratory discussions and negotiate sustainable and inclusive trade and investment agreements*. The assistance also aligns with the EDM Country Needs Assessment Plan for ASEAN, Mandate 1: *Strengthening ASEAN Readiness for Trade Negotiations with Canada and Implementation of a Potential Agreement*.

Description of Technical Assistance Request/Key Responsibilities

Under this technical assistance activity, the technical expert(s) will:

- Design and deliver a virtual workshop with ASEAN Member State and Secretariat officials to explore the concept of competitive neutrality and brainstorm the content and structure of a policy brief to build a common understanding of the issue among ASEAN Member States;
- Draft a policy brief on competitive neutrality including:
 - the underlying concepts and policy rationale;
 - its history and evolution;
 - the treatment of competitive neutrality in trade agreements and an inventory of related provisions in FTAs (scope to be proposed by technical experts and agreed with the ASEAN Secretariat);
 - the legal and practical effect of these FTA disciplines;
 - the implementation of competitive neutrality provisions in FTAs in domestic laws and regulations in Canada, as well as best practices in other countries and the mechanisms established to ensure inter-agency collaboration and coherence;
 - the interrelationship between competitive neutrality and the promotion of gender equality and social inclusion, as well as the link to government measures to protect the environment and prevent / adapt to climate change;
 - evidence of the economic impact of competitive neutrality provisions in trade agreements; and
 - such other issues as the experts deem relevant.
- Design and deliver a two-day, in-person workshop for relevant ASEAN negotiators and policy officials to present and discuss the policy brief and to facilitate the development of consensus negotiating positions. The expected timing of the workshop is July 2025, to coincide with a meeting of the Competition Policy Working Group. Bidders are expected to work with the ASEAN Secretariat and the Competition Policy Working Group to ensure gender balance in the participation in the workshop. Note that the delivery of the workshop includes management of all logistical arrangements, including the travel and accommodation for Member State participants (an estimated 14 officials).
- Manage and execute all logistics to ensure the smooth operation of the Technical Assistance Activity. This includes, but is not limited to, arranging hotels, flights, catering, translation services, audiovisual equipment, participant per diems, transportation, and accommodation. The EDM team will provide guidance to the technical expert throughout the process, ensuring adherence to EDM and Global Affairs Canada guidelines.

Consistent with Canada's inclusive trade approach, the EDM promotes gender equality and social inclusion and environmental sustainability as cross-cutting objectives of all technical assistance. Proposals should explain how these objectives will be integrated into the planning/approach, content and conduct of the policy brief and workshops. The direct beneficiaries of this technical assistance will be the ASEAN Member State and Secretariat officials responsible for developing trade policy and marketplace framework law. Indirectly, the assistance will result in better trade policy outcomes for ASEAN businesses, increasing sustainable trade, prosperity, and poverty reduction.

The immediate outcome of the technical assistance is expected to be increased knowledge of competitive neutrality provisions in free trade agreements among ASEAN Member State and Secretariat officials. In the medium term, the assistance is expected to contribute to developing trade and marketplace framework policy, consensus on ASEAN negotiating positions, and the promotion of fair competition.

Technical Expert Profile/Expertise Required

Bidders for this technical assistance activity must demonstrate expert knowledge and extensive experience in the following:

- competition policy and competitive neutrality;
- international trade and competitive neutrality provisions in trade agreements;
- ASEAN and competition policy in ASEAN Member States;
- Canadian competition policy and the approach to competition policy and competitive neutrality issues in Canadian trade agreements;
- research methods and the preparation of policy briefs;
- the design and delivery of workshops on trade and competition policy issues;
- the design and delivery of technical assistance to developing countries; and
- the impact of competition policy and competitive neutrality measures on gender equality/social inclusion, as well as on environmental protection.

Note: EDM includes a core focus on gender and social inclusion as well as on environmental issues associated with trade activities. Successful applicants must research and integrate specific good and emerging practices in this area, partnering with other expert consultants if necessary. Any prior experience providing TA on gender equality, social inclusion, and the environment will be considered a strong asset. Before starting activities, the successful Consultant (s) will be required to complete the Government of Canada's online [Gender-Based Analysis Plus \(GBA+\)](#) training (approximately 2 hours).

Timelines

The deadline to apply is June 6, 2025. The technical assistance activity is expected to be completed by December 31, 2025.

Deliverables

- A detailed work plan, work schedule and budget for the delivery of activities.
 - Draft and final outline of the policy brief.
 - Draft and final texts of the policy brief.
- Draft and final workshop agendas and presentations.
- Completed **EDM Performance Measurement Framework** template for the TA, including baseline data and targets against EDM indicators.
- **Final Narrative Report on Mandate:** Due within 30 calendar days of completing all TA activities. The report shall describe activities delivered; results achieved (versus initial expected results and baseline); lessons learned relevant to future EDM activities, and expenses incurred by the Consultant in carrying out this mandate. EDM will review and approve this report before being shared with Global Affairs Canada.

PROPOSAL SUBMISSION PROCESS

For your proposal to be considered, please name your document in the following format:

5.17 Consultant Last Name, First Name

(Proposals can be submitted by a single consultant or a consortium of consultants).

Your proposal should be in English and contain the following sections:

Cover letter

Proposal that includes the following:

Your approach to implementing this TA (up to 10 pages maximum);

Describe your approach to ensure that gender equality and social inclusion are considered in all aspects of the TA, including approach, content, and delivery (up to 2 pages maximum);

Describe your approach to ensure that environmental impacts are considered in all aspects of the TA, including approach, content, and delivery (up to 1 page maximum);

Outline your project management and monitoring strategy for the implementation of the activities (up to 2 pages maximum).

Indicate all proposed personnel to implement this project and their roles and responsibilities. Include all CVs of proposed personnel/experts (up to 20 pages maximum).

Estimated level of effort (in days) and provide consulting rates (in CAD) for each proposed personnel and/or expert implementing the project.

Please submit your proposal as one PDF document through the Cowater Career Page. Emailed proposals will not be accepted. If you have any questions, please email info@edm-mde.ca.

At EDM, we recognize the value of using open AI tools like ChatGPT to enhance productivity, however, for the purpose of this tender we encourage the bidders to write their responses independently. This will allow us to gain a clearer understanding of your expertise, quality of analysis, organization of your ideas, etc.

ABOUT US

Cowater International is a leading global development consulting company founded in 1985. Headquartered in Ottawa, Canada and with corporate hubs in Montreal, Canada, Brussels, Belgium, and London UK. Cowater International has successfully delivered a portfolio of over 2500 projects and assignments in more than 95 countries. We work with governments, private sector actors and communities implementing projects that support socio-economic development, institutional strengthening, environmental improvements, and advance equal opportunities for all. We are a diverse and experienced team committed to building a better tomorrow for the people we serve. Our adaptive approach to management has led to our yearly award-winning work and recognition as one of Canada's Best Managed Companies since 2017.