



Caribbean Community (CARICOM) Secretariat



EPA

HANDBOOK FOR CIVIL SOCIETY
on the CARIFORUM-EU
Economic Partnership Agreement (EPA)

EPA



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Zusammenarbeit (GIZ) GmbH



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This document has been produced with the financial assistance of the European Union (EU), Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and the Caribbean Export Development Agency ('Caribbean Export'). The views expressed herein can in no way be taken to reflect the official opinion of the EU, GIZ or Caribbean Export.

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Content:

IBF International Consulting

Design/Layout & Printing:

Office Authority

Published by:



CARICOM

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ISBN 978-976-600-279-4

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Printed in Trinidad & Tobago



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HANDBOOK FOR CIVIL SOCIETY
on the CARIFORUM-EU Economic Partnership Agreement (EPA)

foreword

Foreword

The Economic Partnership Agreement (EPA) between the Caribbean Forum of African, Caribbean and Pacific (CARIFORUM) States and the European Union (EU) has been provisionally applied since 29th December, 2008.

The EPA Implementation Unit in the CARIFORUM Directorate of the CARICOM Secretariat, as part of its programme of assistance to CARIFORUM States, is in production of a public education-styled booklet series which is intended to sensitize the private and public sectors and other stakeholders with respect to the provisions of the EPA.

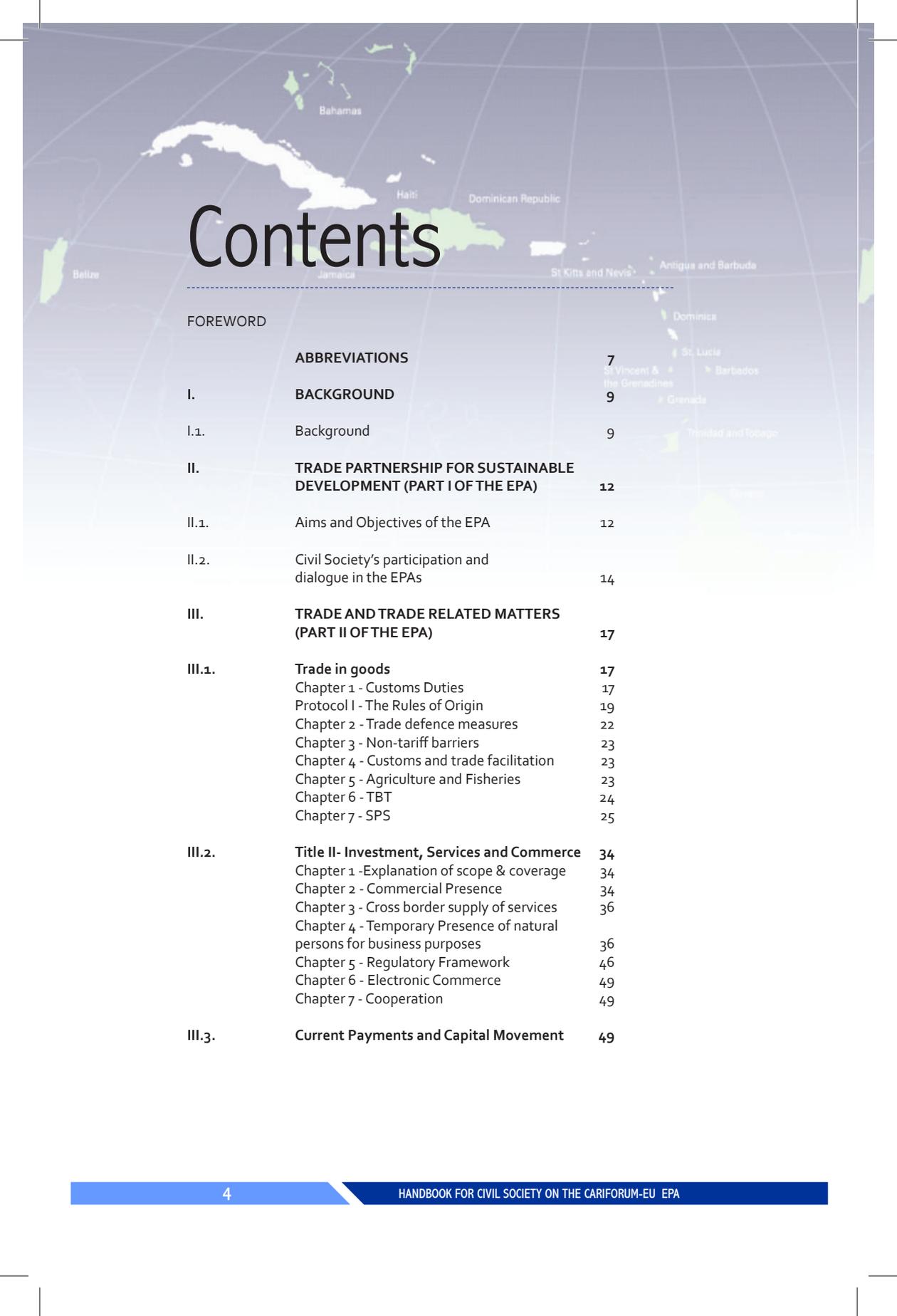
This handbook forms part of the series. It explains the **CARIFORUM-EU EPA** for one group of stakeholders in particular, **Civil Society**.

Interested parties are encouraged to utilize or reproduce the text of the handbook, in whole or in part, with a request that there be an acknowledgement of the source.

The Secretariat acknowledges with appreciation the support provided to the Unit, including for publication of this booklet, from the 9th European Development Fund (EDF) Caribbean Integration Support Programme (CISP) and the United Kingdom Government's Caribbean Aid for Trade and Regional Integration Trust Fund (CARTFund). The additional support of Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH and the Caribbean Export Development Agency ('Caribbean Export') for publication of this handbook is also acknowledged.

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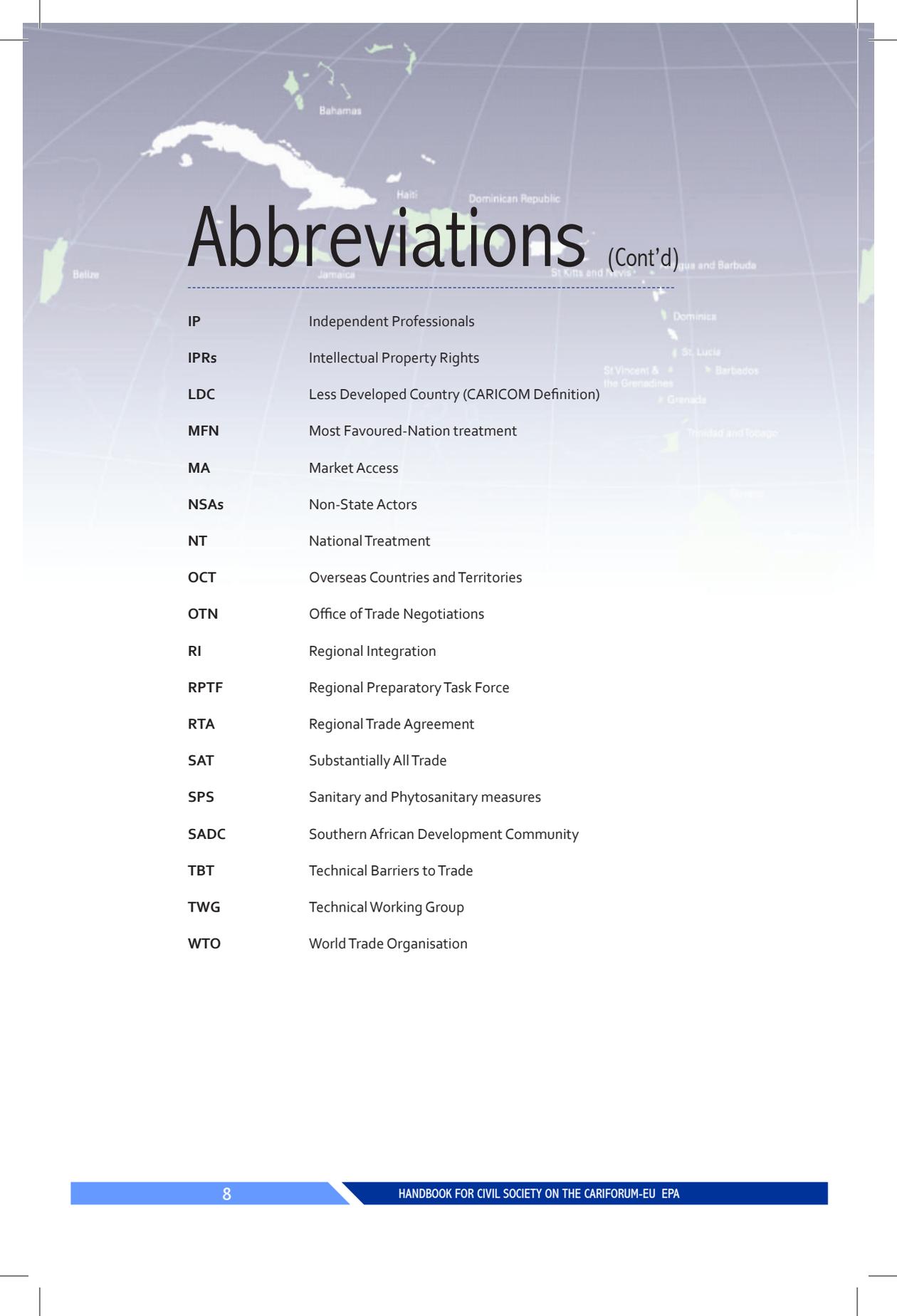
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Abbreviations

ACP	Africa, Caribbean and Pacific Group of States
CARICOM	Caribbean Community
CARIFORUM	Caribbean Forum of ACP States (CARICOM + Dominican Republic)
CETDC	CARIFORUM-EU Trade and Development Committee
CETRI	Centre for Economics, Trade and Regional Integration
CIF	Caribbean Investment Facility
CISP	Caribbean Integration Support Programme
CPA	Cotonou Partnership Agreement
CRNM	Caribbean Regional Negotiating Machinery
CSS	Contract Service Suppliers
DFQF	Duty Free Quota Free (Market Access)
EDF	European Development Fund
EIB	European Investment Bank
EAC	East African Community
EPA	Economic Partnership Agreement
ESA	Eastern and Southern Africa
EU	European Union
FDI	Foreign Direct Investment
GATT	General Agreement on Tariffs and Trade
GATS	General Agreement on Trade in Services
GI	Geographical Indications
ICT	Intra-Corporate Transfers



Abbreviations (Cont'd)

IP	Independent Professionals
IPRs	Intellectual Property Rights
LDC	Less Developed Country (CARICOM Definition)
MFN	Most Favoured-Nation treatment
MA	Market Access
NSAs	Non-State Actors
NT	National Treatment
OCT	Overseas Countries and Territories
OTN	Office of Trade Negotiations
RI	Regional Integration
RPTF	Regional Preparatory Task Force
RTA	Regional Trade Agreement
SAT	Substantially All Trade
SPS	Sanitary and Phytosanitary measures
SADC	Southern African Development Community
TBT	Technical Barriers to Trade
TWG	Technical Working Group
WTO	World Trade Organisation

I Background



I.1. Background

Following the expansion of the European Economic Community (EEC) in 1973, and by the inclusion of the United Kingdom, among others, the EEC embarked on negotiations with a number of developing countries in Africa, the Caribbean and the Pacific which led to the conclusion of the Lomé Convention. This trade and development cooperation Agreement provided *inter alia* for the granting of non-reciprocal preferential (duty free) access in favour of exports from these developing countries. The Agreement also called on the developing countries not to discriminate among the EEC Member states with respect to tariff treatment and not to grant better tariff treatment to any other developed country than the tariff treatment accorded to the EEC Member States.

The African, Caribbean and Pacific (ACP) States which joined the Lomé Convention formalized their own relationship by way of the Georgetown Agreement which established in 1975 the African, Caribbean and Pacific Group of States (the ACP Group of States).

The Lomé Convention was re-negotiated a number of times with little change to the terms of the arrangements on trade. However, fuelled largely by concerns about its effectiveness and to ensure compatibility with the rules of the World Trade Organisation (WTO) Agreement, which entered into force in 1995, the European Union (EU) and its Member States and the ACP States adopted the ACP-EU Partnership Agreement in June 2000, called

the Cotonou Partnership Agreement (CPA). This was designed to establish a comprehensive partnership anchored on themes of economic growth and development, poverty reduction and eradication and gradual integration of the ACP States into the world economy. Under the CPA, the European Development Fund (EDF) is the main instrument for providing Community assistance for development cooperation in ACP States and, to a lesser extent, to the Overseas Countries and Territories (OCT) of the EU. For the period 2008-2013, the 10th EDF provides EUR 165 million for the implementation of the Caribbean regional indicative programme that concentrates primarily on assisting the region in implementing the Economic Partnership Agreement (EPA).

It also provided for new trading arrangements and laid out the modalities for establishing WTO-compatible agreements against a time-table which called for Economic Partnership Agreements to be established by 1 January 2009 between the EU and the ACP States.

The ACP Group, in considering the demands of the negotiation process, determined that separate negotiation configurations of ACP States

In the case of the Caribbean, the Caribbean Forum of ACP States (CARIFORUM) which was established in 1992 as a base for inter-regional dialogue between the Caribbean ACP States and the European Community on trade and development matters was identified as the vehicle for the conduct of negotiation of the EPA for the Caribbean.

There are fifteen (15) participating Caribbean States, namely:

- The 14 independent members of the Caribbean Community (CARICOM), namely: Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint

Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Suriname, Trinidad and Tobago; and

- The Dominican Republic.

Figure 1. The fifteen participating Members in CARIFORUM



Box 1. The Office of Trade Negotiations

Established in 1997, the Caribbean Regional Negotiating Machinery (CRNM) had *primary* responsibility for coordinating and spearheading a cohesive and coherent regional trade policy. This entailed developing and maintaining an effective framework for the coordination and management of the Caribbean Region's trade negotiating resources and expertise, and undertaking negotiations where appropriate.

In 2009, Heads of Government of the CARICOM decided to incorporate the CRNM into the CARICOM Secretariat as a Specialised Department recognizing and providing for the special nature of its role and functions, which would now be referred to as the Office of Trade Negotiations (OTN).

During the formulation of a common negotiating strategy by the CARIFORUM States, the socio-political and economic interests of the Community and the individual Member States was established through several fora. To complement the formal consultation process, a parallel process of consultation with regional stakeholders, including the Private sector and NGOs, was also facilitated and coordinated by the Caribbean Regional Negotiation Machinery, subsequently renamed

to Office of Trade Negotiations (OTN) (see Box 1). At the national level, some CARIFORUM States established special units to coordinate their international trade negotiations (e.g. the Dominican Republic), while some others have set up national consultative bodies to disseminate information and get policy input from the various productive sectors and other non-governmental organisations (e.g. Barbados, Jamaica, Guyana, Trinidad and Tobago).

The EPA was signed by fourteen CARIFORUM States in October 2008 and by the fifteenth CARIFORUM State, Haiti, in December 2009. The Agreement has been provisionally applied since 29 December 2008. It provides asymmetric and progressive opening of trade in goods. It is asymmetric because CARIFORUM goods enter the EU duty and quota free while CARIFORUM States maintain customs duties on sensitive products. It is progressive because CARIFORUM tariff reduction is spread over a 25 year transition period in the interest of insulating regional governments from any sudden loss in fiscal receipts and in protecting domestic producers from having to face immediate competition from EU exports. A number of measures are also taken for trade in services and other trade related areas, as discussed in subsequent chapters.

The Lisbon Treaty, signed by the 27 Member States in 2007, amended EU treaties at the time, and provided the EU with a new legal framework and channels for formulating and implementing policy decisions. The Lisbon Treaty revisited the Common Commercial Policy, and brought it under exclusive EU competence. This led to the EC's competency to negotiate trade and investment agreements with third countries, on behalf of its Member States.

The EPA represents a modern, comprehensive trade agreement that has development components. It forms the basis for a mature trading relationship between the two sides, encompassing not just a Trade in Goods regime, but also Trade in Services, Trade-Related Issues and Development Cooperation. The aim is to create a shared trade and development partnership backed up by development support which will, through gradual and controlled liberalisation of trade in goods, and a set of rules on sectors such as services and investment, contribute to development, growth and job creation.

II TRADE PARTNERSHIP FOR SUSTAINABLE DEVELOPMENT (PART I OF THE EPA)



II.1 Aims and Objectives of the EPA

The CARIFORUM-EU EPA has been designed as a legal agreement and instrument in order to promote specified development objectives. The EPA is based on and is essentially complementary to the Cotonou Partnership Agreement. The objectives and priorities of the EPA are set out in the table 1 below.

The EPA between the EU and CARIFORUM provides a comprehensive framework to improve the flow of investments between the two parties, covering industrial, agricultural and services sectors.

The EPA presents several advantages:

- It is “tailor-made” to suit specific regional circumstances.
- It takes into account socio-economic circumstances and includes co-operation and assistance to help CARIFORUM States implement the Agreement.
- It opens up EU markets fully, immediately and unilaterally, but allows CARIFORUM States between 5 and 25 years to open up to EU imports while providing protection for sensitive imports.
- It provides scope for wide-ranging trade co-operation on areas such as services and standards.
- It is designed to be a driver of change that will kick-start reform and help strengthen rule of law in the economic field, thereby attracting investment.

Table 1. Objectives of the EPA and Priorities for CARIFORUM

Objectives of the EPA	Priorities to be targeted in the CARIFORUM
<ul style="list-style-type: none"> • Contribution to the reduction of poverty • Promotion of regional integration, economic cooperation and good governance • Encouragement of gradual integration of CARIFORUM States into the world economy • Capacity building of the CARIFORUM States in trade policy • Improve the investment climate, private sector environment, supply capacity competitiveness and the economic growth • Strengthen the relations based on solidarity and mutual interest between the Parties 	<ul style="list-style-type: none"> • Improve human, legal and institutional framework through capacity building • Strengthen the tax administration • Improve the international competitiveness and diversification of CARIFORUM firms • Promote new investments and nascent industries • Harmonise regional with international standards in SPS, TBT, labour and the environment • Development of innovation systems • Improve the infrastructure necessary for the conduct of trade

The objective of sustainable development is integrated at every stage of the economic partnership, centred on the current generation’s well-being and that of future generations, based on a participative decision-taking. Trade is a central pillar of this objective, as is the institutional framework which governs the socio-economic environment.

The mechanisms of regional integration represent a powerful instrument in order to achieve political stability, effective integration into the world economy and greater management of economic opportunities. The objective of deepening regional integration is defined in conformity with geographical realities, levels of development and strategies of sustainable development, as well as the respective obligations coming out of existing regional agreements¹.

Box 2. Defining Sustainable Development

A landmark definition for sustainable development is “Development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. Sustainable development therefore requires a subtle balancing of goals relating to economic growth, social cohesion and environmental standards. The EPA aims to maintain these balances so as not to endanger the welfare and well-being of future generations.

Further reading: www.un.org/esa/dsd/ & www.worldbank.org/depweb/english/sd.html

The development of financial and non-financial cooperation is promoted in order to maximise the expected benefits of the EPA. The EU and the Signatory CARIFORUM States will take the necessary measures consistent with their respective roles and responsibilities

in order to facilitate the development cooperation activities.

¹ Revised Treaty of Chaguaramas; Treaty of Basseterre; Free Trade Area between the Caribbean Community and the Dominican Republic.



II.2. Civil Society's participation and dialogue in the EPAs

In the area of trade policy there are a wide range of stakeholders both from the private sector and the civil society sector where decisions made can have far reaching effects on the lives of citizens. The CPA which shaped the EPA process required that Non State Actor (NSA) participation was a legal requirement and at the core of the development process.

The CARIFORUM-EU Consultative Committee is established to promote dialogue and cooperation between representatives of civil society and social and economic partners. The CARIFORUM-EU Consultative Committee has the role of broadening representation of all interested parties by making recommendations to the Joint CARIFORUM-EU Council. The implementation of the Agreement is supervised by the Joint CARIFORUM-EU Council. The Joint Council monitors overall progress in the implementation and the operation of the Agreement, and has the power to take decisions in all matters related to it. The Joint Council is assisted on an operational level by the CARIFORUM-EC Trade and Development Committee, which monitors progress and facilitates mediation of disputes arising from the interpretation or application of the Agreement.

Also established to facilitate implementation of the Agreement are the CARIFORUM-EU Parliamentary Committee and the Special Committee on Customs Cooperation and Trade Facilitation.

SUCCESS STORY I

TRINIDAD AND TOBAGO CHAMBER OF COMMERCE, TRADE MISSION TO THE EU



Name of Beneficiaries	Trinidad and Tobago Chamber of Commerce (TTCC) and its members
Assistance Received	Funding was received from the TradeCom facility in Brussels under the European Development Fund. The mission was a follow up to a study undertaken earlier (funded by TradeCom) to ascertain the reasons hindering the private sector from trading under the Economic Partnership Agreement (EPA).
Intended Purpose of Assistance	To explore business opportunities in the EU, strengthen business ties between Trinidadian companies and those in the EU. To increase the technical capacity of the staff to provide practical assistance to members and forge relationships with European business services support organisations.
How Assistance was utilized	A delegation of nine (9) select companies comprising five (5) ICT companies, two (2) construction companies and two (2) food and beverage companies was taken to five (5) cities (Hamburg, Munich, Rotterdam, Birmingham and Manchester) in the EU to explore business opportunities in February to March 2012. Companies participating took part in a total of 137 business-to-business meetings, including visits to ICT clusters, research institutes, innovation parks, and food factories.



Results/Success;
who benefited and

It was revealed in the study that despite the signing of the EPA in 2008, there was little awareness of it and its provisions among Trinidadian companies who also had little knowledge of markets in the EU. As a result, it was determined that more specific actions need to be taken to seek strategic partnerships for the Trinidadian business community and their EU counterparts.

Approximately 41 business leads were achieved with which local companies had immediate follow up.

Relationships were also formed with the CEO and Head of International Trade at the Chamber of Commerce visited in each of the five (5) European cities.

The Trinidad and Tobago Chamber of Commerce also deepened its relationship with the Caribbean Export Development Agency, which participated in the mission as an observer.

III TRADE AND TRADE RELATED MATTERS (PART II OF THE EPA)

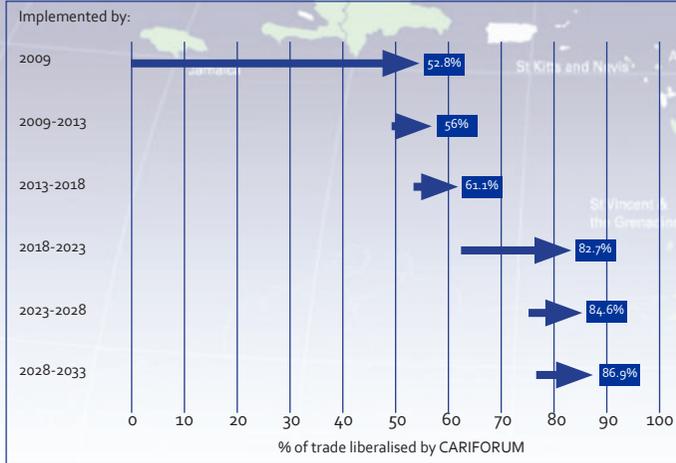


III.1. Trade in goods

Chapter 1 - Customs Duties

Customs duties represent one of the most visible barriers to trade in goods and one of the most measurable results of a trade agreement since negotiations focus on eliminating tariff barriers (a process called tariff liberalisation) between partner countries on a significant proportion of their bilateral or biregional trade. In the case of the CARIFORUM states, a total of 13.1% of CARIFORUM imports have been excluded from any tariff liberalisation in the EPA. The list of items which are going to remain protected was selected based on a variety of criteria, such as employment considerations, revenue considerations and potential for future growth. The process of liberalisation started three years after the signature of the Agreement and will take place over a period of 25 years. The scheduling of CARIFORUM liberalisation is given in Figure 2 and spans from 2009 until 2033.

Figure 2. Liberalisation schedule in the EPA, 2009-2033



Source: EPA text

After a three year moratorium, and over a period of liberalisation extending to 2033, CARIFORUM will end up liberalising 86.9% of its trade with the EU. The percentages of liberalisation refer to a reference period for trade (2002-2004).

In return, CARIFORUM States obtained immediate duty free and quota free (DFQF) access for their exports to the EU. Only two exceptions to DFQF access remained for a period, which related to rice and sugar.

The total amount of trade flows (imports and exports) which will be liberalized between the CARIFORUM and EU by the end of the transition period (2033) will be 92%. The actual value of 92% is significant, since it is the value which was required by the EU negotiators in order to be considered to satisfy the substantially all trade (SAT) criterion under the terms of the Agreement establishing the

Box 3. WTO Article XXIV of GATT (1994)

Substantially all trade (SAT) is a requirement contained under the WTO's Article XXIV of GATT (1994). For a FTA to be considered to comply with the relevant WTO Article on Regional Trade Agreements (RTAs), it must have substantially all of the trade flows liberalised. The interpretation of what is considered "substantially all" has still never been agreed to by WTO parties. The EU always considered this to be greater than 90% of trade flows, while many ACP states interpreted it to be closer to 60%.

World Trade Organisation (see Box 3). Other duties and charges currently in place, which are applied in a discriminatory manner, will also be liberalised over ten years, with full application over seven years and removal in the succeeding three years. All other taxes (for example, value added tax) which are applied equally on imports and domestic production may continue to be applied and be autonomously determined. All export duties have also now been eliminated .

There is also a ten year moratorium on motor vehicles (due to the predominance of these products as a source of revenue generation) and Haiti can enjoy a ten year moratorium on certain petroleum products.

The Most Favoured Nation (MFN) Clause ensures that the EU will grant CARIFORUM states no less favourable treatment than it will provide in any future trade agreements that it signs with third parties. In addition, CARIFORUM States also have to provide equally favourable treatment to the EU with any future trading partner that it signs a trading arrangement with, provided that the partner is a major trading country².

CARIFORUM States do not need to extend to the EU concessions granted to each other as part of their integration agenda. However, CARIFORUM States are required to grant to one another equal concessions to those granted to the EU.

In the event that tariff liberalisation causes significant difficulty to a CARIFORUM State, the tariff liberalisation schedule may be modified provided that the date for tariff elimination is maintained and the level of liberalised trade is achieved. Moreover safeguard measures may be applied in the event that trade liberalisation leads to large unexpected import surges (see chapter 2 on trade defence measures below). While the elimination of tariffs is expected to boost bi-regional trade flows, it must be borne in mind that only goods which meet the rules of origin will benefit from EPA preferential market access.

Protocol I - The Rules of Origin

The rules of origin established under the EPA will govern the qualification for preferential access of exports from both CARIFORUM States and EU Member States. For both CARIFORUM and the EU, the countries of each grouping will be considered as a single territory for purposes of rules of origin.

More importantly, the rules of origin in the EPA are more relaxed - compared to those contained in the Cotonou Partnership Agreement - to make it easier for certain goods from CARIFORUM to qualify for preferential treatment under the EPA.

Protocol I of the EPA text contains the rules of origin requirements which must be met in order for goods to qualify for "originating status" under the Agreement. These products are eligible to benefit from preferential treatment under the EPA. The same rules of origin apply to trade in both directions - from the EU to CARIFORUM and from CARIFORUM to the EU. Three broad areas of concern are presented hereafter.

² A "major trading economy" means any developed country, or any country or territory accounting for a share of world merchandise exports above 1% in the year before the entry into force of the free trade agreement, or any group of countries acting individually, collectively or through a free trade agreement accounting collectively for a share of world merchandise exports above 1.5 % in the year before the entry into force of the free trade agreement.

- **Process of production**

The following products are considered as originating in CARIFORUM States or EU Member States:

- (a) *Products wholly obtained within the meaning of Article 6 of this Protocol (see Box 4);*
- (b) *Products obtained in the CARIFORUM States or the EU Member States incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in a CARIFORUM State or an EU Member State (see below).*

Products which are not wholly obtained are considered to be sufficiently worked or processed when the conditions set out in the List in Annex II of Protocol I are fulfilled. The list specifies the necessary working or processing which must be carried out on non-originating materials if the final product is to be considered as originating

Box 4. Protocol I - Article 6: Wholly obtained products

The following shall be considered as wholly obtained in the territory of the CARIFORUM States or in the territory of the EC Party:

- (a) Mineral products extracted from their soil or from their seabed;
- (b) Fruit and vegetable products harvested there;
- (c) Live animals born and raised there;
- (d) Products from live animals raised there;
- (e) (i) Products obtained by hunting or fishing conducted there;
- (ii) Products of aquaculture where the fish are born and raised there;
- (f) Products of sea fishing and other products taken from the sea outside the territorial waters of the EC Party or of a CARIFORUM State by their vessels;
- (g) Products made aboard their factory ships exclusively from products referred to in (f);
- (h) Used articles collected there fit only for the recovery of raw materials, including used tires fit only for retreading or for use as waste;
- (i) Waste and scrap resulting from manufacturing operations conducted there;
- (j) Products extracted from marine soil or subsoil outside their territorial waters provided that they have sole rights to work that soil or subsoil;
- (k) Goods produced there exclusively from the products specified in (a) to (j).

- **Cumulation**

Cumulation involving CARIFORUM, EU, ACP States and OCTs

Materials originating in an EU Member state, in the OCTs or in an ACP State shall be considered as materials originating in the CARIFORUM States when used in production in a CARIFORUM State. Similarly, materials originating in a CARIFORUM State, in an OCT or in an ACP State shall be considered as materials originating in the EU Member States when used in production in an EU Member State. It shall not be necessary that such materials have undergone sufficient working or processing, provided they have undergone working or processing going beyond that referred to in Article 8.

Box 5. Article 8 on insufficient working and processing

Some operations shall however be considered as insufficient working or processing to confer the status of originating products as stated in Article 8 of Protocol I. Examples include:

- Operations to ensure the preservation of products during transport and storage;
- Breaking-up and assembly of packages;
- Washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- Ironing or pressing of textiles;
- Painting and polishing operations.

Cumulation involving neighbouring developing countries

Materials originating in a neighbouring developing country shall be considered as materials originating in a CARIFORUM State when incorporated into a product obtained there. The neighbouring developing countries concerned are: Colombia, Costa Rica, Cuba, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and Venezuela. This facility will need to be approved by the Special Committee on Customs Cooperation and Trade Facilitation before it is implemented.

It shall not be necessary that such materials have undergone sufficient working or processing, provided that they have undergone working or processing going beyond that referred to in Article 8 (See Box 8) in the CARIFORUM States or the EU Member States.

- **Goods traded under the EPA must be consigned from the country of the exporter directly to the country of the consignee (Direct transportation)**

Where it is necessary, transshipment through a country other than a CARIFORUM State or an EU State is permitted, provided that the goods remain under customs supervision and are subject only to operations designed to preserve their condition.

Evidence that these conditions have been fulfilled shall be supplied to the customs authorities of the importing country, by a transport document and/or certificate issued by the customs authorities of the country of transit.

- **Certification/Verification**

A Movement Certificate EUR.1 must be completed for products on which preferential treatment is claimed (see Box 6). There are precise specifications for this form which must be complied with.

Box 6. Movement Certificate EUR.1 Form

The Movement Certificate EUR.1 Form is the declaration which must be completed by the exporter and signed by the Custom Administration in the exporting State for products on which preferential origin status is claimed.

Subsequent verifications of proof of origin shall also be carried out at random or based on risk analysis or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of other requirements. This verification shall be carried out by the customs authorities of the exporting country following a request from the customs authorities in the importing country.

The exporters shall endeavour to use a language common to both the CARIFORUM States and the EU.

Chapter 2 - Trade defence measures

The EPA has a number of Articles which aim to ensure that corrective measures may be applied in circumstances where trade is conducted unfairly or where trade causes large disturbance to a national market.

Three types of trade defence measures are permitted: safeguards, anti-dumping and countervailing (also called anti-subsidy) measures (see Box 7).

The introduction of safeguards relates to invoking the Safeguards Agreement in the WTO Agreement. However, CARIFORUM States are excluded from the application of any such safeguard measures by the EU, for the first five years of implementation or longer if so decided by the EU and CARIFORUM.

Box 7. Trade Defence Instruments in the EPA

Safeguards may be applied on imports in situations in which an industry is affected by an *unforeseen, sharp and sudden increase of imports*. The objective is to give the industry *temporary breathing space* to make necessary adjustments.

Anti-dumping measures are applied on imports against a company if it is exporting a product at prices lower than the normal value of the product (the domestic prices of the product or the cost of production) on its own domestic market.

Countervailing measures are introduced on imports to “counter-balance” the price advantage created by the existence of subsidies in the country of export. A subsidy can be defined as “a financial contribution made by (or on behalf of) a government or public body which confers a benefit to the recipient”. The imposition of countervailing duties to neutralise the benefit of such a subsidy can be introduced *only if it is limited to a specific firm, industry or group of firms or industries*.

Source: www.ec.europa.eu/trade/tackling-unfair-trade/trade-defence

Chapter 3 - Non-tariff barriers

The EU Member States and the CARIFORUM States have agreed not to apply prohibitions and restrictions on imports or exports of originating goods. This applies to quotas, import, export licences or other measures.

Non-tariff barriers refer to all types of restrictions on imports (other than tariffs) which a country may apply to its trade partners. However, technical measures, such as standards are covered under Chapter 6 (TBT), and sanitary and phytosanitary measures are covered under Chapter 7 (SPS) of the EPA.

The EPA provides for the principle of National Treatment (NT) under which imports are treated in exactly the same manner as like goods produced domestically, not only in terms of taxation but also in terms of access to channels of distribution and sale.

The EPA also ensures that market conditions between the EU and CARIFORUM remain at least as favourable as prior to the Agreement. Thus, the CARIFORUM States may not introduce new agricultural export subsidies on goods traded under the Agreement and the EU has undertaken to phase out all export subsidies on those products which CARIFORUM has committed to liberalise. CARIFORUM States however may maintain any subsidies on their products during the transition period.

Chapter 4 - Customs and trade facilitation

The provisions of the EPA on Customs and Trade Facilitation aim to strengthen existing customs and trade facilitation procedures through harmonisation of legislation and procedures and to increase transparency, efficiency, predictability, and accountability of customs operations in both the EU and CARIFORUM. A number of measures are proposed which aim to simplify and harmonise procedures, provide for publication (including by way of the internet) of customs laws and procedures and standardise forms and data used by customs. There are also provisions to combat fraud and for a cooperative solution to be found between both the EU and CARIFORUM when incidents of fraud arise.

Protocol II on mutual administrative assistance in customs matters provides a framework under which customs administrations may cooperate in taking action against operations in breach of the Agreement's provisions in customs-related matters (including, for example, customs documentation and certificates of origin).

Chapter 5 - Agriculture and Fisheries

The agricultural and fisheries sectors are important for CARIFORUM States, as they provide employment and enhance food security and export earnings.

Not only are the provisions under this chapter aimed at increasing the competitiveness of this sector but they are aimed at securing the sustainable development and exploitation of CARIFORUM's Agriculture and Fisheries



sector through Financial and Non-financial trade development support. Emphasis is placed on improving diversification, the sector's viability, and its capacity to be a facilitator of poverty eradication.

For all products originating in CARIFORUM States and exported to the EU (other than rice and sugar³), the Agreement has brought about a Duty Free and Quota Free (DFQF) regime as from 1 January 2009.

The EU is also committed to consulting with CARIFORUM before policy developments take effect that would affect the competitiveness of CARIFORUM exports.

Special arrangements for traditional agricultural exports:

CARIFORUM and the EU have undertaken to have prior consultations on trade policy developments that may impact on the competitive positions of sensitive traditional agricultural products, including bananas, rum, rice and sugar in the EU market.

Chapter 6 - TBT

The Chapter on technical barriers to trade is designed to assist CARIFORUM and the EU to comply with each other's standards, promote a transparent approach to standards setting and establish credible cooperation to reach compliance. It seeks to ensure that regulations, standards, testing and certification procedures do not create unnecessary obstacles to trade, while providing the right to implement measures to achieve legitimate policy objectives, such as the protection of human health and safety, and the environment.

More specifically, the objectives of the chapter are to:

- a) *Facilitate trade in goods between the Parties while maintaining and increasing the capacity of the Parties to protect health, safety, consumers and the environment;*
- b) *Improve the capacity of the Parties to identify, prevent and eliminate unnecessary obstacles to trade between the Parties as a result of technical regulations, standards and conformity assessment procedures applied by either Party;*
- c) *Increase the capacity of the Parties to ensure compliance with international standards and with each other's technical regulations and standards.*

Collaboration between national and regional authorities dealing with standardisation, accreditation and other technical barriers to trade matters is encouraged to facilitate both intra-regional trade and trade between CARIFORUM and the EU.

³Rice was liberalised fully in 2010 and sugar in 2009

Chapter 7 - SPS

The Agreement addresses measures dealing with human and animal health and plants and plant products. The provisions outline how either CARIFORUM States or the EU may use trade restrictions designed to mitigate risks to humans, animals or plants associated with disease, pests and contaminants, while, at the same time, aiming to prevent impediments to trade which may come about because of these trade measures.

Other provisions aim to assist CARIFORUM States to comply with the EU's Sanitary and Phytosanitary Measures and to help CARIFORUM States to better develop their own regionally harmonized SPS measures.

In addition, there are provisions dealing with:

- The designation of Competent Authorities on SPS measures by CARIFORUM states and the EU and commitment from the CARIFORUM side to establish a regional body representing the CARIFORUM Competent Authorities to enhance regional integration;
- Specific attention to regional collaboration and integration, noting that cooperation will be needed to establish harmonised SPS measures within the region;
- Transparency provisions, with the EU committing to cooperate with CARIFORUM States to enhance relevant information exchange.

In terms of cooperation provisions, the EU agrees to cooperate to reinforce regional integration, to improve monitoring, implementation and enforcement of SPS measures through capacity building activities, and to support public and private sector partnerships. This includes expertise sharing, training and information for regulatory personnel, capacity development for the private sector and cooperation in international bodies.

SUCCESS STORY II

GUYANA, RICE EXPORTS TO THE EU



Name of Beneficiary	CARIFORUM Rice Exporters
EPA Measure or Assistance Received	<p>EPA Provision: duty-free and quota-free access to the EU market</p> <p>The Caribbean-EU EPA facilitated an increase of 29% and 72% for Caribbean rice exports in 2008 and 2009, respectively, because of the raising of the export quota to 187,000 tonnes and 250,000 tonnes in the years prior to the introduction of full duty-free, quota-free access. This is accompanied by the removal of the remaining residual duty (approximately EUR 65 per tonne) and the granting of export licences for both broken and whole-grain rice, a development that allows Caribbean suppliers to export higher-value whole-grain rice within the quota.</p> <p>Between April and August of 2010, a study was also carried out to develop a Fair Trade Certification Label for rice exports from Guyana and Suriname. This was funded by TradeCom. The overall objective was to develop the competitiveness of the Caribbean rice industry in response to challenges of liberalization in the global rice industry. The specific aim was to develop Certification Standards for the production, promotion and export of Fair Trade Rice in Guyana and Suriname.</p>
Intended Purpose of Measures/Assistance	Improved market access for CARIFORUM rice exporters

<p>How Assistance was utilized</p>	<p>The new provision allowed Guyanese rice farmers to increase their exports to the EU. Guyana is the ACP country with the greatest dependence on rice exports: the country exports 70 percent of its production. The rice sector is the single largest user of agricultural land and the second largest sector, employing some 12,000 farmers and indirectly creating up to 150,000 jobs.</p>
<p>Results/Success; who benefited and how?</p>	<p>Guyana's rice producers and exporters were the main beneficiaries of EPA provisions and this was reflected in the fact that the quantity of rice exported to the EU increasing by 37% from 99,500 MT in 2008 to 135,991 MT in 2009. The increase in rice exports to the EU can be attributed to the removal of the rice quota for Guyana's rice exports. Exports of rice to the EU further increased by 11% in 2011.</p> <p>The rice industry at the farm level in Guyana operates as a competitive market. There are a large number of farmers with average farm size between 10 and 30 acres. Therefore, there are many sellers of paddy. On the demand side there are over 65 millers that purchase rice from farmers, including 6 larger millers and 17 others that are large enough to compete. The removal of the rice quota would therefore benefit many rural communities of Guyana.</p>

SUCCESS STORY III

BELIZEAN SUGAR INDUSTRY



Name of Beneficiary	Government of Belize, Sugar Stakeholders
Assistance received	<p>This is an example of CARIFORUM and the EU working together. Under the Accompanying Measures for Sugar Protocol countries (AMSP), Belize benefited from an allocation of €46.5 million for the period 2007-2010 from the EU. However, because of the renunciation of the previous sugar protocol based on WTO rulings, and the granting of duty free quota free access to all countries, the EU decided to provide additional funding for the Belize government which would be granted under the EPA to support the industry and increase competitiveness. These additional funds are presently being disbursed under the 10th EDF programme.</p> <p>Three financing agreements were signed in December 2011 between the EU and Belize. The agreements include the €11.8 million or BZ\$29.5 million for the period 2010-2015 which have been earmarked for the Belize Rural Development Programme Phase II (BRDP II). The EU will contribute BZ \$25 million, the Government of Belize BZ \$2.5 million and the final Beneficiaries BZ \$1.8 million.</p>
Intended Purpose of Assistance	<p>The AMSP Programme objective was to contribute to poverty reduction and improving the standards of living and well-being of the communities living in Northern Belize. The main expected results are:</p> <ul style="list-style-type: none"> • To improve physical access, communication and transportation efficiency through the rehabilitation of the "Sugar Belt" road network.

	<ul style="list-style-type: none"> • To strengthen the competitiveness and economic sustainability of the Belize sugar industry. • To support an enabling environment for rural recovery and economic diversification in sugar-dependant areas of Belize. <p>The overall objective of the additional funds being provided under the BRDP II is to promote broad-based rural economic growth and reduce the incidence of poverty in the rural communities of Belize. BRDP II will be implemented countrywide using Grant Contract through which NGOs, ministries, departments or agencies can qualify through a competitive process.</p>
<p>How Assistance was utilised</p>	<p>Results of AMS Programme:</p> <p>Infrastructure Improvement: A list of priority roads to be rehabilitated was agreed at Cabinet level in 2008. A pipeline of new works contracts was also established. Altogether about 60 km of roads have been already completed.</p> <p>As a result, the road conditions in a part of the sugar producing area in northern Belize have improved.</p> <p>Competitiveness: A number of important studies have been completed and a plan for the establishment of a cane-replanting fund has been agreed. Support for the operationalization of the Sugar Industry R&D Institute is on-going.</p>
<p>Results/Success; who benefited and how?</p>	<p>The principal stakeholders in Belize sugar industry have benefited and will continue to benefit from projects undertaken under this programme. Given that farmers have benefited, this would have had a positive impact on the standard of living of rural communities in Belize.</p> <p>Stakeholders include: The Sugar Industry Control Board (SICB), the newly activated Sugar Industry Research and Development Institute (SIRDI), the Sugar Cane Production Committee (SCPC), Sugar Cane Quality Control Authority (SCQCA), the Belize Sugar Industries Ltd - the sole sugar manufacturer, and the sugar cane farmers associations (Belize Sugar Cane Farmers Association, United Cane Farmers Association and Corozal Cane Farmers Association (CCFA)). Other stakeholders are: the Ministry of Economic Development - NAO & Contracting Authority and the Ministries of Agriculture and Fisheries (MAF) and Works (MoW) respectively - implementing agencies.</p>

SUCCESS STORY IV

CARIBBEAN RUM SECTOR DEVELOPMENT



Name of Beneficiary	West Indies Rum and Spirits Producers' Association (WIRSPA), INC.
Amount of assistance received	This is an example of CARIFORUM-EU working in collaboration. Under the Integrated Development Programme for the Caribbean rum sector, WIRSPA received funding from the EU of EUR 58 million. The programme was launched in 2003 and set to terminate in mid-2007, but was then extended to 2010. ⁴
Intended Purpose of assistance	<p>The overall aim of the project was to enable Caribbean rum to compete more effectively in the liberalised EU market.</p> <p>Specific objectives of the Programme are to support:</p> <ul style="list-style-type: none"> • the upgrading and modernisation of rum production • the improvement of waste management and environmental protection • technical and management training • the marketing and distribution of value-added rums • the creation of a Caribbean Rum Marque • the strengthening and deepening of the industry association
How Assistance was utilized	<p>Modernisation and Capital Investment:</p> <p>A total of 173 projects have been approved in this area. Projects undertaken include: New distilleries; fermenters; distillation units; bottling lines; production facilities; ageing and blending facilities; water treatment; molasses storage; system automation; IT systems upgrade – finance, supply chain; upgrading of laboratory and testing facilities.</p>

⁴An additional funding of USD 7.7 million is expected for WIRSPA in June 2012 under the EPA.

Waste Treatment and Environmental Protection

A total of 25 projects have been approved in this area. Projects undertaken include: Feasibility and pilot studies to determine and test disposal methods and environmental impact. Upgrading and installation of new systems to meet environmental standards and international best practice such as biomethanisation; treatment ponds and ferti-irrigation; marine outfalls; CO₂ capture; energy saving projects such as co-generation from bagasse, recycling of waste oils and energy conservation actions.

Distribution and Marketing:

A total of 91 projects have been approved in this area. Projects undertaken include: New product development and testing; market research; identification of distributors; trade and consumer brand building promotions.

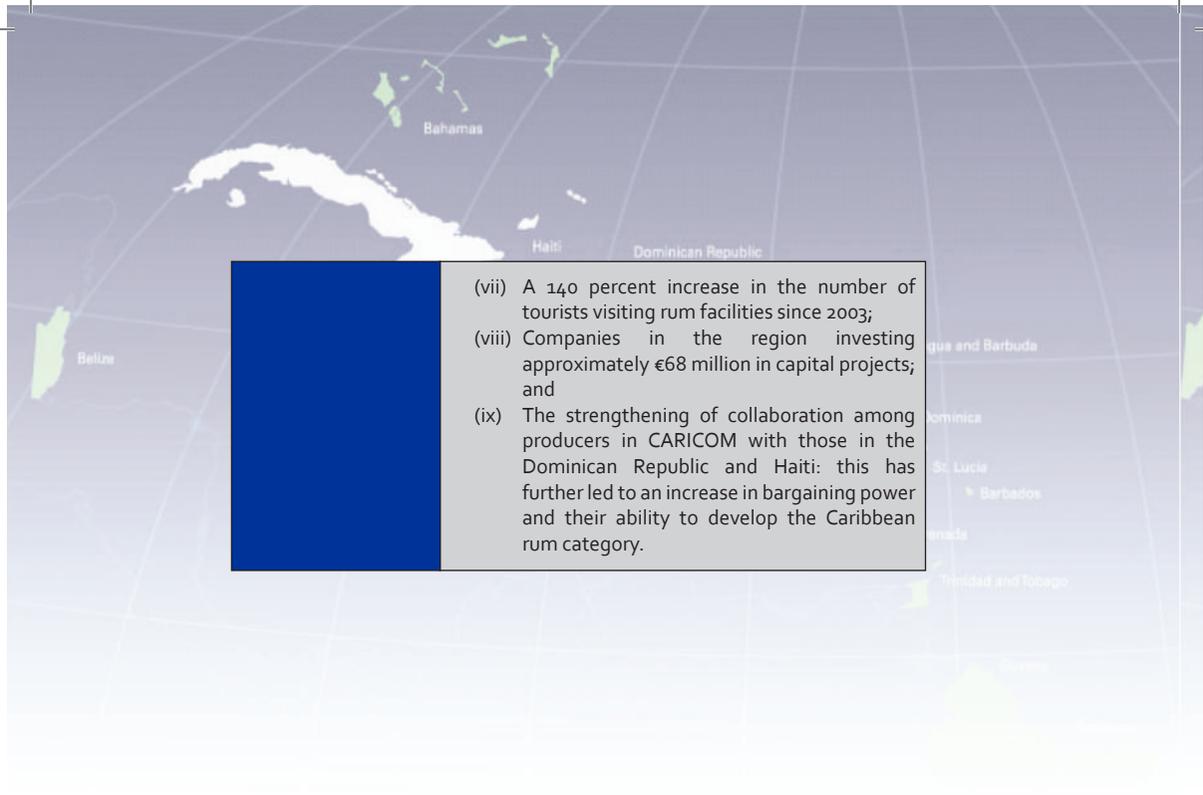
Business Development:

A total of 58 projects have been approved in this area. Projects undertaken include: Development of business plans; quality training and certification; technical and supervisor training, research (production & marketing); feasibility studies and technical consultancies.

Results/Success; who benefited and how?

Caribbean rum and spirit producers have benefited from investment in modernization, training and development, increased competitiveness, increased exports to the EU (exports from the Dominican Republic totalled US\$6 million in revenue in 2006, by 2008 this had risen to US\$100 million) and the creation of new jobs. More specifically:

- (i) The introduction of eighteen new brands and thirty-nine brand variants to the EU market;
- (ii) Participating companies maintaining employment at 6,000 people;
- (iii) A twenty percent increase in direct female employment in the sector since 2003;
- (iv) The undertaking of twenty waste treatment projects by fifteen companies in twelve countries;
- v) The undertaking of eleven energy and conservation projects in eight countries;
- (vi) A forty percent increase (or approximately USD 250 million) in tax revenues received from participating producers since 2003;



- (vii) A 140 percent increase in the number of tourists visiting rum facilities since 2003;
- (viii) Companies in the region investing approximately €68 million in capital projects; and
- (ix) The strengthening of collaboration among producers in CARICOM with those in the Dominican Republic and Haiti: this has further led to an increase in bargaining power and their ability to develop the Caribbean rum category.

SUCCESS STORY V ORGANIC BANANAS, THE CASE OF DOMINICAN REPUBLIC (DR)



Name of Beneficiary	Dominican Republic Organic Banana Producers
Assistance received	The Dominican Republic (as part of CARIFORUM) receives duty free/quota free market access to the EU for its bananas under the EPA. In addition, the banana industry receives funds under a Special Framework of Assistance (SFA).
Intended Purpose of assistance	The duty free/quota free measures increased market access for Dominican Republic banana producers in the EU market. This combined with the funds was intended to help the Dominican Republic (along with the rest of CARIFORUM) banana industry to increase productivity and competitiveness in the EU market, while addressing the broader social, economic and environmental issues of banana production in beneficiary States.
How Assistance was utilized	The Dominican Republic has seen significant development in its banana industry. Funds helped to support the development and dissemination of improved processing and preservation technologies; the establishment of effective pest control programmes; increased research on SPS issues faced in the banana sector; strengthening enforcement capacities for pest monitoring and pest control; more extensive market analysis to better link national and regional producers with national and regional consumers and improving transportation and logistical supply infrastructure.
Results/Success; who benefited and how?	The Dominican Republic is now one of the main suppliers of fair-trade bananas in the EU and is the leading source of organic bananas in the UK, with exports valued at US\$127 million in 2010 increasing from US\$70 million in 2007



III.2. Title II- Investment, Services and Commerce

Chapter 1 -Explanation of scope & coverage

The CARIFORUM-EU EPA represents a landmark trade agreement as it covers not only trade in goods but also trade in services and investment. The Agreement offers the CARIFORUM States better market access to the EU and encourages the improvement of export capacities in the service sector, while taking into account the regional integration process of the CARIFORUM States. It also takes into account the particular sensitivities and needs of the region and of individual states.

Title II on Investment, Trade in Services and E-commerce lays out the scope, architecture and balancing of obligations between the CARIFORUM States and the EU. The provisions of the chapter are based on the rules of the General Agreement on Trade in Services (GATS), but go beyond the commitments made at the WTO.

The objectives of the chapter relate to the facilitation of regional integration and sustainable development of the Signatory CARIFORUM States and their smooth and gradual integration in the world economy. These objectives are to be achieved through progressive, reciprocal and asymmetric liberalisation of investment and trade in services provisions and through cooperation on e-commerce issues. Furthermore, the Agreement sets a five years period from the EPA's entry into force, during which the Parties are to negotiate the further liberalisation of the investment and the trade in services sectors. In this context, the Text recognises that economic integration in the CARIFORUM area is to be supported and encouraged as this will contribute to the deepening of the regional integration process and the achievement of the EPA's objectives.

The provisions do not cover issues related to self regulation or policy orientation, such as privatisation of public undertakings, public procurement, subsidies or immigration policy of the CARIFORUM states.

Chapter 2 - Commercial Presence

The Agreement defines a Commercial Presence as any type of business, professional establishment, branch of a business or a representative office that has been established or acquired by a juridical person within the territory of the EC Party or of the Signatory CARIFORUM States for the purpose of performing an economic activity outside of governmental authority. In other words, commercial presence primarily concerns foreign direct investment (FDI) in existing structures or greenfield investments. Significantly, the Text stipulates that FDI cannot be stimulated by lowering domestic environmental, labour, health and safety legislation.

The provisions of this chapter cover all measures affecting commercial presence in all economic activities with the exception of:

- Mining, manufacturing and processing of nuclear materials
- Production of or trade in arms, munitions and war material
- Audio-visual services
- National maritime cabotage
- Air transport services and services directly related to the exercise of traffic right

The Parties pledge to treat commercial presences and investors of the other Party at least as favourably as has been provided for in commitments contained in the Agreement. In most services sectors, there can be no discrimination in the treatment between domestic and foreign investors or operators, with no compensation for competitive disadvantages that may result from the presence of foreign commercial presences and investors. It is further stipulated that there can be no limitations on the number of operators with a commercial presences, no limitations in the value of their transactions or assets, on the number or value of their operations and no other measures that can restrict their economic activity unless specified in the schedule of commitments (Annex IV).

Furthermore, the Agreement guarantees **National Treatment** which consists in treating the other parties' operators or investors no less favourably than their own like services and service suppliers.

The Agreement also provides for **Most-Favoured-Nation Treatment** by guaranteeing at least the same treatment for EPA signatory States as that provided to third party countries.

However, this treatment is to be applied in an asymmetrical way:

- The EC Party shall accord to commercial presences, investors, services and services suppliers of the Signatory CARIFORUM States a treatment no less favourable than the most favourable treatment applicable to **any third country** with whom an economic integration agreement has been concluded;
- The Signatory CARIFORUM States shall accord to the commercial presence, investors, services and services supplier of the EC Party no less favourable treatment than the most favourable one applicable to any **major trading economy** with whom an economic integration agreement has been concluded⁵.

⁵ A major economy is defined as country accounting for a share of world merchandise exports above 1% or any group of countries collectively accounting for a share of world merchandise exports above 1,5% during a period preceding the Agreement



The EPA goes beyond the GATS framework regarding the “commercial presence” in two ways⁶:

- The Parties are required to cooperate and take measures, if necessary, to prevent corruption
- The Parties are required to ensure the respect from investors of International Labour Organisation core labour standards, international environmental and labour obligations arising from former agreements and cultural diversity
- The Agreement sets a period of maximum three years in which the Parties need to review their investment legal framework with the aim of promoting further liberalisation of the investment legal context.

Chapter 3 - Cross border supply of services

The concept of cross border supply of services is defined as the supply of a service provider from the territory of one Party into the territory of the other Party, as well as in the territory of a party to the service consumer of the other party (Art 72.2.a (iii)).

As in the case of the previous chapter regarding commercial presence, in the sectors where market access commitments are covered by the EPA, the Parties agree to grant to services and service suppliers of the other Party treatment no less favourable than that they accord to their own operators. Also, the Agreement adopts the same principle of most-favoured-nation, namely that the EC Party agrees to grant services and service suppliers from the CARIFORUM States a treatment no less favourable than it offers to the service suppliers of any third country that it concludes an economic integration agreement with. Also CARIFORUM States agree to grant service suppliers of the EC Party a treatment no less favourable than that granted to the service suppliers of any major economy with which they might conclude an economic integration agreement after the signing of the EPA.

In the sectors where market access commitments are undertaken, there can be no limitations on the number of commercial presences, no limitations in the value of their transactions or assets, on the number or value of their operations and no other measures that can restrict their economic activity unless otherwise specified in the schedule of commitments.

Chapter 4 - Temporary Presence of natural persons for business purposes

The Agreement sets out a number of provisions regarding the entry and temporary stay, for business purposes, of natural persons from one Party into the territory of the other Party. As presented in Table 2 below, these provisions cover the entry and temporary stay conditions for key personnel, graduate trainees, business services sellers, contractual services suppliers, independent professionals and short term visitors for business purposes.

⁶ Sauvé, P. & N., Ward (2009) The EC-CARIFORUM Economic Partnership Agreement: Assessing the outcome on services and investment, European Centre for International Political Economy.

Table 2. Temporary Presence of natural persons for business purposes

Categories	Definition	Period allowed	Experience required ories	Other requirements
Key Personnel	Natural persons ⁷ in senior positions who are responsible for setting up a commercial presence from one of the Parties, who have been employed by a juridical person ⁸ and are temporarily transferred to a commercial presence in the other Party. These are business visitors ⁹ and intra-corporate transfers ⁹ (Managers & Specialists)	3 years for intra-corporate transfers and 90 days in any 12-month period for business visitors responsible with the set up of a commercial presence	N/A	There shall be no limitations on the number of natural persons that an investor may employ as long as these are key personnel and graduate trainees.
Graduate trainees	Natural persons of one of the Parties, who have been employed by a juridical person of one of the Parties for at least one year.	One year	University degree	Being transferred in the territory of the other Party for career development purposes.
Business Services Sellers	Natural person of one of the Parties who is employed by a service supplier of that Party and is seeking temporary entry into the territory of the other Party aiming to negotiate the sale of services.	Up to 90 days in any 12 month period	N/A	N/A

⁷ A 'natural person' is defined as a national of one of the Member States of the European Union or of the Signatory CARIFORUM States according to their respective legislation

⁸A juridical person is defined as any legal entity duly constituted or otherwise organised under applicable law, whether for profit or otherwise, and whether privately-owned or governmentally-owned, including any corporation, trust, partnership, joint venture, sole proprietorship or association



Categories	Definition	Period allowed	Experience required ories	Other requirements
Contractual Services Suppliers	Natural person of one of the Parties employed by a judicial person of one of the Parties who has no commercial presence in the territory of the other Party and has concluded a contract to supply services to a final consumer in the latter Party requiring the presence of one of its employees.	The temporary entry and stay for a cumulative period cannot exceed 6 months in any 12 month period ⁹	At least 3 years of relevant professional experience, and; University degree or qualifications related to the service provided ¹⁰	The period of the service contract cannot exceed 12 months; For specific sectors ¹¹ only

⁹ In the case of Luxembourg, the temporary entry and stay shall be for a cumulative period of 25 weeks in any 12 months period.

¹⁰ With the exception of fashion models, chefs de cuisine and entertainment services.

¹¹ The CARIFORUM States agree to allow the supply of services by EC contractual service suppliers in some specific sectors while the EC Party lists twenty-nine sub-sectors in which the supply of services by a service supplier of the CARIFORUM States is permitted. The EC list includes international public law, accounting and bookkeeping services, taxation advisory services, architectural services, urban planning and landscape architecture services, engineering services, integrated engineering services, medical and dental services, veterinary services, midwives services, services provided by nurses, physiotherapists and para-medical personnel, computer and related services, research and development services, advertising services, market research and opinion polling, management consulting services, services related to management consulting, technical testing and analysis services, related scientific and technical consulting services, maintenance and repair of equipment, chef de cuisine services, fashion model services, translation and interpretation services, site investigation work, higher education services (only privately-funded services), environmental services, travel agencies and tour operators' services, tourist guide services and entertainment services other than audiovisual services. The sectors by some CARIFORUM States include: Legal Services Consultancy in international law; Legal services — consulting in Home Law of the Service Provider; Accounting, Auditing and Book-keeping Services; Consultancy services related to the installation of computer hardware; Software Implementation Services; Data Processing Services; Data base services; Research and Development on natural sciences; Research and Development on social sciences and humanities; Inter-disciplinary Research and Development services; Rental/Leasing Services without operators: Relating to ships; Relating to other transport equipment; Relating to other machinery and equipment; Market research and public opinion polling services; Management consulting services; Services related to management consulting; Technical testing and analysis services; Services incidental to manufacturing; Related scientific and technical consulting services; Courier Services; General construction work for buildings; Installation and assembly work; Building completion and finishing work; Adult Education; Cleaning services of exhaust gases; Noise abatement services; Other environmental services — Closed loop pollution control systems for factories; Reinsurance and retrocession; Entertainment Services (including theatre, live bands and circus services); News Agency Services; Sporting and other Recreational services (Except gambling); Maritime Passenger transportation; Maritime Freight transportation; Rental of vessels with crew; Maintenance and repair of vessels; Pushing and towing services; Vessel salvaging and refloating services; Maintenance and repair of aircraft; Airport operation services, excluding cargo handling; Rail passenger transportation; Rail freight transportation, Rail pushing and towing; Maintenance and repair of rail transport equipment; Supporting services for rail transport services; Road passenger transportation; road freight transport.

Categories	Definition	Period allowed	Experience required ories	Other requirements
Independent Professionals	Self-employed service suppliers which have concluded a contract to supply a service to a final customer in the territory of a Party in which they have no commercial presence.	The temporary entry and stay for a cumulative period cannot exceed 6 months in any 12 month period ²²	At least 6 years of relevant professional experience; University degree or qualifications related to the service provided	The period of the service contract cannot exceed 12 months; For sub-sectors ³³
Short term visitors for business purposes	Natural persons; short term visitors for business purposes.	Up to 90 days in any 12 month period	N/A	For specific activities ²⁴

²² In the case of Luxembourg, the temporary entry and stay shall be for a cumulative period of 25 weeks in any 12 months period.

³³ Sectors in which the EC Party allows the supply of services in its territory by CARIFORUM independent professionals include: International public law and foreign law, architectural services, urban planning and landscape architecture services, engineering services, integrated engineering services, computer and related services, research and development services, market research and opinion polling, management consulting services, services related to management consulting, translation and interpretation. The sectors by some CARIFORUM include: Legal Services Consultancy in international law; Legal services — consulting in Home Law of the Service Provider; Accounting, Auditing and Book-keeping Services; Consultancy services related to the installation of computer hardware; Software Implementation Services; Data Processing Services; Data base services; Research and Development on natural sciences; Research and Development on social sciences and humanities; Inter-disciplinary Research and Development services; Rental/Leasing Services without operators: Relating to ships; Relating to other transport equipment; Relating to other machinery and equipment; Market research and public opinion polling services; Management consulting services; Services related to management consulting; Technical testing and analysis services; Services incidental to manufacturing; Related scientific and technical consulting services; Adult Education; Cleaning services of exhaust gases; Other environmental services —Closed loop pollution control systems for factories; Noise abatement services; Reinsurance and retrocession; Entertainment Services (including theatre, live bands and circus services); News agency Services; Sporting and other Recreational services(Except gambling); Maintenance and repair of aircraft; Rail passenger transportation; Rail freight transportation, Rail pushing and towing; Maintenance and repair of rail transport equipment; Supporting services for rail transport services; Road passenger transportation; road freight transport;

²⁴ Research and design, marketing research, training seminars, trade fairs and exhibitions, sales, purchasing, tourism personnel attending or participating in tourism conventions or exhibitions.

SUCCESS STORY VI

CARIFORUM ARCHITECTS AND ENGINEERS NEGOTIATIONS OF MRAS WITH EU COUNTERPARTS



Name of Beneficiary	CARIFORUM Architectural and Engineering Associations
Assistance received	Funding of approximately €500,000 through TradeCom to fund detailed studies of the structure and capacity of architectural and engineering industries in CARIFORUM and the EU and identify opportunities for MRAs. Funding was also received for missions of industry leaders to the EU to hold discussions with industry leaders and associations in various EU countries.
Intended Purpose of Assistance	The assistance through TradeCom was to assist CARIFORUM architects and engineers put themselves in a strong position to successfully negotiate MRAs. This is consistent with the EPA which advises the Member States that are party to the EPA to "encourage the relevant professional bodies [...] to jointly develop and provide recommendations on mutual recognition to address each other's criteria for authorizing the operation of that professional on its territory".

<p>How Assistance was utilized</p>	<p>The assistance was used to hire Consultants to research the architectural and engineering industries in CARIFORUM and the EU and identify the scope and opportunities for negotiating MRAs. The assistance was also used to fund missions by representatives of the various CARIFORUM architectural and engineering industries to meet and discuss the prospects and bases for MRAs between the two regions.</p>
<p>Results/Success; who benefited and how?</p>	<p>The results are that:</p> <ul style="list-style-type: none"> • CARIFORUM architects and engineers gained a greater understanding of the nature and standards in the various countries in CARIFORUM; • CARIFORUM architects and engineers were provided with a better understanding of the requirements in the different EU countries; • Identification of specific actions required of CARIFORUM architects and engineers, regulatory agencies and Government to promote the integration of the profession in the region and to create the conditions for a successful negotiation and implementation of the results; • Common ground was found between CARIFORUM and EU professionals for pursuing further the negotiation of the MRAs. <p>CARIFORUM architects and engineers will benefit when the MRAs are negotiations.</p>

SUCCESS STORY VII

CARIFORUM COALITION OF SERVICES INDUSTRIES AND BUSINESS SUPPORT ORGANISATIONS (BSOs)



Name of Beneficiary	CARIFORUM Coalition of Services Industries and Business Support Organisations (BSOs)
Assistance received	Opening up of EU market in various modes to a range of services providers – including architects, engineers, cultural services providers, consultants, accountants, tour guides, tour operators, etc.
Intended Purpose of Assistance	To facilitate greater trade in services between CARIFORUM and the EU
How Assistance was utilized	Several studies have been launched and conducted in different CARIFORUM States on ways to improve trade between CARIFORUM partners and the EU. Some projects launched in 2011 include:
How Assistance was utilized	<ul style="list-style-type: none"> • Private Sector of Jamaica (PSOJ) "Consultancy Services for Improving Market Access for Jamaican Goods and Services" • St. Lucia Coalition of Services Industries (SLCSI) "Developing Saint Lucia's Services Sector: Policy Development and Advocacy Consultant" • Trinidad and Tobago Coalition of Services Industries - "The European Market Access Documentaries Consultancy Services For Market Entry and New Market Development for Services Industries"

How Assistance was utilized

Coalitions of services industries have been able to successfully apply for CART Fund grants to assist in creating business opportunities for their members through institutional strengthening and for the promotion of tours to the EU. It should be noted that the overall aim of the CARTfund, which mobilises UK Aid for Trade support to the Caribbean, is to generate momentum on the implementation of the EPA.

The benefits are therefore flowing to CSIs as well as to their clients whose exposure to and awareness of the EU market have increased. It has also stimulated BSOs like Caribbean Export to undertake a series of initiatives such as studies and seminars aimed at stimulating the Management Consultancy industry including symposiums in Barbados, St. Kitts & Nevis, Dominican Republic and a symposium in Montego Bay in June 2012.

SUCCESS STORY VIII

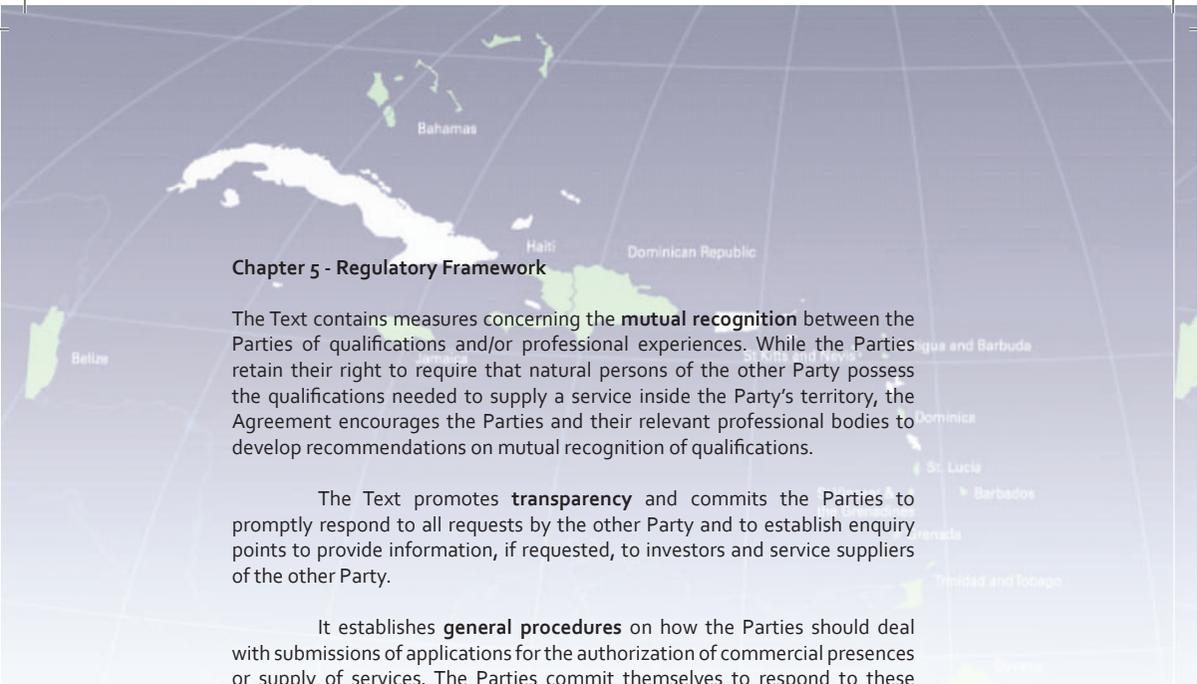
MOBILE MEDIA SOLUTIONS CARIBBEAN INC (MMSCI)



<p>Name of Beneficiary</p>	<p>Mobile Media Solutions Caribbean Inc is a privately owned holding company (established in 2007) which in turn owns Wi Connect Mobile Inc (www.wi-connectinc.com) the operating entity that operates Isle-7. All companies are registered in Barbados. The specific projects in development are:</p> <ul style="list-style-type: none"> • Mobile Edge - Mobile Marketing Platform • Isle-7 - E-commerce web mall www.shop.isle.com • Bancore Caribbean – E & M transaction payment platform
<p>Measure or stimulus in EPA</p>	<p>There was no specific measure or assistance in the EPA but according to the principals of MMSCI, the EPA through its promise of greater integration with the EU market for CARIFORUM entities, stimulated the company to look for strategic alliances in the EU</p>
<p>Intended Purpose of Assistance</p>	<p>To facilitate greater trade in services between CARIFORUM and the EU</p>
<p>How has measure /stimulus assisted</p>	<p>The EPA made a difference in terms of being an impetus to develop a strategic alliance with a Danish company, Bancore (http://bancore.com/corporate), which has infused a significant equity investment valued at Euro 1.5 million into the business of MMSCI.</p>
<p>Results/Success; who benefited</p>	<p>Even though the full benefits of the EPA are not clear and all CARIFORUM States have not put in place the legislation to support the measures included in the</p>

Results/Success;
who benefited
and how?

EPA, the principals of MMSCI have forged strategic links with regional BSOs. In the case of their strategic alliance with Caribbean Export Development Agency, MMSCI will officially provide its Isle-7 marketing platform for the use of Caribbean Export's clients. The equity investment of Euro 1.5 million from Bancore is another clear benefit to MMSCI because it has helped to remove some of the capitalization-related challenges as well as provide the stable support from an experienced EU-based partner. Ultimately the net beneficiaries will be CARIFORUM producers and vendors who will have a world class platform on which to promote and sell their products. The Isle-7 platform also provides vendor education in marketing and other areas of business.



Chapter 5 - Regulatory Framework

The Text contains measures concerning the **mutual recognition** between the Parties of qualifications and/or professional experiences. While the Parties retain their right to require that natural persons of the other Party possess the qualifications needed to supply a service inside the Party's territory, the Agreement encourages the Parties and their relevant professional bodies to develop recommendations on mutual recognition of qualifications.

The Text promotes **transparency** and commits the Parties to promptly respond to all requests by the other Party and to establish enquiry points to provide information, if requested, to investors and service suppliers of the other Party.

It establishes **general procedures** on how the Parties should deal with submissions of applications for the authorization of commercial presences or supply of services. The Parties commit themselves to respond to these applications in a timely manner and, at the request of the applicant, to provide information regarding the status of the application. Furthermore, investors and service suppliers can ask for judicial, administrative and/or arbitral reviews of decisions regarding their applications and the Parties need to ensure that these reviews are objective and impartial.

The Agreement goes into detail on the definitions of service sectors and the regulations framework which should govern each sector while still balancing the right to self regulation and the need for transparency and for a fair playing field between Parties. Details are given below of some sectors:

Computer Services

According to Article 88, trade in computer services is liberalised in accordance with Chapter 2, 3 and 4 of Title II. Furthermore, the Parties agree to accept CPC 84, the UN code for describing computer and related services, which covers the basic functions used to provide these services. However, CPC 84 does not cover the content of other services that are being delivered electronically and are enabled by computer and related services (e.g. banking).

Courier Services

Courier Services are liberalised according to the guidelines on Commercial presence, Cross-border supply of services and Temporary presence of natural persons for business purpose. However, Article 89 distinguishes between two types of services. The **universal services** relate to the permanent provision of postal services in the territory of the Parties at affordable prices for all users. The right to define the level of universal services rests with the Parties but universal services obligations shall be administered in a non-discriminatory and competitively neutral manner. The second type of services refers to the **individual licence**, an authorization granted by a regulatory authority to an individual supplier allowing the supplier to enter the market. The individual licences need to be issued in a transparent way by an independent regulatory body and the licensing criteria together with the terms and conditions of

individual licences need to be made public so that transparency in the licensing process is ensured.

Telecommunication services

Section 4 sets out the principles of the regulatory framework for a number of telecommunication services²⁵. Article 94 defines telecommunication services as services consisting of the transmission and reception of electromagnetic signals and mentions that economic activities which are enabled by telecommunication services are not covered by this section. The telecommunication sector is to be overseen by regulatory authorities which need to be independent from any suppliers, impartial and transparent. The regulatory authorities will also be responsible with solving any disputes that might arise between suppliers (Article 102). Furthermore, the Parties agree to adopt appropriate measures intended at preventing any anti-competitive behaviour from the part of the service suppliers (Article 97)

Article 96 stipulates that a licence can be required to address issues regarding the attribution of numbers and/or frequency. However, if a licence is required, the terms and conditions for such licences need to be made public and the process of issuing these licences needs to be impartial and transparent.

It is important to mention that, according to Article 101, the Parties commit themselves to protecting the confidentiality of telecommunications and related traffic data, without restricting trade in services.

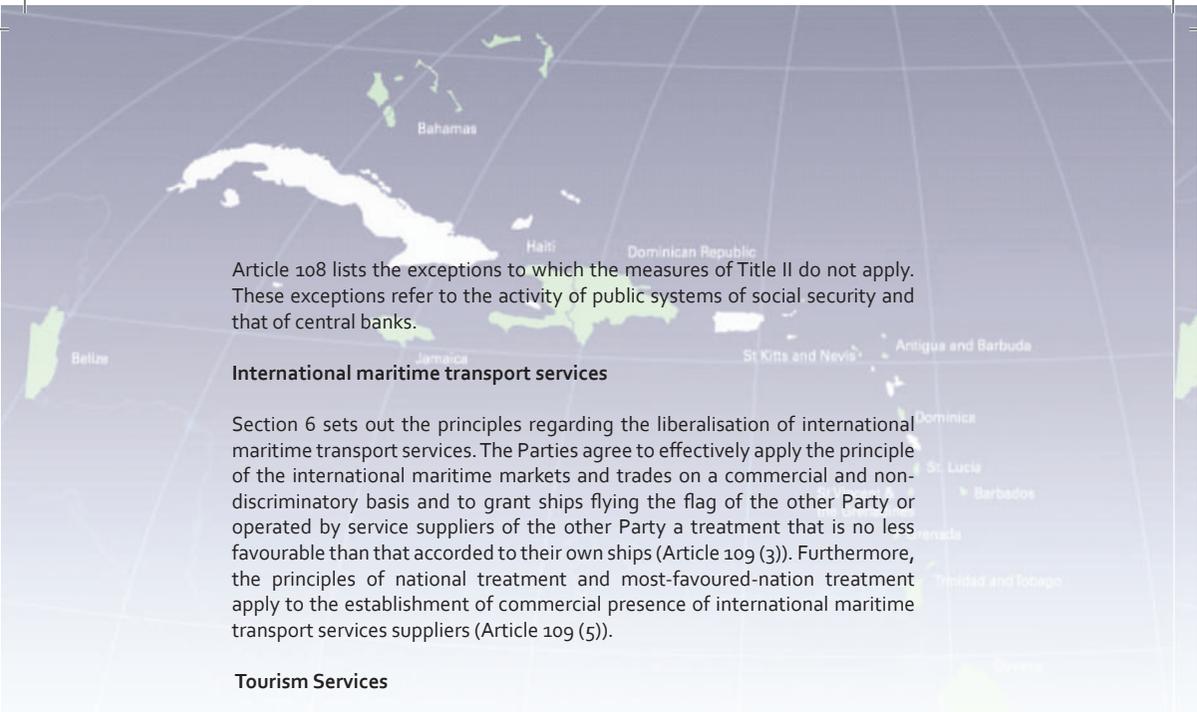
Financial Services

Financial services are defined as any service of financial nature offered by a financial service supplier of one of the Parties. These services insurances and insurance related services, and banking and other financial services.

According to Article 104, though financial services are liberalised in accordance with Commercial presence, Cross-border supply of services and Temporary presence of natural persons for business purpose, the Parties reserve their right to maintain or adopt measures for prudential reasons like the protection of investors and depositors and to ensure the integrity and stability of their financial system.

The Parties commit themselves to adopt efficient and transparent regulation regarding the financial sector and to facilitate the implementation and application in their territory of internationally agreed standards for regulation and supervision in the financial services sector. The Parties also agree to permit financial service suppliers to transfer information in electronic or other form from the territory of one Party to the other's for data processing where such processing is required in the ordinary course of business. However, adequate services safeguards to the protection of privacy also need to be adopted.

²⁵ Voice telephone services, packet-switched data transmission services, circuit-switched data transmission services, telex services, telegraph services, facsimile services, private leased circuit services and mobile and personal communications services and systems



Article 108 lists the exceptions to which the measures of Title II do not apply. These exceptions refer to the activity of public systems of social security and that of central banks.

International maritime transport services

Section 6 sets out the principles regarding the liberalisation of international maritime transport services. The Parties agree to effectively apply the principle of the international maritime markets and trades on a commercial and non-discriminatory basis and to grant ships flying the flag of the other Party or operated by service suppliers of the other Party a treatment that is no less favourable than that accorded to their own ships (Article 109 (3)). Furthermore, the principles of national treatment and most-favoured-nation treatment apply to the establishment of commercial presence of international maritime transport services suppliers (Article 109 (5)).

Tourism Services

The final section of Chapter 5 addresses the regulatory framework on tourism services for liberalization in accordance to Commercial presence, Cross-border supply of services and Temporary presence of natural persons for business purposes. The Parties agree to adopt measures aimed at preventing any anti-competitive practices (Article 111) and to facilitate the transfer of technology on a commercial basis to commercial presences in the CARIFORUM States (Article 112), while also encouraging the participation of small and medium enterprises in the tourism sector (Article 113).

An important provision of the chapter relates to development cooperation and technical assistance. The Parties commit themselves to promote the advancement of the tourism sector in the CARIFORUM States.

Article 117 identifies the areas in which the Parties are to cooperate so as to promote a sustainable development in the tourism sector as the following:

- The upgrading of national accounting systems aiming to facilitating the introduction of Tourism Satellite Accounts
- Capacity building for environmental management in tourism areas
- Development of Internet marketing strategies for small and medium-sized tourism enterprises
- Mechanisms to ensure the effective participation of Signatory CARIFORUM States in international standard setting bodies
- Tourism exchange programs and training, including language training, for tourism services providers

Chapter 6 - Electronic Commerce

As electronic commerce increases trade opportunities, the Parties agree to promote development of this type of commerce between them in a way that is compatible with the highest international standards of data protection. An important aspect is that the Parties agree that deliveries by electronic means cannot be subject to custom duties, as their delivery is considered a provision of services which falls under the liberalisation measures of cross-border trade in services.

Furthermore, the Parties commit themselves to maintain a dialogue on regulatory issues raised by electronic commerce and to exchange information on legislation regarding the electronic commerce and the implementation of such legislation.

Chapter 7 - Cooperation

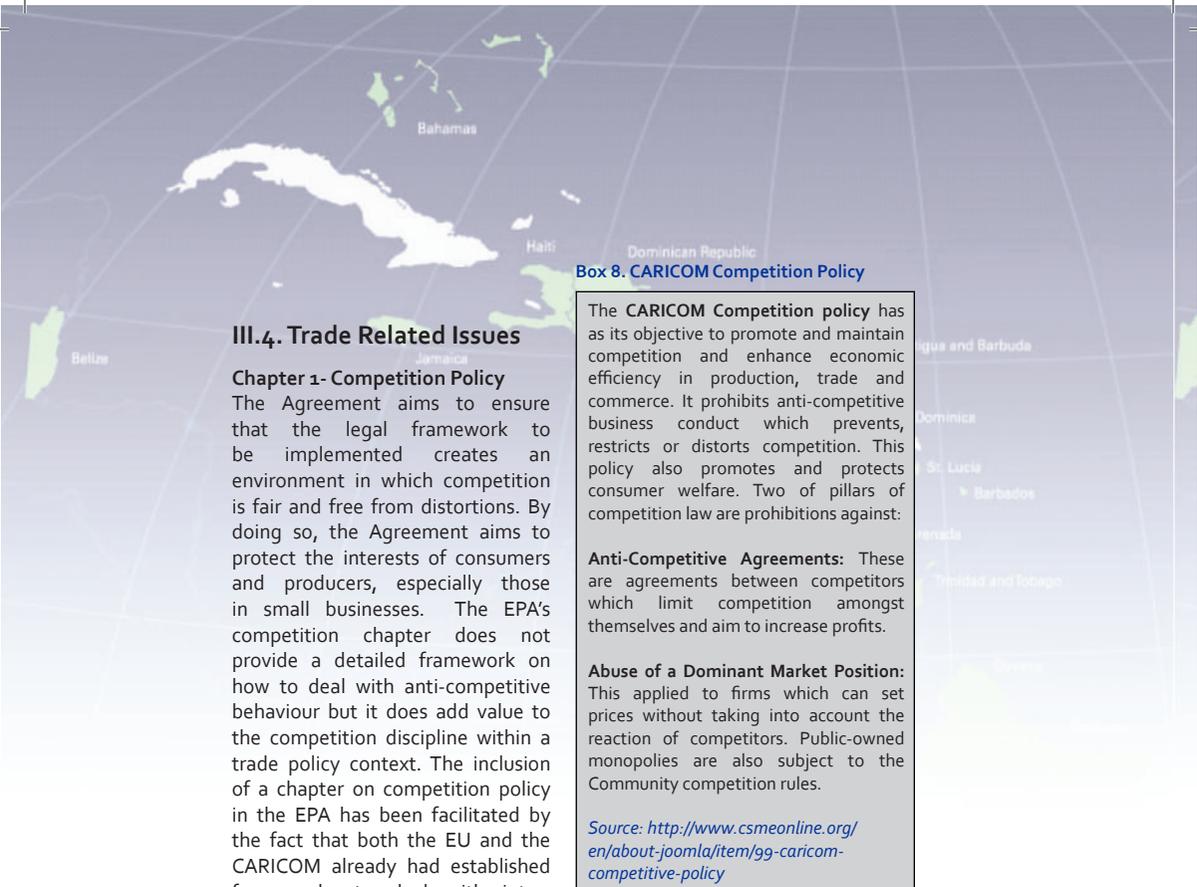
The EU and the CARIFORUM States recognise the importance of technical cooperation and assistance in the process of liberalisation of services and investment and achieving the objectives of this Agreement.

With the aim of promoting development between the Parties in a more detailed manner, the Parties reiterate their agreement to cooperate including by providing support for technical assistance, training and capacity building in Article 121. Some of the areas highlighted by Article 121 include the improvement of export capacity of service suppliers of the CARIFORUM States, the establishment of mechanism for promoting investment and joint ventures between service suppliers of the Parties, the development and implementation of regulatory for specific service sectors and the improvement of service suppliers of the CARIFORUM Party to meet standards and regulations of the EC Party.

III.3. Current Payments and Capital Movement

In order to facilitate cross-border trade and investment flows, the EPA contains provisions to ensure that capital flows are able to flow freely between the EPA space (Title III of the EPA), in accordance with the laws governing in the concerned party. In particular the EPA guarantees that direct investment and the repatriation of earnings are protected (Article 123).

In exceptional circumstances, such as those related to a monetary or balance of payments crisis, where payments and capital movements could threaten the operations of monetary or exchange rate policy in an EU or CARIFORUM Party, temporary safeguard measures may be applied for a maximum duration of 6 months in order to restrict the free flow of capital movements. Any application of safeguards must be immediately notified to the Joint CARIFORUM-EU Council and provided as soon as possible with a timetable indicating the withdrawal of the measures.



III.4. Trade Related Issues

Chapter 1- Competition Policy

The Agreement aims to ensure that the legal framework to be implemented creates an environment in which competition is fair and free from distortions. By doing so, the Agreement aims to protect the interests of consumers and producers, especially those in small businesses. The EPA's competition chapter does not provide a detailed framework on how to deal with anti-competitive behaviour but it does add value to the competition discipline within a trade policy context. The inclusion of a chapter on competition policy in the EPA has been facilitated by the fact that both the EU and the CARICOM already had established frameworks to deal with intra-

regional anti-competitive behaviour and that the rules governing these frameworks are similar, even though their level of enforcement differs greatly. It is important to note that while the EPA contains a distinctive chapter on competition, other elements of competition policy can be found throughout the Agreement referring to the specifics of individual sectors.

The chapter on competition policy mentions the anti-competitive practices that are incompatible with a proper liberalised framework of trade by referring to restrictive agreements between the signatories of the EPA and to possible abuses of a dominant position. The practices are defined by Article 126 which, however, do not cover mergers and state aid. The exclusion of these two areas of competition law enforcement is principally due to the different levels of development between the CARIFORUM States and the EU. In addition, there is an argument for excluding competition law enforcement in the CARICOM area as there is a weaker enforcement of merger control rules.

The Agreement proposes a period of five years from the entry into force of the EPA in which the CARIFORUM States should adopt the necessary competition laws and to establish properly functioning Competition Authorities. In addition, it proposes a review of the competition environment after a period of confidence-building of six years from the establishment of the Competition Authorities, leaving the door open to widen and deepen the scope of cooperation between them. Article 130 further states that the Parties commit themselves to cooperate during the six years confidence-building period by facilitating support in their institutional and capacity-building efforts.

Box 8. CARICOM Competition Policy

The **CARICOM Competition policy** has as its objective to promote and maintain competition and enhance economic efficiency in production, trade and commerce. It prohibits anti-competitive business conduct which prevents, restricts or distorts competition. This policy also promotes and protects consumer welfare. Two of pillars of competition law are prohibitions against:

Anti-Competitive Agreements: These are agreements between competitors which limit competition amongst themselves and aim to increase profits.

Abuse of a Dominant Market Position: This applied to firms which can set prices without taking into account the reaction of competitors. Public-owned monopolies are also subject to the Community competition rules.

Source: <http://www.csmeonline.org/en/about-joomla/item/99-caricom-competitive-policy>

Much of the cooperation on enforcement proposed by the chapter is based on the notion of mutual cooperation. For instance, Article 128 states that the Competition Authorities may inform each other of their willingness to cooperate on enforcement issues and may exchange non-confidential information if they so desire and if the legislative context allows them to do so. The Competition Authorities may also alert each other if they have information that anti-competitive activities are taking place in the jurisdiction of the other party.

Box 9. Public enterprises with special rights

The concept of enterprises with special rights is also included in EC law. These are usually enterprises that are charged with fulfilling a service that is in the general economic interest. They include enterprises like the postal service or providers of utilities (water/gas/electricity) to remote areas.

The chapter also contains provisions on enterprises with special rights and public enterprises in the CARIFORUM States. These enterprises are subject to competition laws to the extent that the application of the competition provisions does not inhibit the fulfilment of the special role assigned to them by the state. This derogation

is designed to take into consideration the specific development needs of the CARIFORUM States while also stating their commitment to adjust their monopolies in such a way that, by the end of the fifth year after the entry into force of the EPA, no discrimination will take place between goods and services originating in the EU and those from the CARIFORUM States unless this discrimination is necessary to preserve the special role of specific public enterprises or enterprises with special rights.

Chapter 2 - Innovation and IP

The EPA devotes a chapter to encouraging innovation, the inter-regional transfer and dissemination of technology and know-how, and on creating the conditions necessary to promote research and development. The desire to promote innovation is underscored by the fact that the CARIFORUM-EU EPA is the first trade agreement negotiated by the EU to explicitly cover this area. Previous trade agreements negotiated by the EU have focused specifically on Intellectual Property issues and have only briefly touched on the areas of innovation and creativity. Furthermore, the chapter includes detailed provisions on cooperation in the areas of science and technology, eco-innovation and renewable energy. There is also a provision to facilitate the participation of the Parties in existing and future framework programmes of the other Party, as long as this is permitted by each Party's internal rules governing access to the programmes and activities concerned.

As table 3 shows, the chapter covers a variety of issues related to innovation and intellectual property and provides a clear framework for cooperation to encourage innovation and creativity. The provisions of this chapter are designed to take into consideration the development needs of the CARIFORUM States and to provide a balance between the rights and obligations between right holders and users.

The provisions on Innovation underline the importance of cooperation between the Parties to promote competitiveness and creativity. The possibilities for cooperation are ambitious and are applied on a best endeavour basis. Since the cooperation is based on best intentions rather than obligations, there has been concern that it would not push the Parties into cooperating as much as is needed.

Table 3. Content of articles on Innovation and IP

Subsection 1: Innovation (Article 133 to 138)	Subsection 2: Intellectual Property (Art 139 to 150)	Subsection 3: Enforcement of IPR (Article 151 to 163)	Subsection 4: Cooperation (Article 164)
<ul style="list-style-type: none"> Regional integration - framework programmes and cooperation Information and communication technologies Eco-innovation and renewable energy Provisions for Least Developed countries Transfer of technologies 	<ul style="list-style-type: none"> Copyrights and trademarks Geographical indications Industrial designs Patents 	<ul style="list-style-type: none"> General obligations Legal framework Communication Corrective measures Injunctions Damages Border measures 	Cooperation strongly encouraged, especially during the transition period set by Articles 139 and 140 - by January 1st 2014 (January 1st 2021 for the Least Developed Countries)

The subsection that deals with the IP issue makes it clear that the development needs of the CARIFORUM States need to be taken into consideration, thus providing a balance of rights and obligations between right holders and users. In line with previous agreements, notably the TRIPS Agreement, it is left to the Parties' discretion on how to give effect to the EPA provisions on the protection of Intellectual property rights in national legislation and regulations.

The third section of the chapter contains provisions and procedures on the **enforcement of IPRs** including measures aimed at effectively implementing the laws on the matter. The subsections provide a comprehensive presentation of procedures and tools that can be used to protect the interests of IPR holders. Together with the subsection on **cooperation**, the measures presented for the protection of IPRs underline the fact that the Parties are encouraged to collaborate at a regional level both in developing innovation and creativity and in the protection of **IPRs**.

Box 10. Geographical Indications

Geographic Indications (GIs) are names or symbols added to certain products in order to underline the geographic location of origin. This is done to capitalise on the reputation that goods produced in certain areas have with consumers worldwide. For example, Bordeaux is a GI for a wine originating from the region of Bordeaux, where it has been produced since the 8th century. The inclusion of GIs in the EPA will improve protection of Caribbean products on the European market. Jamaica's Blue Mountain coffee is only one example of the products which will be protected under the new agreement. Though the coffee's GI has been protected by national law, the EPA will provide a way of enforcing this protection multilaterally.

Chapter 3 - Public Procurement

The Agreement sets out rules to promote transparency and wider accountability in the public procurement practices of the EPA signatories without requiring an opening of the public procurement market. The chapter promotes a more efficient use of the budgets by encouraging transparency and facilitating a fair process in public tendering. The main objective is to ensure that public expenditure is better spent in terms of price and quality by increasing the participation of suppliers in the tendering process. The belief is that a more transparent process would encourage an increase in bids, giving governmental authorities a wider range of offers from which to choose.

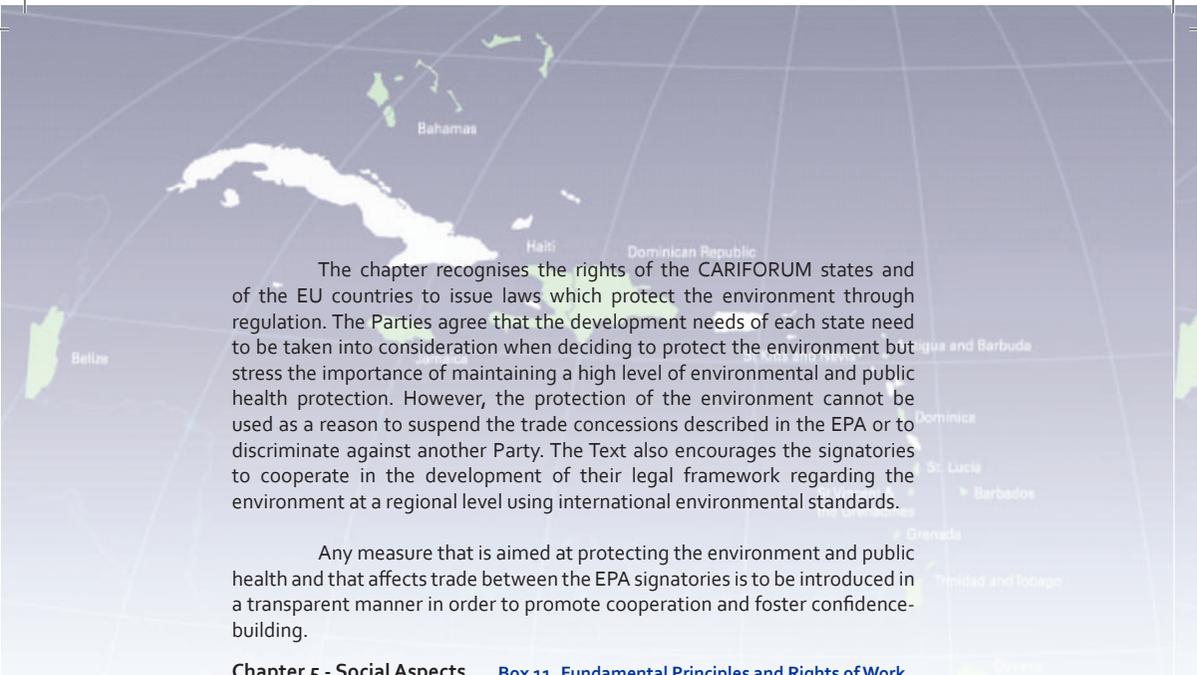
Aiming to promote transparency, the Text establishes some principles and rules that need to be taken into consideration during the tendering process. However, due to development constraints, these rules only apply to a small proportion of the public expenditures of CARIFORUM States. These rules are intended for contracts larger than €200,000 and tendered by central authorities. This severely limits the number of tenders that these rules can be applied to as most of the public expenditure in the CARIFORUM States do not meet these two conditions.

The provisions provide a new momentum for the creation of a regional framework for public procurement in the Caribbean region. The gradual creation of such a framework has already been progressing but the EPA brings a further element to the process. The Agreement does not grant automatic rights of access to suppliers of goods or services based in other countries. It is up to the Parties to regulate the conditions under which foreign suppliers have the right to participate in tenders.

The Agreement provides a timeline for the CARIFORUM States to set up the necessary institutions and to adapt their legal framework to the provisions of the chapter. It differentiates between the states according to their development needs with most of the states benefiting from a two years adjustment period while Antigua and Barbuda, Belize, Dominica, Grenada, Haiti, St Kitts & Nevis, Saint Lucia and Saint Vincent & the Grenadines benefit from a period of five years. During this period, the Parties are encouraged to cooperate in facilitating the implementation of the provisions. The Text also proposes the exchange of information on best practices and the creation of a regional online facility to share information on tendering opportunities and to enable awareness about procurement processes.

Chapter 4 - Environment

The Agreement aims to ensure that any trade activity lead to sustainable development and that it does not cause environmental degradation but instead leads to sustainable development. It seeks to promote a sound and sustainable management of the environment. The Text reaffirms the Parties' commitment to conserve, protect and improve their natural environment and to prioritise sustainable development.



The chapter recognises the rights of the CARIFORUM states and of the EU countries to issue laws which protect the environment through regulation. The Parties agree that the development needs of each state need to be taken into consideration when deciding to protect the environment but stress the importance of maintaining a high level of environmental and public health protection. However, the protection of the environment cannot be used as a reason to suspend the trade concessions described in the EPA or to discriminate against another Party. The Text also encourages the signatories to cooperate in the development of their legal framework regarding the environment at a regional level using international environmental standards.

Any measure that is aimed at protecting the environment and public health and that affects trade between the EPA signatories is to be introduced in a transparent manner in order to promote cooperation and foster confidence-building.

Chapter 5 - Social Aspects

The chapter on Social Aspects reaffirms the Parties' commitment to respecting core labour standards in the 1998 International Labour Organisation Declaration on Fundamental Principles and Rights of Work and the United Nations declaration on Full Employment and Decent Work. The text specifically mentions the

freedom of association and the right to collective bargaining, the abolition of forced labour, the elimination of the worst forms of child labour and non-discrimination in respect to employment as basic social rights that are to be respected by the signatories of the Agreement.

To ensure that the objective of sustainable development is met, this chapter emphasises the importance of policies that ensure social cohesion and of measures that promote decent work. The Agreement encourages the development of such measures at a regional level in order to promote regional integration to the benefit of ordinary workers.

The EU and the CARIFORUM states agree to support each other in the implementation of the provisions of this chapter by cooperating in the formulation of national legislation. The introduction of programmes aimed at raising the awareness of the public regarding their rights in the labour market and the strengthening of the mechanisms for social dialogue are some of the areas in which the Parties agree to cooperate and to facilitate support.

Box 11. Fundamental Principles and Rights of Work

Adopted in 1998, the Declaration commits Member States to respect and promote principles and rights in four categories, whether or not they have ratified the relevant Conventions. These categories are: freedom of association and the effective recognition of the right to collective bargaining, the elimination of forced or compulsory labour, the abolition of child labour and the elimination of discrimination in respect of employment and occupation.

Source: www.ilo.org/declaration/thedeclaration/lang-en/index.htm

Box 12 Consultations on trade related issues.

The EPA sets out procedures aimed at solving any issues related to interpretation and the application of the Articles dealing with the protection of the environment and public health and social aspects. The obligations are subject to dispute settlement procedures only after all the following stages of the dispute avoidance process have been completed:

- Any concerned Party can seek consultation with another Party. This process can last up to 3 months;
- Relevant international bodies can be asked for advice during the consultation period. In this case, the consultation period is extended by another 3 months;
- If the consultation process does not come to a conclusion that both Parties are satisfied with, any of the Parties can request that a Committee of Experts examines the matter. Within a period of three months, the Committee of Experts needs to present a report on how the issue is to be solved. The report is to be made available to the CARIFORUM-EC Consultative Committee.

However, the chapter prevents the introduction of labour standards intended to be used for protectionist reasons and does not permit the suspension of trade concessions to enforce the provisions related to social issues. Furthermore, the EPA commits signatories not to lower the level of protection conferred to the workers by national legislation in order to promote trade or foreign investment.

As is the case of the section regarding environmental issues, this chapter establishes clear procedures aimed at solving any issues related to the interpretation and application of its provisions. The three stages of the consultation process are the same as the ones described in Box 11.

Chapter 6 - Protection of Personal Data

The Protection of Personal Data chapter establishes principles and general rules which are aimed at protecting the fundamental rights and freedoms of European and CARIFORUM states' citizens during data processing operations.

The text of the chapter clearly defines the principles that are to govern the legal and regulatory frameworks dealing with the processing of personal data. These principles include the promotion of transparency in the processing operation, a security principle aimed at stopping data leaks and a principle guaranteeing the right of the individual to obtain a copy of all information relating to him/her, to rectify this data and to object to the processing of certain information. Where sensitive information is concerned (for example racial/ethnic origins or religious beliefs), the data processing operation can only be done if domestic legislation provides additional safeguards.

The implementation of these principles will be ensured by appropriate administrative bodies, including independent supervisory authorities that will be governed by legal and regulatory frameworks that respect the international standard regarding the protection of personal data.

The EC Party and the Signatory CARIFORUM States recognise the importance of collaborating to ensure that the principles stated in the chapter



are respected. To achieve this, they agree to facilitate support in the exchange of expertise and assisting each other in the drafting of legislation and guidelines. Assistance will also be provided in the training of key personnel, in the establishment of relevant institutions and in the design and implementation of measures intended to ensure compliance from the part of economic operators.

SUCCESS STORY IX

CARIBBEAN EXPORT DEVELOPMENT AGENCY – REGIONAL PRIVATE SECTOR DEVELOPMENT PROGRAMME



Artist's impression of a commercial project entitled "Built in Barbados"



One of the redesigned outdoor spaces at Soothing Touch Da Spa



Name of Beneficiary	Caribbean Export Development Agency and Beneficiaries of The Direct Assistance Grant Scheme
Assistance received	<p>The 10th European Development Fund (EDF) Regional Private Sector Development Programme (RPSDP) funded by the European Union is valued at €28.3 million and being implemented Caribbean Export Development Agency (Caribbean Export) over the period March 2011 - December 2015.</p> <p>The RPSDP has four (4) specific objectives: (1) Enhancing Competitiveness & Promoting Innovation among CARIFORUM's private sector; (2) Promoting Trade & Export Development among CARIFORUM States; (3) Promoting stronger & investment relations among CARIFORUM and the French Caribbean Outermost Regions (FCORs) as well as the European Union (EU) Overseas Countries & Territories (OCTs) in the Caribbean; and (4) Promoting stronger trade & investment cooperation between CARICOM and the Dominican Republic (DR).</p> <p>Under Objective 1 - Enhancing competitiveness & Promoting Innovation among CARIFORUM's private sector, Caribbean Export launched two Calls for Proposals for The Direct Assistance Grant Scheme (DAGS) over the period November 2011 - June 2012, which resulted in grant contracts totalling €2.7 million being awarded to 142 firms. Noteworthy, the total grants awarded under the entire 9th EDF Direct Assistance Grant Scheme (2008-2010) was 197 valued at €2.7 million.</p>
Intended Purpose of assistance	The funding provided to these beneficiaries will be utilised to modernize equipment, upgrade facilities to meet international food and quality standards, enhance products and packaging, implement alternative energy systems, market and promote products and services, train staff, and develop collateral materials.
How Assistance was utilized	Funding for the 142 firms was distributed among economic sectors as follows: Agriculture - Aquaculture, Fisheries, Apiculture (16%), Agro-Processing (19%), Business Support Organisations (6%), Creative Industries - Fashion (8%), Health & Wellness (4%), ICT (1%), Manufacturing (28%), Professional Services (9%) and Tourism (9%).

Results/Success; who benefited and how?

One of the beneficiaries that has received success to date is **Vicki Telford Architects (VTA) Inc.**, a Barbados-based architectural firm that provides design and construction project management services. VTA used the grant to update the firm's marketing material including producing brochures, undertaking a marketing campaign and redesigning the website. As a result, VTA has been able to increase visibility locally and regionally, which led to the procurement of new client from Trinidad and Tobago.

Steve Andrews, Managing Director and Master Therapist of **Soothing Touch Da Spa Inc.**, another beneficiary, echoed similar sentiments. His company, an authentic Caribbean spa, offers a full range of esthetic services including massages, facials, manicures, pedicures, body wraps, scrubs and body waxing. Soothing Touch utilized the grant as a part of the Spa's brand and marketing programme, which included website development, marketing material production, social media engagement) and rebranding the physical infrastructure of one of the Spa's secondary location.

The Spa's website has been instrumental in driving traffic to Soothing Touch's Facebook page, and as a result there are now three new regional visitors (Trinidad, Grenada, St Vincent and the Grenadines).

"Though still in the implementation phase, feedback received from clients indicates that the website is more attractive and user-friendly", remarked Andrews. "We have also been able to create employment for three additional persons at our second location because of the recent upgrades", he concluded.

The accomplishments experienced by CARIFORUM entrepreneurs and firms are as varied as the sectors they represent. For more information on these and other success stories please visit our website: www.carib-export.com/success-stories.

IV OTHER SIGNIFICANT PROVISIONS OF THE EPA TEXTS



IV.1. Dispute Resolution

The following provisions included in the EPA are designed to avoid and settle any dispute between the Parties with a view to arrive at a mutually agreed solution. At the outset, in the spirit of the EPA, the Parties are encouraged to reconcile any disputes before resorting to the process subsequently described. However, should a dispute between CARIFORUM and the EU arise, the process will take the format presented in Figure 3.

Figure 3. Steps taken for dispute resolution

1

A Formal Dispute between both Parties occurs when consultations have taken place on issues fail to reach an amicable solution. At this juncture, the complaining Party may be request the establishment of an arbitration panel.

2

Within the maximum of 10 days after the request to converse an arbitration panel, the Parties will have consulted in order to reach an agreement on the composition of the three members of the panel.

3

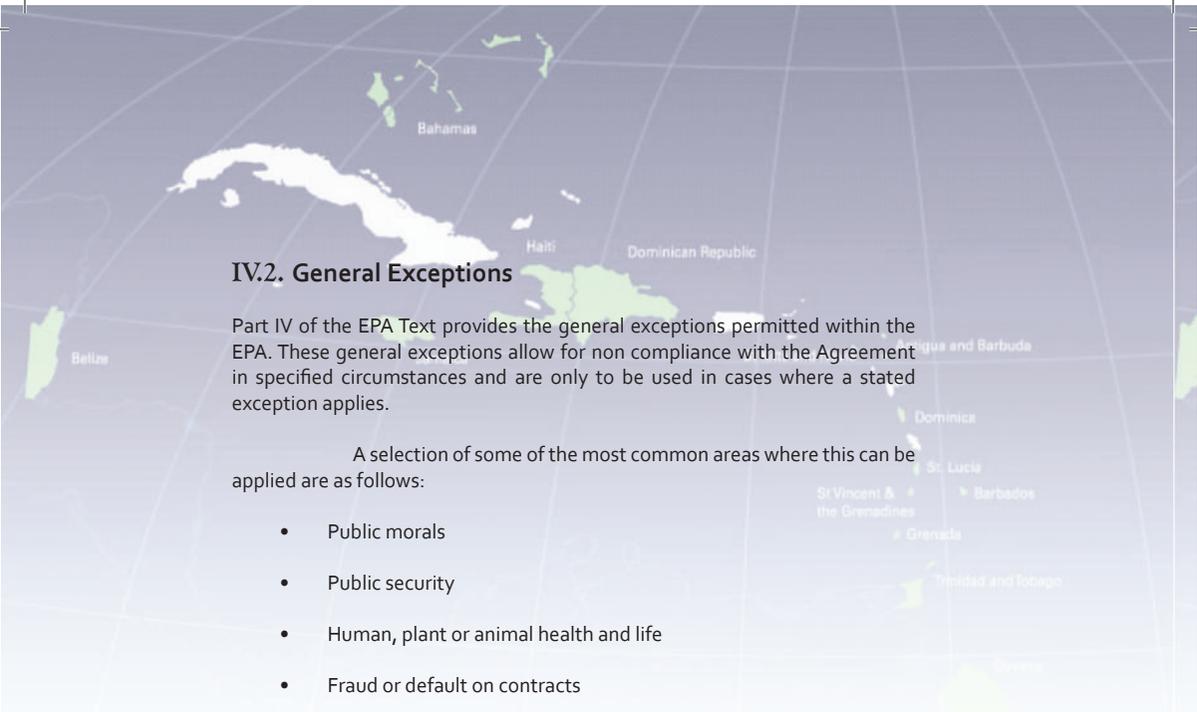
The arbitration panel shall notify to the Parties an interim report containing both the descriptive section and its findings and conclusions, as a general rule not later than 120 days from the date of establishment of the arbitration panel.

4

Notification of Ruling to Parties and CARIFORUM - EC is given in writing. Compliance to this ruling is required within a maximum period of 30 days. If the deadlind cannot be met, the paanel may be given an additional 30 days to present their findings.

5

In the case of urgency (perishable goods for instance), the panel will, in the first 10 days, comment on whether the dispute is urgent. If so, the arbitration panel shall make every effort to notify its ruling within 75 days from the date of its establishment. Under no circumstance should it take longer than 90 days from its establishment.



IV.2. General Exceptions

Part IV of the EPA Text provides the general exceptions permitted within the EPA. These general exceptions allow for non compliance with the Agreement in specified circumstances and are only to be used in cases where a stated exception applies.

A selection of some of the most common areas where this can be applied are as follows:

- Public morals
- Public security
- Human, plant or animal health and life
- Fraud or default on contracts
- Protection of the privacy of individuals and personal data
- Safety
- Intellectual Property Rights (including customs enforcement)
- Import and export of gold or silver
- Protection of national treasures of artistic, historic or archaeological value
- Conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption of goods, domestic supply or consumption of services and on domestic investors

Finally, the EPA does not prevent the implementation of national measures by CARIFORUM or the EU to prevent tax evasion or tax avoidance.

IV.3. General and Final Provisions

Part VI of the EPA text concerns the General and Final Provisions. Where the General Exceptions require homogeneity amongst measures implemented in both EU and CARICOM States, the General and Final provisions require that they adopt general or specific measures to fulfil their obligations under the Agreement, thus ensuring compliance with the objectives. To this end, CARIFORUM as a grouping and each signatory CARIFORUM State individually will appoint a coordinator, who will act as a communication facilitator, working to support and maximise the easy exchange of information.

The issue of transparency is highlighted, with a concrete stipulation that any laws, regulations or administrative rulings relating to trade matters covered by the Agreement are promptly published, made available to the public, and more importantly, brought to the direct attention of the other Party. Transparency and dialogue are also extended to the areas of tax policy and formulation. In addition, just as the issue of transparency is clearly elucidated, the safeguarding of confidential information, the disclosure of which would interest, is also made clear.

Regarding financial activities, the Agreement goes into significant detail as to how both Parties should safeguard against the financing of *inter alia* terrorism, fraud, corruption and money laundering as well as the fact that specific international organisations (OLAF in the EU, the UN Convention against Corruption *inter alia*) independently tackle these issues, there is an agreement that information should freely flow between CARIFORUM and the EU in order to better cooperate in these areas.

Exceptions permitting restrictive measures to be taken with regards to trade in goods and services may only be used when either Party is in serious balance of payments and external financial difficulties. Notwithstanding, all signatory states of both Parties will endeavour to avoid the application of these measures. If such measures should ever need to be applied, both Parties agree that such restrictions will be exclusively temporary, and not go beyond the absolute minimum requirements, with a clear timeframe set for their removal. Such an extreme case as this, should it ever be implemented, cannot contravene those conditions established by the WTO and IMF.

The Duration of the EPA is considered indefinite, with potential revisions left open for Overseas Countries and Territories¹⁶ associated with the EC to be brought within the scope of the EPA. Other possibilities include revising the EPA when the CPA expires in 2020 as well as increasing and deepening the current measures of the EPA, at a time of mutual agreement. Finally, if a EU candidate country accedes to membership of the EU, said country will automatically benefit from the scope of the EPA *via* a clause in the act of EU accession.

¹⁶ Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, Turks and Caicos, French Guiana, Guadeloupe, Martinique, Saint Martin, Aruba, Bonaire, Curacao, Saba, Saint Estuans

SUCCESS STORY X

CARIBBEAN EXPORT DEVELOPMENT AGENCY'S INITIATIVES WITH THE FRENCH CARIBBEAN OUTERMOST REGIONS (FCORS)



Name of Beneficiary	Caribbean Export Development Agency ("Caribbean Export")
Assistance received	<p>Caribbean Export under its 9th EDF Caribbean Trade and Private Sector Development Programme provided resources to support:</p> <ul style="list-style-type: none"> • A study aimed at identifying business opportunities for CARIFORUM exporters in the FCORs • The Hosting of the CARIFORUM/FCOR/OCT Task Force on Trade and Investment • The promotion of dialogue and networking between relevant government and business leaders from CARIFORUM and the FCORs in order to develop a more friendly environment which is conducive to trade. Hosted a number of seminars aimed at promoting the use of the EPA and to build networks among key sectors (cultural industries and renewable energy) • A number of Business Missions to the Outermost Regions
Intended Purpose of Assistance	To provide the CARIFORUM private sector with enhanced opportunities to take advantage of the EPA through increased trade and relations with the FCOR.
How Assistance was utilized	<p>The assistance was used to carry out activities including:</p> <ul style="list-style-type: none"> • Hiring Consultants to carry out a study to research opportunities in the FCORs and to match them with the capacities in CARIFORUM • Convening the CARIFORUM/FCOR/OCT Task Force on Trade and Investment • Hosting a number of Seminars on the EPA and trade and investment opportunities between CARIFORUM and FCORs • Development of joint projects with key stakeholders in the FCOR

	<ul style="list-style-type: none"> • Conducting missions and visits to the FCORs • Strengthening relations with FCOR officials
<p>Results/Success; who benefited and how?</p>	<p>The results are that:</p> <ul style="list-style-type: none"> • Caribbean Export is more aware of opportunities in the FCORs which it can pass on to its constituency. • Through the dissemination of the findings of the study, CARIFORUM Governments, Private Sector and BSOs are more aware of the opportunities in the FCORs and have arranged Missions for their business people to meet counterparts in the FCORs and set up the basis for commencing or increasing trade. • Development of a pilot Joint Project between Caribbean Export and the Regional Council of Martinique to foster closer collaboration between the two Agencies as well as to promote trade and investment between CARIFORUM and Martinique.

V

INSTITUTIONAL FRAMEWORK FOR IMPLEMENTING THE EPA



V.1. Institutional Framework

Part V of the EPA deals with the establishment of the institutions that will oversee the implementation of the Agreement. Each of these bodies has been given specific responsibilities crucial to ensuring that the objectives of the Partnership are achieved.

Table 4. Institutional Framework

Institution	Responsibilities
The Joint CARIFORUM-EU Council	<ul style="list-style-type: none"> Supervising the implementation of the EPA Take decisions and make recommendations on any issues covered by the Agreement Its decisions are binding on the Parties
The CARIFORUM-EU Trade and Development Committee	<ul style="list-style-type: none"> Assisting the Joint Council in supervising the implementation of the EPA Ensure that any matters affecting the Partnership are resolved quickly in a manner that all Parties are satisfied with Ensure that the development dimension of the EPA is fulfilled Reports to the Joint Council
The CARIFORUM-EU Parliamentary Committee	<ul style="list-style-type: none"> Become a forum for members of national legislatures and of the European Parliament to exchange views and ideas
The CARIFORUM-EU Consultative Committee	<ul style="list-style-type: none"> Engage civil society in the implementation of the EPA Must ensure a broad representation of interests

The EPA institutions have functions and responsibilities that cover the implementation of the matters covered by the Agreement and have no role in influencing the internal or external policy of the EU or of any of the CARIFORUM States.

V.2. Role and function of the Joint Council

The Joint CARIFORUM-EU Council is the highest institution created by the EPA and its role is to supervise the implementation of the Agreement. The Joint CARIFORUM-EU Council shall meet at ministerial level at regular intervals, not exceeding a period of two years. The Joint Council is responsible for monitoring the fulfilment of the EPA's objectives and the examination of proposals and recommendations from the Parties regarding the review of the Agreement.

The Joint Council has the power to take decisions and to make recommendations on any issues covered by the EPA. Its decisions are binding



on the Parties and they must be implemented in their national legislation.

A representative of the EU and a representative of the CARIFORUM States will take turns in chairing the Joint CARIFORUM-EU Council, with the change taking place at the end of the calendar year. The Joint Council is required to provide periodic reports on activities related to the EPA to the Joint ACP-EU Council of Ministers established under the CPA.

The Joint Council has established its Rules of Procedure and the Rules of Procedure of the Trade and Development Committee, as well as the Rules of Procedure of Special Committees that may be established under the EPA.

V.3. Role and Function of CARIFORUM-EU Trade and Development Committee

The CARIFORUM-EU Trade and Development Committee is the second highest institution established by the EPA and its role is to assist the Joint Council in supervising the implementation of the Agreement. The Trade and Development Committee is to play a very important role as it is charged with specific responsibilities that are crucial to ensuring that all issues affecting the partnership are quickly resolved. The Trade and Development Committee has therefore been granted specific trade-related and development-related functions. The Committee is to be chaired alternately for a period of one year by a representative of the EU and a representative of CARIFORUM, with the change taking place at the end of the calendar year. It is required to report annually to the Joint CARIFORUM-EU Council.

Among the responsibilities of the Committee are:

In the area of trade:

- To supervise the proper application of the EPA's provisions and to discuss and recommend cooperation priorities;
- To take preventive actions aimed at avoiding disputes and to resolve disputes that might arise from the interpretation or the application of the Agreement;
- To discuss and undertake actions that may facilitate trade, investment and business opportunities between CARIFORUM and the EU.

In the area of development:

- To oversee the implementation of the cooperation measures set out in the Agreement and to coordinate any actions related to these provisions with third parties;
- To make recommendations on trade related cooperation between CARIFORUM and the EU;
- To periodically review the cooperation priorities set out in the Agreement and to propose new priorities as needed.

V.4. Role of CARIFORUM-EU Parliamentary Committee

The CARIFORUM-EU Parliamentary Committee is a forum where members of the European Parliament and members of CARIFORUM legislatures will meet to discuss various issues related to the Agreement. The Parliamentary Committee can request information from the Joint Council regarding the implementation of the EPA and needs to be informed of the decisions and recommendations of the Joint Council. It can also make recommendations to the Joint Council and to the Trade and Development Committee.

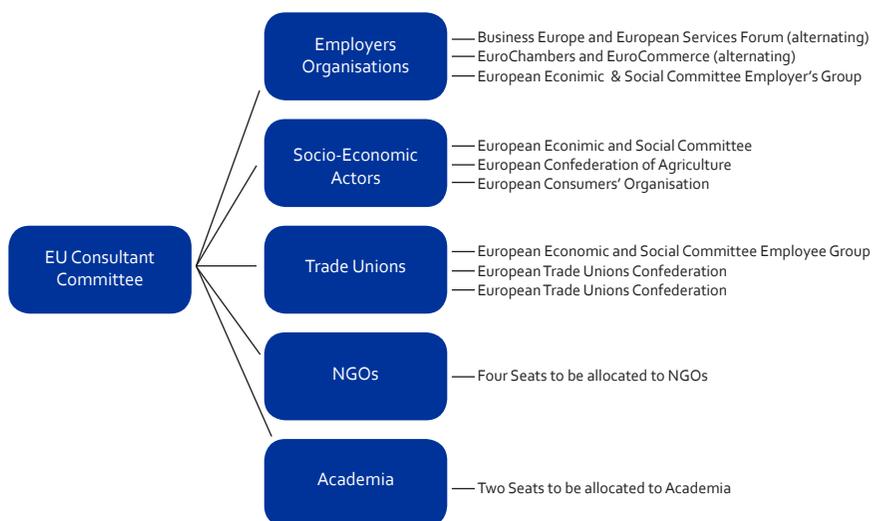
V.5. Role of CARIFORUM-EU Consultative Committee

The CARIFORUM-EU Consultative Committee will bring together representatives of civil society, who will include persons from academia, and social and economic partners.

The composition of the European Delegation to the CARIFORUM-EU Consultative Committee is provided for in the Council Decision of 16 November 2009²⁷ and the 15 members from the EU are drawn from NGOs and academia (with 40% of the seats between them), and employers, socio-economic actors and trade unions (20% of the seats each).

The composition of the EU delegation is as follows:

Figure 4. Composition of EU Representation to Consultative Committee



The CARIFORUM representation has not yet been finalised but it is expected to reflect academia, private sector and employers, organised labour, non-governmental organisations, youth and gender interests.

²⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ.L:2010:088:0023:0026:EN.PDF>



Note needs to be taken of the provision of the EPA under which participation in the CARIFORUM-EU Consultative Committee will be decided by the Joint CARIFORUM-EU Council.

Special Committee on Customs Cooperation and Trade Facilitation

One Special Committee has so far been activated - The Special Committee on Customs Cooperation and Trade Facilitation. The role and function of this Committee are expressed in the Agreement and include monitoring implementation of the provisions dealing with Trade Facilitation and monitoring implementation of the rules of origin, and consideration of requests for and grant of derogation under the rules of origin.

References and Resources



Print resources:

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- Byron, J & P. Lewis (2007) *Formulating Sustainable Development Benchmarks for an EU-CARIFORUM EPA: Caribbean Perspectives*, UWI, June
- Caribbean Regional Negotiating Machinery (2009) *The EPA at a glance... An overview of the CARIFORUM-EC Economic Partnership Agreement*, April
- CARICOM (2012a) *EPA Implementation Bulletin*, EPA Implementation Unit within the CARIFORUM Directorate of the CARICOM Secretariat, Vol. 2 No.1, January/February
- CARICOM (2012b) *EPA Implementation Bulletin*, EPA Implementation Unit within the CARIFORUM Directorate of the CARICOM Secretariat, Vol. 2 No.2, March/April
- European Commission (2008) *Introduction to the CARIFORUM-EC EPA*, October, DG Trade
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- European Commission (various) Cotonou Partnership Agreements, Revised Versions, 2001- 2010
- Girvan, N. (2009) The Caribbean EPA Affair: Lessons for the Progressive Movement, mimeo
- Montoute, A. (2011) Civil Society Participation in EPA Implementation: How to make the EPA Joint CARIFORUM-EC Consultative Committee Work Effectively, ECDPM Discussion Paper, No 119, June
- Official Journal of the European Union (2008) Economic Partnership Agreement between the CARIFORUM states, of the one part, and the European Community and its Member States, of the other parts, L 289/1/3, 30 October
- Sauv , P. & N., Ward (2009) The EC-CARIFORUM Economic Partnership Agreement: Assessing the outcome on services and investment, European Centre for International Political Economy

Website resources:

- ec.europa.eu/trade DG Trade
- www.eubusiness.com - Europe's leading independent online business information service about the European Union
- www.acp-eu-trade.org - Non partisan sourcing and knowledge sharing on ACP-EU trade
- www.acp-programming.eu - EC development cooperation for ACP countries
- www.acpfish2-eu.org - The ACP Fish II Programme, entitled "Strengthening Fisheries Management in ACP Countries" is funded under the 9th EDF ( 30M)
- www.esf.be - The European Services Forum is a network of high-level representatives from the European services sector, that is committed to actively promoting the liberalisation of international trade in services
- www.crn.org - The Office of Trade Negotiations of the CARICOM Secretariat
- www.caribbean360.com - Caribbean360 is an information website which provides access to news and events across the region
- www.caricom.org - The CARICOM Secretariat website
- www.epp.eurostat.ec.europa.eu - Website maintained by the EU, Eurostat is the statistical office of the European Union
- www.europarl.europa.eu - The European Parliament website
- www.eu-un.europa.eu - Website of the European Union delegation to the United Nations
- www.ictsd.org - The International Centre for Trade and Sustainable Development
- www.wto.org hosts all the agreements related to multilateral negotiations and has numerous trade and tariff statistics.



Bahamas

Haiti

Dominican Republic

Belize

Jamaica

St Kitts and Nevis

Antigua and Barbuda

Dominica

St. Lucia

St Vincent & the Grenadines

Barbados

Grenada

Trinidad and Tobago

Guyana

Suriname