

## ANTIGUA AND BARBUDA



### **RESOLUTION OF THE HOUSE OF REPRESENTATIVES RATIFYING THE PROTOCOL TO AMEND ARTICLE 83 OF THE REVISED TREATY OF CHAGUARAMAS ESTABLISHING THE CARIBBEAN COMMUNITY INCLUDING THE CARICOM SINGLE MARKET AND ECONOMY**

**WHEREAS** Antigua and Barbuda is a party to the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy (“the Revised Treaty”) which entered into force on 1<sup>st</sup> January, 2006; and

**WHEREAS** Antigua and Barbuda signed the Protocol to Amend Article 83 of the Revised Treaty on the 11<sup>th</sup> March 2014 at Buccament in St. Vincent and the Grenadines having recognized the need for a Common External Tariff to be able to respond to developments at the Community and International levels; and

**WHEREAS** Article 236 of the Revised Treaty provides that an amendment to the Revised Treaty, which includes this Protocol, shall enter into force one month after the date on which the last instrument of ratification is deposited with the Secretariat by the Parties to the Revised Treaty:

**NOW THEREFORE BE IT RESOLVED BY** this Honourable House that the Protocol to Amend Article 83 of the Revised Treaty, the text of which is attached hereto as a schedule, be ratified pursuant to section 3(1) (c) of the Ratification of Treaties Act, Cap.364.

Passed by the House of Representatives this            day of            , 2017

*Speaker of the House of Representatives*

*Clerk to the House of Representatives*

## **SCHEDULE**

### **PROTOCOL TO AMEND ARTICLE 83 OF THE REVISED TREATY OF CHAGUARAMAS ESTABLISHING THE CARIBBEAN COMMUNITY INCLUDING THE CARICOM SINGLE MARKET AND ECONOMY**

The Parties to the Revised Treaty of Chaguaramas Establishing the Caribbean Community Including the **CARICOM** Single Market and Economy ("the Revised Treaty") which entered into force on 1 January 2006,

*RECOGNIZING* the need for the Common External Tariff to be able to respond to developments at the Community and International levels;

**HAVE AGREED** as follows:

#### **ARTICLE I AMENDMENT OF ARTICLE 83**

1. Article 83 is hereby amended and replaced with the following —

##### **"Article 83 Operation of the Common External Tariff**

1. Any alteration or suspension of the Common External Tariff on any item shall be decided by **COTED**.
2. A Member State may apply to **COTED** for authorisation to suspend the applicable Common External Tariff on an item and, in place thereof, apply a higher or a lower tariff.
3. In its consideration of an application to suspend the Common External Tariff on an item, **COTED** shall, where applicable, take into account whether:
  - (a) the product is not being produced in the Community;
  - (b) the quantity of the product being produced in the Community does not satisfy the demand of the Community;
  - (c) the quality of the product being produced in the Community is below the Community standard or a standard the use of which is authorised by **COTED**;
  - (d) there is a critical shortfall in government revenue being experienced by that Member State;
  - (e) there are rising cost of living issues to be urgently addressed by that Member

State;

- (f) there is need to support an industry in that Member State;
- (g) the product is of strategic importance to the economic development of that Member State; and
- (h) the suspension of the Common External Tariff on the item is required for the support of the protection and conservation of the environment.

4. During any period between the meetings of **COTED**, the Secretary-General may, on behalf of **COTED**, authorise a Member State to suspend the applicable Common External Tariff on an item provided that the decision is based on sub-paragraph (a), (b) or (c) of paragraph 3. Any exercise of such authority by the Secretary-General shall be reported to the next meeting of **COTED**.

5. An application to suspend the applicable Common External Tariff on an item must be supported by information as "prescribed by **COTED**, from time to time.

6. Any authorisation to suspend the application of the Common External Tariff on an item shall be subject to such terms and conditions as **COTED**, or the Secretary-General acting pursuant to paragraph 4, may decide.

7. Each Member State shall, for the purpose of administering the Common External Tariff, appoint a competent authority which shall be notified to **COTED**.

8. **COTED** shall continuously review the Common External Tariff, in whole or in part, to assess its impact on production and trade, as well as to secure its uniform implementation throughout the Community, in particular, by reducing the need for discretionary application in the day to day administration of the Tariff.

9. For the purposes of this Article:

- (a) "suspension" means that a Member State is exempted from applying the agreed Common External Tariff on an item for a period of time and may instead apply a higher or lower tariff as authorised;
- (b) "alteration" means a change to the agreed rate of the Common External Tariff on an item by an increase or a decrease in the rate and which changed rate is applicable to all Member States.

## **ARTICLE II SIGNATURE AND PROVISIONAL APPLICATION**

This Protocol shall be open for signature by the parties to the Revised Treaty and shall be provisionally applied upon signature by all Parties to the Revised Treaty and a decision by **COTED** concerning the application of paragraph 3.

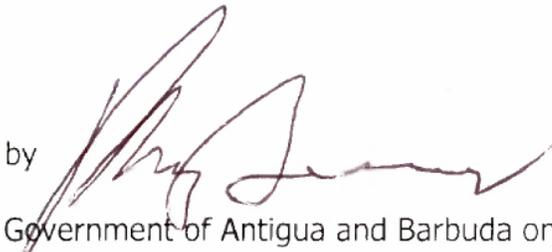
**ARTICLE III  
ENTRY INTO FORCE**

Pursuant to paragraph 2 of Article 236, this Protocol shall enter into force one month after the date on which the last instrument of ratification is deposited with the Secretariat by the Parties to the Revised Treaty.

**IN WITNESS WHEREOF** the undersigned representatives duly authorised in that behalf have executed this Protocol for their respective Governments.

**DONE** at BUCCAMENT the 11<sup>th</sup> day of MARCH, 2014  
ST. VINCENT & THE GRENADINES

Signed by

  
for the Government of Antigua and Barbuda on the 11<sup>th</sup> day of March 2014  
at Buccament, St. Vincent and the Grenadines

Signed by

  
for the Government of Barbados on the 11<sup>th</sup> day of March 2014  
at Buccament, St. Vincent and the Grenadines

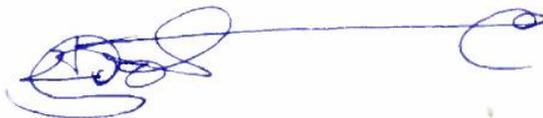
Signed by

  
for the Government of Barbados on the 11<sup>th</sup> day of March 2014  
at Buccament, St. Vincent and the Grenadines

Signed by

for the Government of Belize on the                      day of

at

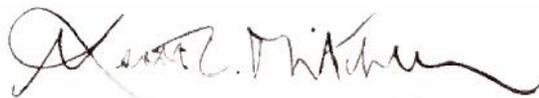


Signed by

for the Government of the Commonwealth of Dominica on the 11<sup>th</sup> day of March 2014

at Buccament, St. Vincent and the Grenadines

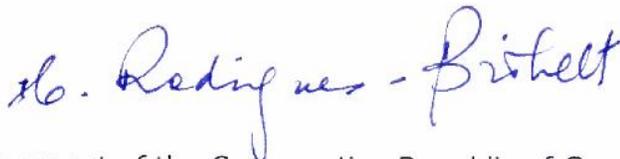
Signed by



for the Government of Grenada on the 10<sup>th</sup> day of MARCH 2014

at Buccament, St. Vincent and the Grenadines

Signed by



for the Government of the Co-operative Republic of Guyana on the 2nd day of

July at 2014 at Dickenson Bay, Antigua and Barbuda

Signed by

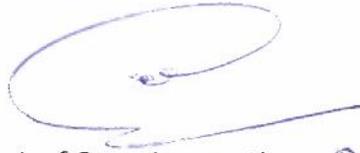


for the Government of the Republic of Haiti on the

at Haitian Palace in P.R.

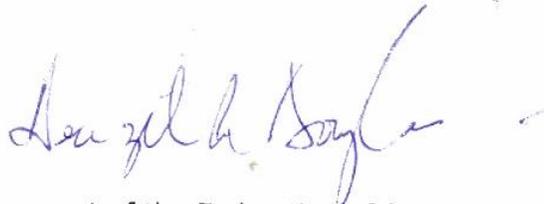
29<sup>th</sup> April  
day of 2015

Signed by



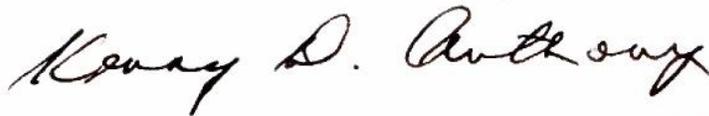
for the Government of Jamaica on the 26<sup>th</sup> day of September 2014  
at New York

Signed by



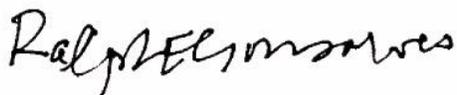
for the Government of the Federation of St. Kitts and Nevis on the 4<sup>th</sup> day of  
JULY 2014 at Dickenson's Bay, Antigua, Antigua and  
Barbuda.

Signed by



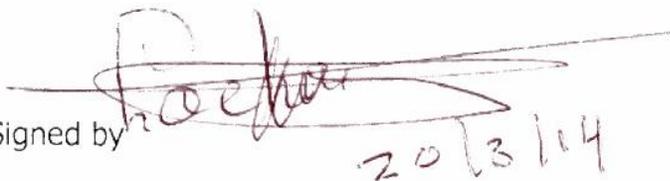
for the Government of Saint Lucia on the 30<sup>th</sup> day of July  
at Dickenson's Bay, Antigua

Signed by



for the Government of St. Vincent and the Grenadines on the 11<sup>th</sup> day of March  
2014 at Buccament, St. Vincent and the Grenadines

Signed by



for the Government of the Republic of Suriname on the 20<sup>th</sup> day of MAY  
2014 at LILIGNDAAL, GUYANA

Signed by 

for the Government of the Republic of Trinidad and Tobago on the 16<sup>th</sup> day of JANUARY  
2015 at LILIBENDAL, GUYANA