

THE FUTURE OF CARICOM TRADE RELATIONS WITH THE UNITED STATES AND CANADA: A REVIEW OF CBI AND CARIBCAN & PROSPECTS FOR FUTURE TRADE AGREEMENTS

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INTRODUCTION & BACKGROUND

CARICOM² Member States' trade relations with the United States (US) and Canada are for the most part governed by the Caribbean Basin Initiative (CBI) and CARIBCAN respectively. These trade instruments were enacted in the 1980s and provide one-way duty-free access to the respective markets for a range of goods originating from beneficiary CARICOM Member States. These arrangements are not trade agreements – i.e. negotiated treaties between governments but rather, legislative provisions designed to grant producers from beneficiary countries with preferential access to the US and Canadian Markets. Over the past two decades, a number of CARICOM firms have benefited from these non-reciprocal arrangements as they provide margins of preference that bolsters the competitiveness of their products in those markets. These margins of preference are becoming increasingly eroded as the US and Canadian Governments negotiate bilateral and/or regional free trade agreements (FTAs) with other developing countries and as negotiations for further liberalisation take place at the World Trade Organisation (WTO). In addition, it is anticipated that CARICOM's future trade relations with these countries will become more reciprocal in nature as they move from trading under such programmes into more reciprocal bilateral free trade agreements. The trend has already started. CARICOM as part of the Caribbean Forum Countries (CARIFORUM) has recently signed a new Economic Partnership Agreement (EPA) with the European Community (EC) that offers the latter phased duty free market access for 86.9% of EC imports destined to CARIFORUM markets³. This Agreement will provide increasing preferential access in the CARIFORUM market for goods originating from Europe over the next twenty five years. As such, it is anticipated that producers from the US and Canada will want similar market access that has been granted to the EC under the EPA to ensure that they are competing on similar terms in our markets. As such this paper will argue that the conclusion of the EPA with the EC has the potential to increase the pace of liberalisation in the sense that any future trade agreements will at least offer similar terms and conditions that were offered to the EC.

The United States has also negotiated Free Trade Agreements with a number of countries that were formerly CBI beneficiaries. Producers from these countries have duty free quota free market access under these reciprocal agreements and they no longer require or have access to the CBI regime. Additionally, Canada has negotiated FTAs with countries in Central America that also offer reciprocal duty free access⁴. Some of these Agreements also provide for commitments in trade in services and investment as well. CARICOM has already agreed to negotiate a free trade agreement with Canada and as such will probably seek to ensure that they receive similar concessions that have been granted to other developing countries. While there has been no formal commitment to negotiate a free trade agreement with the United States, one of the conditions of the CBERA/CBTPA is that the beneficiaries participate in either the WTO, the FTAA or demonstrate the commitment to enter into a free trade agreement with the US. However the process of multilateral negotiations tends to be slow and the FTAA is currently no longer a negotiating item, therefore it is expected that in the near future, CARICOM will probably commence negotiations with the US.

CBI and CARIBCAN are also limited to trade in goods. However an increasing number of bilateral trade agreements include commitments on trade in services and rules that cover other areas of economic activity. Some trade specialists

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² CARICOM Member States are Antigua & Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts & Nevis, St. Lucia, St. Vincent & the Grenadines, Suriname, Trinidad & Tobago. It is important to note that Suriname, while eligible to trade under the CBI arrangement has not applied for beneficiary status. CARIBCAN coverage is currently not extended to Haiti and Suriname.

³ The CARIFORUM-European Community Economic Partnership Agreement was signed on October 16, 2008.

⁴ This Report will draw reference to the Canada-Costa Rica and the Canada-Peru Free Trade Agreements.

argue that as the US and Canada negotiate bilateral free trade agreements with third countries, our CARICOM service providers will be at a disadvantage unless CARICOM negotiates similar instruments with these countries. This could affect the competitiveness of our services exports as FTA beneficiary service providers would have an improved market access position in the US and Canadian markets. They also argue that CARICOM Member States have the potential to benefit significantly from guaranteed and enhanced market access in trade in services since the Region is comprised of mainly service economies. The EPA between CARIFORUM Member States and the European Community is the first FTA to which CARICOM is party that includes substantial market access commitments on trade in services and investment⁵. It is also the first reciprocal free trade agreement between CARICOM Member States and a grouping involving Developed Countries. This precedence will therefore influence the scope and content of CARICOM positions in its future trade agreements and as such, it is expected that services and investment provisions will be included in CARICOM's future trading relationships.

This paper will therefore examine the potential nature of future trade relations between CARICOM and the United States and Canada, bearing in mind the commitments recently undertaken between CARIFORUM States and the European Community. In particular it will seek to:

- Provide an analysis of the current contribution of CARICOM-US and CARICOM-Canada trade to the overall socio-economic well being of the Caribbean Region;
- Provide a historical overview of the structure, role and function of the Caribbean Basin Initiative and CARIBCAN and undertake an analysis of the extent to which the benefits of CBI and CARIBCAN have been affected or modified by trade liberalisation;
- Examine the scope and tenor of recent trade agreements negotiated by the United States and Canada with other developing countries and in doing so provide a summary of key negotiating issues that are likely to be addressed in any future CARICOM-Canada and CARICOM-United States Trade Agreement
- Examine and identify the mechanisms and practices used to incorporate civil society into recent trade agreements that were negotiated by the USA and Canada with other developing countries with the aim of making recommendations which could be adopted in a CARICOM context.

HISTORICAL OVERVIEW OF THE CARICOM TRADING RELATIONS WITH THE US AND CANADA

CARIBBEAN BASIN INITIATIVE

The Caribbean Basin Initiative was enacted by the United States Congress in August 1983. Originally known only as the Caribbean Basin Economic Recovery Act (CBERA), this US legal instrument provided unilateral one-way duty free access for trade in goods originating from CARICOM Member States as well as from the Dominican Republic and Central American Countries⁶. It allows US importers to source goods originating from beneficiary countries on a duty free basis. CBERA is non-reciprocal – in the sense that it provides one-way duty free access – but it was also preferential as the United States was not entitled to offer similar duty-free access to other countries. CBERA however was limited in its scope as it did not cover the entire universe of tariff lines and hence goods that were not included were subject to positive rates of duty when imported to the US. In addition its duration was not permanent as it was due to expire in 1995. This was however repealed in 1990 and CBERA was given indefinite status as part of the enhancement of the CBERA programme. Other improvements made in 1990 included an expansion of the range of goods deemed eligible to enter the US market duty free.

As noted earlier, the CBI is unilaterally offered by the US and is not a negotiated Agreement. The US President has the authority to limit or suspend preferential treatment if beneficiary countries have not satisfied CBERA's eligibility requirements. These requirements include those related to labour and internationally recognised worker rights, as well

⁵ The Agreement Establishing the Free Trade Agreement between the Caribbean Community and the Dominican Republic contains provisions on the promotion and protection of investment. The EPA takes a number of market access commitments on commercial presence, better known as the right of establishment. However the EPA does not have commitments on promotion and protection. The European Commission does not have the authority to negotiate promotion and protection principles on behalf of its member states.

⁶ These countries are: El Salvador, Honduras, Nicaragua and Guatemala. The Dominican Republic and Costa Rica are still included in 2006 CBI figures.

as the provision of effective implementation of an intellectual property rights protection framework⁷. The Seventh Report to Congress on the Operation of the Caribbean Basin Economic Recovery Act also highlights additional mandatory criteria for CBERA eligibility. Some of these criteria relate to expropriation rights, arbitral awards, extradition and socialism – i.e. a government that is socialist in its orientation cannot benefit from the CBI provisions. There is however a criteria relating to reverse preferences that create the potential for CARICOM to lose eligibility status as a result of Member States engagement in FTAs. Under this criterion:

If a country affords preferential treatment to the products of a developed country, other than the United States, which has or is likely to have a significant adverse effect on U.S. commerce, it is ineligible for designation as a CBERA beneficiary.

The EPA provides preferential treatment for goods originating from the EC and could therefore qualify under this criterion. It is unclear whether the US would activate this provision as it would affect those CARICOM exports that benefit from the CBI. However, if it were to be activated a compelling option would be that CARICOM Member States negotiate a FTA with the US to maintain the current market access that they receive from CBERA. To date, no CARICOM country has been suspended or removed from the programme⁸. It should also be recalled that one of the conditions of CBERA is that beneficiary countries were participating in the FTAA or negotiating a bilateral FTA with the US. Whilst CBERA contributions to the US economy is negligible on the import side, the removal of preferences would hurt CARICOM more as these exports still account for a reasonable percentage of CARICOM's total US exports. On the US export side a number of its firms would want to ensure that their products are competing on similar terms as other products entering CARICOM with FTA status. It is therefore anticipated that a FTA with the United States will be negotiated sometime in the future.

CARIBBEAN BASIN TRADE PARTNERSHIP ACT

The Caribbean Basin Trade Partnership Act (CBTPA) was enacted in 2000 and further amended in 2002. The CBTPA enhances the CBERA product coverage to include items that were previously ineligible. CBTPA made an additional 387 tariff lines (eight digit level) eligible for duty-free treatment. These include: petroleum based products, handbags, luggage, flat goods, work gloves, leather wearing apparel, canned tuna, foot wear, select watches and watch parts. Before CBTPA was implemented, these products were subject to positive (albeit reduced) rates of duty. The United States International Trade Commission (USITC) confirms that with the addition of these products, approximately 5700 tariff lines are covered under the CBI preferential regime or are entered duty free under normal trade relations (NTR)⁹.

According to the USITC, the eligibility requirements to benefit from the CBTPA include, satisfying the existing CBERA criteria and US customs requirements. Additional requirements include "...the extent to which the country has...implemented its commitments to eliminate all forms of child labour, cooperated with the United States on counter-narcotic initiatives, implemented an international anticorruption convention and applied transparent, non-discriminatory and competitive procedures in government procurement.¹⁰"

While all CARICOM countries are eligible for CBTPA tariff treatment, a number of CARICOM countries have not satisfied the eligibility criteria and as such do not participate in trade under this programme. According to the USITC only some of the eligible 24 countries satisfied US customs requirements to access the benefits from CBTPA. The eligible CARICOM countries are: Barbados, Belize, Guyana, Haiti, Jamaica, St. Lucia and Trinidad & Tobago. As with the broader CBERA regime, the Central American countries and the Dominican Republic that were previously covered under this regime are no longer eligible as a result of the US-CAFTA-DR Free Trade Agreement coming into effect.

⁷ United States International Trade Commission: 'The Impact of the Caribbean Basin Economic Recovery Act (18th Report). USITC Publication 3954 (September 2007).

⁸ However the USITC in its September 2007 CBERA Report identified a number of CARICOM countries that have not satisfied the US intellectual property rights requirements. The countries highlighted in the Report are Belize, Bahamas and Jamaica

⁹ It should be noted that the products that remain excluded from preferential treatment are select apparel and select agricultural products that are subject to tariff rates quotas.

¹⁰ *Ibid*

Although CBERA (1990) is supposed to have indefinite status, the CBTPA programme was due to expire on September 2008. As with most preferential programmes the United States is required to request a WTO waiver as mandated by Article IX of the WTO Agreement and the ***WTO Understanding in Respect of Waivers and Obligations under the General Agreement on Tariffs and Trade 1994***. A number of attempts have been made in past to extend the CBTPA. For instance, in February 2008 the Ways and Means Committee had introduced a Bill to the United States Congress entitled the Trade Preference Extension Bill (H.R. 5264) which was intended to extend the benefits of the CBTPA until 2010. It was recently reported that CBTPA was granted a waiver until 2012.

HAÏTIAN HEMISPHERIC OPPORTUNITY THROUGH PARTNERSHIP ENCOURAGEMENT (HOPE) ACT

The Haïtian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act was introduced in December 2006 as a further amendment to CBTPA. The HOPE Act country coverage is exclusively limited to Haïti and does not include the other CARICOM Member States. According to the USITC, “the Act establishes new rules of origin that make Haïti eligible for new trade benefits for apparel and that enhance sourcing flexibility for apparel producers in Haïti¹¹”. This flexibility is time bound and is phased over a period of five years.

GENERALISED SYSTEM OF PREFERENCES

Most CARICOM Member States remain eligible for trade preferences under the US GSP Regime. As with CBI, the US GSP is unilateral and non-reciprocal. Additionally, the Office of the US President has the authority to suspend GSP treatment to beneficiary countries. Antigua & Barbuda and Barbados are the only CARICOM Member States that have been graduated from accessing preferences under this Regime.

CARICOM-CANADA (CARIBCAN)

According to the Caribbean Regional Negotiating Machinery (May 2008) the trade and economic relations between CARICOM Member States and Canada are governed by the 1979 CARICOM-Canada Trade and Economic Cooperation Agreement and CARIBCAN.

CARIBCAN was introduced by the Government of Canada after a decision was taken during the 1985 Commonwealth Heads of Government Conference in Nassau Bahamas, to grant Caribbean Countries trade development assistance. CARIBCAN beneficiary countries are: Anguilla, Antigua-Barbuda, Bahamas, Barbados, Belize, Bermuda, the British Virgin Islands, the Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Christopher (St. Kitts) and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago, and the Turks and Caicos Islands.

According to the 2007 WTO Report by the Government of Canada on the Trade Related Provisions of CARIBCAN¹² “The objectives of CARIBCAN are to enhance Commonwealth Caribbean trade and export earnings, improve the trade and economic development prospects of the region, promote new investment opportunities, and encourage enhanced economic integration and co-operation”. In terms of CARIBCAN’s product coverage, the arrangement allows for duty free entry for most goods except those falling under HS 50-65¹³ as well as some agricultural and agro-processed goods that carry high rates of duty. Duty free access is not unconditional. CARICOM firms must satisfy the rules of origin requirements which state that qualifying goods must have at least 60% of its inputs originating from CARIBCAN beneficiary countries or Canadian sources. These criteria can have an impact on the level of market penetration since a number of exporting firms import raw materials from third countries.

GENERAL PREFERENTIAL TARIFF

The Government of Canada also offers duty free concessions or in some instances, reduced rates of duties under its General Preferential Tariff Regime. Unlike CARIBCAN, the GPT is applicable to a wider group of developing countries.

¹¹ USITC (September 2007) Pg1-13.

¹² World Trade Organisation: ‘Canada Tariff Treatment for Commonwealth Caribbean Countries’. WT/L/705 (December 2007).

¹³ These products include fabrics, yarn and apparel

A limited amount of CARICOM trade is conducted under this regime. As with the US GSP, the Canadian GPT is unilateral in its application and could be subject to change by the Government.

SECTION ONE – TRADE & ECONOMIC RELATIONSHIP

This section will review and assess the contribution of CARICOM's trade with the United States and Canada to the socio-economic well being of the Region. At the outset it must be noted that the publicly available statistical data from CARICOM sources is limited and this restricts one's ability to make meaningful comments on CARICOM's contribution to CARICOM-US and CARICOM-Canada trade. Much of the following research was therefore reliant upon United States and Canadian statistical and trade sources. The lack of reliable statistics is a perennial problem that affects the Region's ability to make meaningful assessments on the trading activity between the respective regions and can sometimes have an impact on CARICOM's negotiating positions. The dearth of statistics is even more prevalent when one examines the contribution of trade in services activity to total trade.

CARICOM - UNITED STATES TRADE

The United States is one of CARICOM's major trading partners. In 2007 total trade between the US and CARICOM amounted to over US\$20 Billion. In that year, CARICOM exports to the United States amounted to around US\$11 Billion or around 43% of total exports from CBI beneficiaries. However this figure is inclusive of trade under CBI as well as other CARICOM exports that enter the US market under either the US Generalised System of Preference (GSP) regime or under normal trade relations - i.e. free of duty on a Most Favoured Nation (MFN) basis.

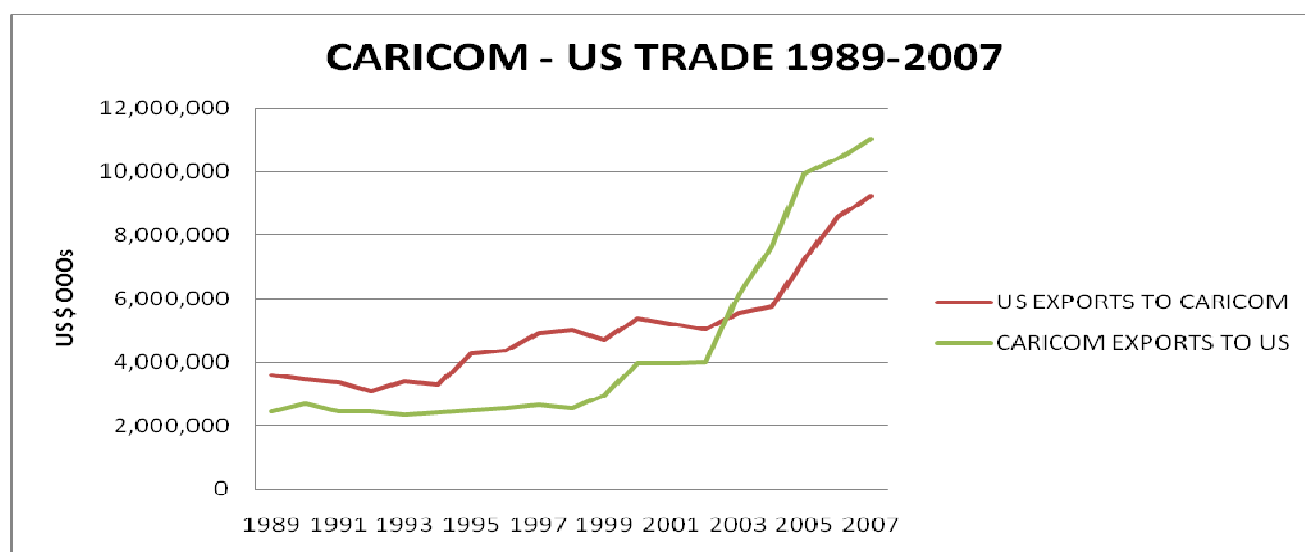
CARICOM maintained a positive trade balance with the United States in 2007 which is valued at around US\$1.7Billion. This surplus is primarily due to natural gas and petroleum based exports originating out of Trinidad & Tobago. Trinidad & Tobago's exports of natural gas and petroleum products accounted for the top three exports originating from CBI beneficiary countries over the past three years. It should be noted that Trinidad has also become the major beneficiary of the CBI programme since the Central American countries that previously had access to this programme are now trading under the US-CAFTA-DR Agreement and therefore imports from these countries are no longer registered as CBERA imports. The removal of these countries from the CBI programme resulted in apparel (clothing) losing its status as the leading product exported to the US. As such, the contribution of total CBI exports has fallen dramatically with the removal of these countries from this facility.

| CARICOM'S TRADE BALANCE WITH THE UNITED STATES 1989-2007 (US\$000s) | | | |
|---|-----------------------|-----------------------|------------------|
| YEARS | TOTAL CARICOM IMPORTS | TOTAL CARICOM EXPORTS | BALANCE OF TRADE |
| 1989 | 3,618,460 | 2,442,017 | -1,176,443 |
| 1990 | 3,466,772 | 2,689,983 | -776,789 |
| 1991 | 3,370,170 | 2,464,160 | -906,010 |
| 1992 | 3,103,741 | 2,464,902 | -638,839 |
| 1993 | 3,396,679 | 2,351,767 | -1,044,912 |
| 1994 | 3,295,207 | 2,418,550 | -876,657 |
| 1995 | 4,259,578 | 2,484,868 | -1,774,710 |
| 1996 | 4,370,161 | 2,556,037 | -1,814,124 |
| 1997 | 4,915,793 | 2,641,929 | -2,273,864 |
| 1998 | 5,004,132 | 2,560,716 | -2,443,416 |
| 1999 | 4,709,515 | 2,966,808 | -1,742,707 |
| 2000 | 5,385,624 | 3,961,269 | -1,424,355 |
| 2001 | 5,194,565 | 3,964,293 | -1,230,272 |
| 2002 | 5,031,365 | 4,002,254 | -1,029,111 |

| CARICOM'S TRADE BALANCE WITH THE UNITED STATES 1989-2007 (US\$000s) | | | |
|---|-----------------------|-----------------------|------------------|
| YEARS | TOTAL CARICOM IMPORTS | TOTAL CARICOM EXPORTS | BALANCE OF TRADE |
| 2003 | 5,533,747 | 6,120,013 | 586,266 |
| 2004 | 5,743,535 | 7,663,046 | 1,919,511 |
| 2005 | 7,224,633 | 9,932,770 | 2,708,137 |
| 2006 | 8,556,122 | 10,405,425 | 1,849,303 |
| 2007 | 9,223,307 | 11,017,401 | 1,794,094 |
| TOTALS | 95,403,106 | 85,108,208 | |

Source: US Department of Commerce

As noted above, CARICOM maintains a positive trade in goods balance with the United States. Research conducted by the Caribbean Regional Negotiating Machinery¹⁴ however shows that if one were to remove Trinidad & Tobago's contribution from CARICOM's share of merchandise trade to US imports, there would be a dramatic decline in CARICOM's overall share of trade. This is confirmed when one examines Trinidad & Tobago's total exports to the US in 2007 which accounted for almost 80% of the total value of trade exported to the United States from CARICOM Member States.

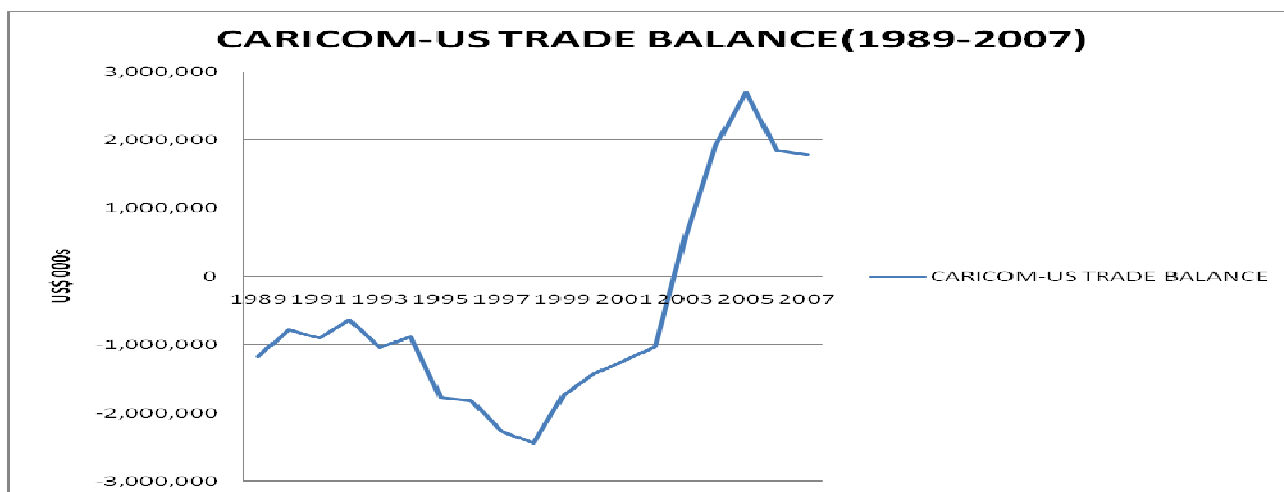


Source: US Department of Commerce

The other major beneficiaries of the CBI programmes are Jamaica and Haiti. Haiti's exports of apparel to the United States have increased significantly due to concessions granted under the Haitian Hemispheric Opportunity Through Partnership Encouragement Act (HOPE Act). As noted earlier in this report, this Act was enacted in 2006 and provides for flexible rules of origin for Haitian apparel producers. Under this Act, Haitian apparel exports increased modestly over the period 2006-2007¹⁵. The value of apparel exports in 2007 stood at US\$452M as compared to approximately 450M in 2006. Barbados' major export to the United States in recent years falls under the category HS22: beverages, spirits and vinegar and has primarily been rum. In 2007 over US\$ 38 Million worth of this category of product was exported to the US from Barbados. Other products exported from Barbados include beer and other beverage, electrical components, biscuits and pastry products, lenses, chemicals, pharmaceuticals and furniture.

¹⁴ Caribbean Regional Negotiating Machinery, 'Exploration of the Merits of a Free Trade Agreement between CARICOM Countries and the United States of America' (April 2006)

¹⁵ Office of Trade and Industry Information, International Trade Administration, US Department of Commerce



Source: US Department of Commerce

The following table highlights some of the major CARICOM exports to the United States.

TABLE: Major CARICOM Exports to the United States

| Major Products Exported to the United States | Exporting CARICOM Countries |
|--|--|
| Mineral Fuels and Oils | Trinidad & Tobago |
| Methanol and Other Chemicals | Trinidad & Tobago |
| Ethanol | Jamaica |
| Apparel | Haiti, Jamaica |
| Fish products | Bahamas, Guyana, Belize, Trinidad & Tobago, Jamaica, Grenada |
| Beverages & Spirits | Jamaica, Trinidad & Tobago, Barbados |
| Electronics | St. Kitts & Nevis, Barbados, Haiti, St. Lucia, Trinidad & Tobago and Jamaica |
| Fruit & Vegetables | Jamaica and Belize |

Source: CRNM (April 2006)

As noted above, the removal of Central American countries from CBI coverage has had a diminishing effect on the value of imports that are recorded under the CBI programme. Notwithstanding the diminishing contribution of CBI to US imports¹⁶, a number of products continue to be exported to that country free of duty under these programmes. For instance, Jamaica currently exports significant volumes of ethanol to the US market under the CBI programme (CBERA). Other exports to that market under the preferential schemes include: apparel, rum, fish & crustaceans and beverages. It is however important to note that while a significant number of exports (approx. 38%) are still covered under CBI, an increasing number of products originating from CARICOM Member States are trading free of duty under the US NTR¹⁷. For instance, petroleum based products enter the US market under CBTPA free of duty, however **natural gas**, which is the leading export to that market, enters duty free under the US NTR. As the table below shows, approximately 50% of CARICOM exports to the US are already entering that market under normal trading relations and are competing with like third country products free of duty. Some of these products include coffee, electronic circuits and pastry products.

TABLE: CARICOM EXPORTS TO THE US 2006 (CBI Vs MFN) \$US000s

| COUNTRIES | Total Imports under CBERA/CBTPA | CBERA/CBTPA US imports as a % of total US imports | Total Imports under MFN | US MFN Imports as a % of total imports |
|-----------|---------------------------------|---|-------------------------|--|
| Antigua | 23 | 0.4 | 4,775 | 82.7 |
| Bahamas | 125,056 | 27.6 | 230,347 | 50.9 |
| Barbados | 5,009 | 14.8 | 25,850 | 76.4 |
| Belize | 61,711 | 42 | 32,445 | 22.1 |

¹⁶ According to the USITC CBI imports accounted for less than 2% of total US imports in 2006

¹⁷ Please note that NTR is the same as MFN applied rates of duty.

| COUNTRIES | Total Imports under CBERA/CBTPA | CBERA/CBTPA US imports as a % of total US imports | Total Imports under MFN | US MFN Imports as a % of total imports |
|--|--|--|--|---|
| Dominica | 66 | 2.1 | 2,140 | 68 |
| Grenada | 56 | 1.3 | 3,856 | 86.3 |
| Guyana | 5,095 | 4.1 | 99,854 | 79.7 |
| Haiti | 379,323 | 76.3 | 24,677 | 5 |
| Jamaica | 245,752 | 47.3 | 182,957 | 35.2 |
| Montserrat | 0 | 0 | 711 | 89.7 |
| St. Kitts and Nevis | 24,750 | 49.4 | 20,192 | 40.3 |
| St. Lucia | 7,076 | 23.5 | 3,912 | 13 |
| St. Vincent and the Grenadines | 210 | 10.4 | 793 | 39.1 |
| Trinidad and Tobago | 3,072,832 | 36.7 | 4,485,988 | 53.6 |
| Totals | 3,926,959 | | 5,118,497 | |
| Total CARICOM Imports to the United States in thousand US\$ | 10,240,886 | | | |
| CARICOM CBI Imports as a % of total CARICOM imports | 38.34% | | CARICOM NTR imports as a % of total CARICOM imports | 49.98% |

Source: Seventh Report to Congress on the Operation of the Caribbean Basin Economic Recovery Act. December 2007

The following table also reinforces the point that an increasing number of CARICOM exports are trading duty free under US NTR as opposed to CBI programmes. This is an important point to note when one assesses the future of CARICOM's trading relations with the US. The fact that an increasing number of CARICOM's trade is competing free of duty in export markets require Member States to develop a negotiating strategy that balances the need for an extension of existing preferences in favour of CARICOM with the fact that a number of firms are already competing with third party firms on a duty free basis. Additionally, the strategy should ensure the preservation of the domestic industry in CARICOM markets while ensuring that firms who still benefit from preferences can access the requisite development assistance to enable them to more meaningfully compete in export markets.

Leading U.S. imports for consumption from CBERA countries, 2004-06

| HTS Number | Description | 2004 | 2005 | 2006 | CBI Eligibility | MFN |
|------------|---|------------|------------|------------|------------------|-----------------|
| 2711.11.00 | Natural gas, liquefied | 2,630,221 | 3,293,244 | 2,918,351 | Not Eligible | 0% |
| 2710.00.20 | Distillate and residual fuel oil (including blends) derived from petroleum or oils from bituminous minerals, testing under 25 degrees A.P.I. | 1,445,806 | 2,483,967 | 2,697,133 | Eligible (CBTPA) | 5.25%bbl |
| 2709.00.20 | Petroleum oils and oils from bituminous minerals, crude, testing 25 degrees A.P.I. or mor | 848,397 | 1,134,504 | 1,746,900 | Eligible (CBTPA) | 10.5cents/bbl |
| 2814.10.00 | Anhydrous ammonia | 939,210 | 1,261,459 | 1,168,923 | Not Eligible | 0% |
| 2905.11.20 | Methanol (methyl alcohol), n.e.s.o.i) | 464,646 | 713,116 | 1,038,365 | Eligible (CBERA) | 5.50% |
| 9018.90.80 | Medical, surgical, or dental instruments and appliances | 793,335 | 793,412 | 785,693 | Not Eligible | 0% |
| 2710.11.25 | Naphthas, not motor fuel/blending stock, from petroleum oils/oils from bituminous minerals, minimum 70 percent by weight of such products | 449,726 | 646,764 | 735,795 | Eligible (CBTPA) | 10.5cents/bbl |
| 6110.20.20 | Sweaters, pullovers, sweatshirts, waistcoats, and similar articles, knitted or crocheted, of cotton, n.e.s.o.i | 1,842,573 | 1,932,877 | 712,249 | Not Eligible | 16.50% |
| 6109.10.00 | T-shirts, singles, tank tops, and similar garments, knitted or crocheted, of cotton | 1,485,826 | 1,526,008 | 704,596 | Not Eligible | 16.50% |
| 2710.19.10 | Distillate/residual fuel oil (including blends) derived from petroleum oils or oil of bituminous minerals, testing 25 degrees A.P.I. or more | 493,596 | 1,000,072 | 515,890 | Eligible (CBTPA) | 10.5cents/bbl |
| 6203.42.40 | Men's or boys' trousers, breeches, and shorts, not knitted or crocheted, of cotton, not containing 15 percent or more down | 1,027,054 | 911,650 | 504,942 | Not Eligible | 16.60% |
| 0803.42.40 | Bananas, fresh or dried | 639,649 | 631,630 | 415,356 | Not Eligible | 0.00% |
| 8473.30.11 | Printed circuit assemblies | 135,761 | 414,894 | 389,061 | Not Eligible | 0.00% |
| 0901.11.00 | Coffee, not roasted, not decaffeinated | 471,791 | 565,194 | 340,959 | Not Eligible | 0.00% |
| 2710.11.45 | Mixtures of hydrocarbons n.e.s.o.i., none comprising over half of product, 70% or more by weight from petroleum oils and bituminous minerals | 48,882 | 222,300 | 279,550 | Eligible (CBTPA) | 10.5cents/bbl |
| 2207.10.60 | Undenatured ethyl alcohol for nonbeverage purposes | 96,813 | 183,568 | 277,154 | Eligible (CBERA) | 2.50% |
| 7113.19.50 | Articles of jewellery and parts thereof, of precious metal except silver, except necklaces and clasps | 96,813 | 183,568 | 277,154 | Eligible (CBERA) | 5.50% |
| 0804.30.40 | Pineapples, fresh or dried, not reduced in size in crates or other packages | 222,456 | 233,015 | 274,428 | Eligible (CBERA) | 1.1cents/kg |
| 8542.21.80 | Electronic monolithic digital integrated circuits, n.e.s.o.i | 478,825 | 317,904 | 235,727 | Not Eligible | 0.00% |
| 2402.10.80 | Cigars, cheroots and cigarillos, each valued 23 cents or over | 270,537 | 282,024 | 217,429 | Eligible (CBERA) | 57cents/kg+1.4% |
| | Total of Items Shown | 14,884,397 | 18,790,497 | 16,204,548 | | |

Source: United States International Trade Commission: The Impact of the Caribbean Basin Economic Recovery Act Eighteenth Report 2005-2006 USITC Publication 3954, September 2007

CARICOM-CANADA

As is the case with CARICOM-US trade, CARICOM enjoys a positive trade balance with Canada. According to the CARICOM Secretariat, CARICOM Member States exported over US\$588.3 Million while importing US\$409.1 Million worth of goods from Canada in 2006. CARICOM therefore enjoyed a trade surplus of around US\$179.2 Million. The Canadian market accounts for around 3.3% of total CARICOM exports¹⁸. However, if one examines trade data from Canadian sources the value of trade differs significantly. Arguably, this is because Canadian data on CARICOM exports to that market would in some cases include re-exports (which may not be covered under the CARIBCAN programme if they would not qualify under the rules of origin) as well as transportation and customs revaluation factors. In addition these figures also include trade with Other Countries and Territories (OCTs) that are not full members of CARICOM. However when one removes these countries from the data, CARICOM still enjoyed a trade surplus as shown below. In 2006 Statistics from Canadian sources suggest that CARICOM Member States enjoyed a trade surplus of around Can\$353 Million. It is also important to note that Suriname and Haiti are not beneficiaries of CARIBCAN.

CARICOM'S top 25 exports to Canada under CARIBCAN amounted to over \$112 million Canadian dollars (**See Annex B**) in 2006. Methanol accounted for approximately 65% (\$73, 285,963) of the total value of CARICOM's top 25 exports to Canada during this year. Other major exports to Canada under CARIBCAN for that year included ferrous products obtained by direct reduction of iron ore, rum, lobster and crawfish, fruit, condiments and seasonings, sauces and preparations, vegetables and biscuits. The main CARICOM exporters to Canada under CARIBCAN are from Trinidad and Tobago, Jamaica and Guyana with a registered total value of exports of \$CAN 307, 597, 000, \$CAN 418, 261, 000 and \$CAN 142, 261, 000 respectively. The total value of CARICOM's exports under CARIBCAN grew by \$CAN 63,999,000 or 6.9% from \$CAN 860, 089, 000 in 2005 to \$924, 088,000 in 2006. The table below indicates that CARICOM countries continue to benefit from the duty free access under the CARIBCAN arrangement as CARICOM's total exports to Canada has increased significantly from \$CAN 515, 133,000 2000 to \$CAN 924, 088, 000 in 2006, which represents an increase in exports by 44.25%.

| TOTAL Canadian Imports from CARICOM Countries Canadian Dollars 000s | | | | | | | |
|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| COUNTRY | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
| Antigua & Barbuda | 10,380 | 340 | 954 | 748 | 579 | 558 | 407 |
| Bahamas | 14,003 | 13,785 | 16,941 | 48,149 | 55,652 | 56,816 | 23,274 |
| Barbados | 7,375 | 9,118 | 7,543 | 6,282 | 8,508 | 7,368 | 13,615 |
| Belize | 9,868 | 3,739 | 6,381 | 4,501 | 8,325 | 9,651 | 9,558 |
| Dominica | 1,698 | 775 | 944 | 358 | 313 | 775 | 253 |
| Grenada | 1,523 | 1,037 | 1,476 | 1,082 | 1,259 | 944 | 957 |
| Guyana | 197,800 | 209,474 | 225,368 | 201,099 | 197,704 | 147,206 | 142,093 |
| Jamaica | 197,727 | 324,783 | 270,927 | 264,871 | 346,608 | 393,028 | 418,261 |
| Montserrat | 94 | 113 | 267 | 453 | 238 | 104 | 542 |
| St. Kitts & Nevis | 4,399 | 6,121 | 7,458 | 8,722 | 8,185 | 7,868 | 8,798 |
| St. Lucia | 1,413 | 237 | 411 | 266 | 366 | 512 | 164 |
| St. Vincent & the Grenadines | 404 | 310 | 619 | 124 | 123 | 125 | 297 |
| Trinidad & Tobago | 72,327 | 195,141 | 166,704 | 232,921 | 156,281 | 237,073 | 307,597 |
| Total Exports to CARICOM Countries | 519,011 | 764,973 | 705,993 | 769,576 | 784,141 | 862,028 | 925,816 |

Source: World Trade Organisation: 2007 Report of the Government of Canada on Trade Related Provisions of CARIBCAN. WT/L.705

¹⁸ CARICOM's total exports in 2006 stood at US\$17,418,526,000

| Total Canadian Exports to CARICOM Countries Canadian Dollars (000s) | | | | | | | |
|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| COUNTRY | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
| Antigua & Barbuda | 10,727 | 10,434 | 7,970 | 17,273 | 15,534 | 14,968 | 68,527 |
| Bahamas | 26,018 | 27,706 | 33,245 | 28,883 | 30,392 | 59,949 | 51,275 |
| Barbados | 33,783 | 29,104 | 33,629 | 41,979 | 44,769 | 55,729 | 59,411 |
| Belize | 2,598 | 3,505 | 5,079 | 5,271 | 5,425 | 6,347 | 8,693 |
| Dominica | 4,436 | 2,671 | 2,614 | 7,668 | 4,967 | 4,585 | 5,456 |
| Grenada | 4,023 | 3,142 | 4,450 | 5,868 | 6,056 | 6,956 | 6,550 |
| Guyana | 8,073 | 8,068 | 10,373 | 9,536 | 10,603 | 15,330 | 22,968 |
| Jamaica | 99,815 | 121,933 | 158,212 | 124,650 | 163,755 | 144,312 | 142,636 |
| Montserrat | 289 | 214 | 291 | 300 | 434 | 510 | 364 |
| St. Kitts & Nevis | 9,633 | 16,147 | 27,036 | 12,059 | 3,982 | 5,380 | 7,101 |
| St. Lucia | 9,683 | 7,375 | 7,804 | 7,423 | 8,059 | 7,020 | 11,494 |
| St. Vincent & the Grenadines | 4,906 | 3,941 | 3,743 | 5,874 | 5,130 | 6,978 | 9,830 |
| Trinidad & Tobago | 110,822 | 156,222 | 136,808 | 125,507 | 121,475 | 141,525 | 178,797 |
| Total Exports to CARICOM Countries | 324,806 | 390,462 | 431,254 | 392,291 | 420,581 | 469,589 | 573,102 |

Source: World Trade Organisation: 2007 Report of the Government of Canada on Trade Related Provisions of CARIBCAN. WT/L.705

It is important to note that as in the case with CARICOM-US trade, CARIBCAN beneficiaries are also increasingly trading under MFN duty free conditions than under the preferential regime offered by CARIBCAN. This means that an increasingly higher number of CARICOM firms are already exporting to that market and are competing with other firms from third countries. In addition, as future rounds of negotiations take place at the WTO it is expected that additional products would be subject to duty free treatment on a MFN basis. Canada is also negotiating a number of bilateral free trade agreements with other developing countries. Therefore it is anticipated that the preferential margins that CARICOM exporters currently receive as a result of CARIBCAN will be diminished in the medium to long term.

TABLE: 2006 Duty free imports from CARIBCAN Beneficiaries

| Country | Total Imports | MFN Free | GPT Free | CARIBCAN (CCCT) Free | Total Free | Total Free as % of Total Imports |
|--------------------------------|----------------------|--------------------|-------------------|-----------------------------|--------------------|---|
| Anguilla | 152,626 | 63,648 | - | - | 63,648 | 42 |
| Antigua | 407,172 | 156,450 | - | 81,748 | 238,198 | 59 |
| Bahamas | 23,274,439 | 17,049,085 | 29 | 4,859,771 | 21,908,885 | 94 |
| Barbados | 13,615,006 | 6,028,717 | 4,172,829 | 2,949,387 | 13,150,933 | 97 |
| Belize | 9,557,830 | 8,379,874 | 193,384 | 63,240 | 8,636,498 | 90 |
| Bermuda | 16,782,954 | 16,084,955 | - | 2,283 | 16,087,238 | 96 |
| Br. Virgin Is. | 4,120,192 | 2,281,861 | 1,124,830 | 4,378 | 3,411,069 | 83 |
| Cayman Islands | 280,369 | 257,243 | - | - | 257,243 | 92 |
| Dominica | 253,306 | 80,142 | - | - | 80,142 | 32 |
| Grenada | 957,360 | 422,791 | 281,087 | 249,472 | 953,350 | 100 |
| Guyana | 142,093,409 | 136,117,697 | 5,030,945 | 362,912 | 141,511,554 | 100 |
| Jamaica | 418,260,846 | 394,923,121 | 189,971 | 15,031,650 | 410,144,742 | 98 |
| Montserrat | 541,540 | 419,219 | - | - | 419,219 | 77 |
| St. Kitts | 8,797,749 | 2,991,622 | 9,281 | - | 3,000,903 | 34 |
| Saint Lucia | 164,004 | 142,172 | - | - | 142,172 | 87 |
| Saint Vincent & the Grenadines | 297,301 | 235,075 | 4,800 | - | 239,875 | 81 |
| Trinidad and Tobago | 307,596,945 | 212,618,894 | 146,327 | 91,093,536 | 303,858,757 | 99 |
| Turks/Caicos Is. | 6,916,812 | 6,147,821 | - | 461,053 | 6,608,874 | 96 |
| Total | 954,069,860 | 804,400,387 | 11,153,483 | 115,159,430 | 930,713,300 | 98 |

Source: World Trade Organisation: 2007 Report of the Government of Canada on Trade Related Provisions of CARIBCAN. WT/L.705

| CARICOM TOP EXPORTS TO CANADA by Percentage, Value(in millions of USD) and Products | | | |
|---|--------|--|----------|
| COUNTRIES | % | PRODUCTS | Value |
| 1. Trinidad and Tobago | 28.50% | Waters (HS 220210); Crude Petroleum Oils and Oils obtained from Bituminous Minerals (HS 270900); Inorganic Chemicals and Compounds of Precious Metals and Radioactive Element (HS 28); Methanol (HS 290511); Urea (HS 310210); Ferrous Products Obtained by Direct Reduction and Iron Ore (HS 720310); and fresh and chilled fish products (HS 0302) including Tuna | \$393.20 |
| 2. Suriname | 27% | Inorganic Chemicals and Compounds of Precious Metals and Radioactive Elements (HS 28), Pearls, Precious Stones or Metal, Coins and Jewellery (HS 71), Ores, Slag and Ash (HS 26), and Fish Crustaceans, Molluscs and Other Aquatic Invertebrates (HS 03). | \$374.70 |
| 3. Jamaica | 26% | Inorganic Chemicals and Compounds of Precious Metals and Radioactive Elements (HS 28), Beverages, Spirits and Vinegar (HS 22); Edible Vegetables and Certain Roots and Tuber (HS 07); Knitted or Crocheted Clothing and Articles or Apparel (HS 61); Preparations of Vegetables, Fruit, Nuts or Other Parts of Plants (HS 20); Edible Fruits and Nuts (HS 08); Preparations of Cereals, Flour, Starch or Milk (HS 10); Miscellaneous Edible Preparations (HS 21); and Coffee, Tea, Mate and Spices (HS 09) . | \$357.00 |
| 4. Guyana | 11% | Pearls, precious Stones and Metals, Coins and Jewellery (HS 71); Beverages, Spirits and Vinegar (HS 22); Fish Crustaceans, Molluscs and Other Aquatic Invertebrates (HS 03); Ores, Slag and Ash (HS 26); and Inorganic Chemicals and Compounds or Precious Metals and radioactive Elements (HS 28). | \$151.00 |
| 5. The Bahamas | 4% | Organic Chemicals (including Vitamins, Alkaloids and Antibiotics) (HS 29), Minerals Fuels, Minerals Oils, Bituminous Substances and Mineral Waxes (HS 27); Fish Crustaceans, Molluscs and Other Aquatic Invertebrates (HS 03); Edible Fruits and Nuts (HS 08); Salt, Sulphur, Earths, Lime, Stone, Cement and Plastering Materials (HS 25). | \$58.90 |
| 6. Haiti | 1.50% | Knitted or Crocheted Clothing and Articles or Apparel (HS 61); Fish Crustaceans, Molluscs and Other Aquatic Invertebrates (HS 03); Nuclear Reactors, Boilers, Machinery and Mechanical Appliances (HS 84). | \$20.50 |
| 7. Belize | 0.73% | Edible Fruits and Nuts (HS 08); Fish Crustaceans, Molluscs and Other Aquatic Invertebrates (HS 03); Nuclear Reactors, Boilers, Machinery and Mechanical Appliances (HS 84). | \$10.10 |
| 8. Barbados | 0.55% | Beverages, Spirits and Vinegar (HS 22) | \$7.50 |
| 9. OECS | 0.46% | Exports from St. Kitts and Nevis account for more than 63% of exports from the sub-regional grouping to Canada. In 2007, St. Kitts and Nevis earned USD 3.9 million in exports to Canada, the majority of which was Electrical Machinery. | \$6.30 |

Source: CRNM (May 2008)

Trade in Services

This section will briefly review the performance of services trade in CARICOM Member States. It is important to recall that CBI and CARIBCAN instruments are limited to trade in goods and do not cover the services sector. This notwithstanding, services significantly contributes to the overall CARICOM trade. In fact, the services sector contributes significantly to the gross domestic product of all Member States. On average services activity accounts for around 60% of CARICOM's economic activity (**See Annex C**). Bahamas services trade contributed 74.7% to GDP while Guyana services contributed 28.5% to its GDP in 2006. Services also significantly contribute to total employment in CARICOM States. As the table below shows, where the data is available, services account for over 50% of total employment (with the exception of Dominica).

Table: CARICOM Countries - Labour Force by Sectors

| Countries | Services | Manufacturing | Agriculture |
|--------------------------------|----------|---------------|-------------|
| Antigua and Barbuda | 82% | 11% | 7% |
| Bahamas | 90% | 5% | 5% |
| Barbados | 75% | 15% | 10% |
| Belize | 62.3% | 15.2% | 22.5% |
| Dominica | 28% | 32% | 40% |
| Grenada | 62% | 14% | 24% |
| Guyana | N/A | N/A | N/A |
| Haiti | 66% | 9% | 25% |
| Jamaica | 64% | 19% | 17% |
| Montserrat | N/A | N/A | N/A |
| St. Kitts and Nevis | N/A | N/A | N/A |
| St. Lucia | 53.6% | 24.7% | 21.7% |
| St. Vincent and the Grenadines | 57% | 17% | 26% |
| Suriname | 78% | 14% | 8% |
| Trinidad and Tobago | 65.6% | 12.9% | 4% |

Source: CIA World Fact book

Trade data suggests that CARICOM States have been successfully trading services in the US and Canadian markets. Tourism, travel and transportation, as well as financial services account for a significant proportion of total trade in services between these markets. For instance, according to CRNM, trade with the United States accounted for an increasing share of tourism receipts for a number of CARICOM Member States. It is also reasonable to note that a number of services trade have been occurring under other instruments that can impact on trade. For instance, double taxation agreements and other bilateral investment treaties between individual CARICOM member states and Canada and the United States facilitate a range of international financial services and other services such as those related to energy (as in the case of Trinidad & Tobago).

FOREIGN DIRECT INVESTMENT

Between 2000 and 2006 the main beneficiaries of Foreign Direct Investment within CARICOM were Trinidad and Tobago, Jamaica, The Bahamas and Suriname. Between 2005 and 2006, total inflows of foreign direct investment to CARICOM increased by \$US 970 million dollars or approximately by 25% - i.e. from \$US 2835 million to \$US 3805 million.

| CARICOM FOREIGN DIRECT INVESTMENT: INWARD FLOWS 1980, 1990 2002 - 2005 | | | | | | | | | |
|--|--------------------------------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| COUNTRY | INWARD FLOWS - MILLION OF US DOLLARS | | | | | | | | |
| | 1980 | 1990 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
| CARICOM | 262 | 581 | 1748 | 2029 | 1775 | 2286 | 2369 | 2835 | 3805 |
| Antigua and Barbuda | 20 | 59 | 67 | 112 | 80 | 179 | 91 | 129 | 207 |
| Bahamas | 4 | -17 | 250 | 102 | 153 | 190 | 274 | 360 | 706 |
| Barbados | 3 | 11 | 19 | 19 | 17 | 58 | -12 | 159 | 36 |
| Belize | n/a | 19 | 23 | n/a | 24 | -11 | 112 | 127 | 73 |
| Dominica | n/a | 8 | 20 | 18 | 18 | 30 | 25 | 27 | 84 |
| Grenada | n/a | 13 | 39 | 61 | 62 | 91 | 55 | 28 | 119 |
| Guyana | 1 | 8 | 67 | n/a | 44 | 26 | 30 | 77 | 102 |
| Haiti | 13 | 8 | 13 | 4 | 6 | 14 | 6 | 10 | 160 |
| Jamaica | 28 | 175 | 469 | 614 | 481 | 721 | 602 | 601 | 850 |
| Montserrat | n/a | 10 | 2 | 1 | 1 | 2 | 3 | 1 | 1 |
| St. Kitts and Nevis | 1 | 49 | 99 | 90 | 81 | 78 | 53 | 50 | 203 |
| St. Lucia | 31 | 46 | 58 | 63 | 57 | 112 | 84 | 112 | 119 |
| St. Vincent and the Grenadines | 1 | 8 | 38 | 21 | 34 | 55 | 66 | 34 | 85 |
| Suriname | 18 | 77 | -97 | n/a | 146 | 201 | 286 | 399 | 323 |

| CARICOM FOREIGN DIRECT INVESTMENT: INWARD FLOWS 1980, 1990 2002 - 2005 | | | | | | | | | |
|--|--------------------------------------|------|------|------|------|------|------|------|------|
| COUNTRY | INWARD FLOWS - MILLION OF US DOLLARS | | | | | | | | |
| | 1980 | 1990 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
| Trinidad and Tobago | 143 | 109 | 680 | 835 | 791 | 808 | 1001 | 1100 | 788 |

Sources: UNCTAD, World Investment Report 2006: FDI from Developing and Transition Economies: Implications for Development

The CBI and CARIBCAN arrangements would have had some impact on the attraction of FDI to the Region. For instance, in the case of the HOPE Act, it was noted that foreign direct investment flows would have increased to Haiti as more flexible rules made the Haitian market more attractive for garment manufacturers. Domestic investments in the manufacturing sector were also influenced by the fact that these arrangements offered competitive advantages in the US and Canadian markets. However since these arrangements only cover trade in goods, FDI in the services sector were for the most part, not influenced by these arrangements.

The socio-economic impact of these preferential schemes will require further analysis beyond the scope of this paper. It is important to note however, that there is a positive relationship between the duty free access in export markets and the foreign exchange earnings of a number of member states. Apart from the foreign exchange earnings, investments in manufacturing offers a level of value added to the Region that reduces its dependence on foreign imports. Trade adjustment costs are also minimised since employees develop skills that allow them to be reabsorbed into the labour force or to establish their own business in other instances. The share of manufacturing and agriculture's contribution to overall employment in the Region however has been steadily declining as economies become more services oriented. This notwithstanding, manufacturing and some agricultural items remain reliant on the preferential access to successfully compete in the Canadian and US markets. Therefore as preferential access is reduced overtime, firms will have to become more efficient, productive and innovative if they are to remain competitive in these export markets.

The use of CBI and CARIBCAN by CARICOM firms has however been mixed. While some firms were able to penetrate these markets others have been unable to export as they have been unable to satisfy the standards and other technical requirements that are necessary to penetrate these markets. While the coverage of CBI and CARIBCAN remain broad in scope they somehow have not influenced much diversification from the traditional commodity-based products that are exported to the US and Canada. This lack of diversification has been a perennial problem affecting most Member States in the post-independent era and could result in significant economic and social costs if this is not addressed in a holistic manner. Some argue that this failure of diversification was in part influenced by the preferential access for traditional commodities. Others argue that the industrial development model adopted by CARICOM States have not sufficiently influenced the diversification away from traditional production. However as market access become less preferential and commodities are exposed to greater competition from other countries, there is concern that the failure to diversify into sectors where there is greater value added could result in loss of employment and a reduction in the number of firms that are currently exporting to these markets.

The CBI and CARIBCAN instruments do not offer incentives for linkages between goods and services sectors. As noted earlier, these instruments only provide incentives for trade in agriculture and manufacturing products notwithstanding the growing importance of the services trade to the development of the Region. In fact it could be argued that few countries in the Region have a development policy in place that encourages backward and forward linkages between the primary, secondary and tertiary sectors. As these preferential agreements become less meaningful to CARICOM trade, it is important to re-examine the industrial development strategy to encourage greater synergies between the services sector and the other productive sectors of the economy as a means to stimulating innovation, efficiency and employment.

SECTION TWO

THE IMPACT OF THE WTO ON PREFERENTIAL & BILATERAL TRADE ARRANGEMENTS

The genesis of preferential trade arrangements can be traced to the 1947 General Agreement on Trade and Tariffs (GATT) where under Article one, Member Countries were allowed to deviate from the Most Favoured Nation commitment and provide preferential treatment to their dependencies. Article 1 paragraph 2 allowed Contracting Parties to deviate from the MFN principle and offer preferential treatment to their dependencies. In addition Article XXV of GATT "...provided Contracting Parties with the institutional possibility, assuming that the voting requirements were met, to see their obligations to respect the GATT commitment "waived" for a predefined period of time¹⁹". Subsequent GATT Rounds continued to recognise the importance of preferential arrangements as long as these were notified to relevant GATT partners. It must be noted also that notwithstanding the notification requirements in the various iterations of the GATT, Member States were not held accountable for any deviation from the Agreement since there was no facility for effective dispute settlement.

Under the WTO structure Members could be granted "waivers" to act in a manner that is inconsistent with the principles and the commitments taken in the WTO. Article IX of the Agreement establishing the WTO provides the basis under which waivers to non-discrimination is allowed, provided that it is agreed to by three-fourth of the WTO Membership. According to this provision:

In exceptional circumstances, the Ministerial Conference may decide to waive an obligation imposed on a Member by this Agreement or any of the Multilateral Trade Agreements, provided that any such decision shall be taken by three fourth of the Members unless otherwise provided in this paragraph.

A footnote to this provision however, states that consensus is required for a requesting country to be granted a waiver in respect of an obligation that is subject to a transition period or a period for staged implementation.

Additionally one should note that the Understanding in Respect of Waivers of Obligations under the General Agreement on Tariffs and Trade (1994) further mandates that the application or an extension of a waiver shall describe the specific objectives to be pursued under the preferential programme and the reasons which prevent the Member from achieving its objectives and obligations under GATT 1994. Finally it should also be noted that waivers are terminated unless extended in accordance with the procedures of Article IX of the WTO Agreement on the date of its expiry.

The preferential schemes under discussion in this paper are all required to conform to the provision of GATT 1994, as they are not compliant with the WTO MFN rule. Both the CARIBCAN and the CBI arrangements must be notified to the WTO Council for Trade in Goods, if extensions of these schemes are to be granted. In September 1995, a WTO waiver was granted to the United States for that Country to extend CBERA benefits for the period 1995-2005. However according to USITC, the US has delayed its submission of another waiver for CBERA/CBTPA and other non-reciprocal preference programmes that it offers and therefore it appears as though that country was operating CBERA without the necessary permission from the WTO. In March 2007, a request for a waiver was submitted to the WTO on a number of the United States' preferential programmes. However according to the USITC this was rejected by Paraguay because of its insistence of being part of the Andean preferential programme offered by the United States. While the CBERA component is expected to remain indefinite (or until a FTA is negotiated), the CBTPA, because of temporary status required the WTO waiver for its extension. As noted earlier, the US Ways and Means Committee had introduced a Bill in February 2008 to the United States Congress entitled the Trade Preference Extension Bill (H.R. 5264) which is intended to extend the benefits of the CBTPA until 2010. As noted earlier, recent reports suggests that CBPTA has been extended until 2012.

¹⁹ See Matsushita et al, The World Trade Organisation: Law, Practice and Policy 2nd Edition. Pub. Oxford International Law Library (2006)

Unlike the CBERA programme, Canada has received on numerous occasions, GATT/WTO waivers to offer preferences to CARIBCAN beneficiaries. The preferences granted under CARIBCAN have been granted an extension in 1986²⁰, 1996 and again in December 2006. The current waiver will remain in place until 2011. One should note that the duration of the latest WTO waiver is much shorter than those granted earlier and this may be an indication of the intention to gradually phase out the programme.

The US General System of Preferences and the Canadian General Preference Tariff regimes do not undergo the same level of scrutiny in the WTO as the other preferential schemes. GSP Regimes are allowable under the enabling clause and should not come under challenge as is the case with other preferential schemes that are limited to a few beneficiaries and temporary in nature. The Enabling Clause of 1979 is built into the GATT framework under Article 1(b) (iv) of the GATT 1994 as a decision taken by the Contracting Parties. According to Matsushita et al, the genesis of the enabling clause arose when "Developing countries felt...that they could not compete for export markets on an equal basis with developed countries". They further state that the "... MFN rate was an impediment...in that it provided for non-discriminatory access to export markets irrespective of the level of development of the exporting country". While the genesis of the Enabling Clause was initially in the form of a 10 year waiver, the GATT contracting Parties adopted the 1979 decision to allow "...deviations from the MFN clause in favour of developing countries [as] a permanent feature of the GATT and now the WTO Legal order."²¹ The GSP system could be modified by the preference granting country and does not provide any absolute certainty for traders. In addition the rate of duty is not consistently applied. There are some products that will enter duty free and others that will attract a positive rate of duty (some low and others are higher). This was one of the arguments used to justify the conclusion of the negotiation for the CARIFORUM-EC Economic Partnership Agreement. It is important to note that others argue that preferential treatment will come to an end anyway and therefore resources should be targeted at the necessary adjustments required for firms to successfully trade in a MFN duty free environment.

THE ECONOMIC PARTNERSHIP AGREEMENT, WTO COMPATIBILITY & ITS IMPACT ON FUTURE CARICOM FREE TRADE AGREEMENTS

The following highlights some of the major issues arising from the EPA negotiations that may have an impact on the future of CARICOM-US and CARICOM-Canada trade relations. In particular, this section of this Report will focus on WTO compatibility, substantially all trade and substantial sectoral coverage, reciprocity versus asymmetry and most favoured nation (MFN) treatment.

In the late 1990s, the preferences granted to CARICOM Member States under the ACP-EU Cotonou framework were given a temporary extension by the WTO membership. The Cotonou Agreement (June 2000) anticipated that any further extension of this waiver was not an option to be adopted by the EC. It allowed for a transition period where the EC would continue to offer non-reciprocal preferential market access for trade in goods originating from ACP States. During this period, a new trade instrument was to be negotiated to replace the existing relationship. The Cotonou Agreement states that the new Economic and Trade Cooperation Agreement was to be WTO compatible and enable ACP States to play a full part in international trade and multilateral trade negotiations. In addition the Article 37 of Cotonou states that negotiations for a new economic partnership agreement between ACP States and the EU was to be concluded by December 31, 2007 which corresponded with the expiration of the WTO waiver obtained by the EU to grant preferential treatment to ACP States.

Failure to negotiate a WTO compatible EPA in the timeframe set out under the Cotonou Agreement meant that the EC would have imposed the more onerous and less transparent GSP and/or MFN applied rates on goods originating from ACP States. The duty free quota free market access that CARICOM Member States have benefitted from since 1975 would have come under threat and would have forced our firms to compete overnight at the level of GSP or MFN. It must be noted here however that the EC, as with the US is also engaged in other bilateral free trade agreements other developing countries. Therefore failure to negotiate an EPA within the agreed timeframe could have resulted in significant market loss especially if

²⁰ The deadline for the waiver was 1998.

²¹ Matsushita et al, Pp 220-221

other competitors were receiving duty free access in the EC market while our CARICOM firms were having to trade under positive rates of duty under the GSP and MFN regimes. This notwithstanding, some of our firms are already trading under duty free conditions at the MFN level and in other cases the GSP regime for some products offer duty free access; CARIFORUM negotiators were however not willing to expose their sensitive exports to positive rates of duty. Some may argue that the agreement to negotiate a WTO compatible EPA undermined the spirit of Article 5 of the Enabling Clause which states that *“the developed countries do not expect reciprocity for commitments made by them in trade negotiations to reduce or remove tariffs and other barriers to the trade of developing countries....”* The Enabling Clause however does not explicitly prohibit the negotiation of FTAs between developing and developed countries and the decision to pursue such is within the sovereign right of any Government.

As noted earlier the EPA is the first Free Trade Agreement between CARICOM States and a developed country partner²². Free trade agreements that are negotiated with developed countries must comply with WTO rules on Free Trade Agreements. WTO compatible FTAs are preferential agreements and are exempted (i.e. granted a waiver) from the WTO MFN rule. WTO compatibility provisions are found in the trade in goods and trade in services components of the WTO Agreement. At the core of WTO compatibility, is the idea that the FTA must be reciprocal, implemented within a reasonable time and must cover substantially all trade. In the area of trade in goods, WTO compatibility is measured under GATT XXIV as well as the Understanding of GATT XXIV. Paragraph 5 (c) Paragraph 7 (b) of GATT XXIV sets out the issue of transition periods and suggest that the creation of the FTA must be implemented within a reasonable period of time. The Understanding on the Interpretation of XXIV of the General Agreement on Trade and Tariffs states that the FTA should be implemented in 10 years and should only go beyond this timeframe in exceptional circumstances²³. In the case of the EPA, the transition period goes well beyond 10 years as the most sensitive CARIFORUM duties have phase out periods for as long as 25 years.

The issue of substantially all trade – i.e. the volume of trade to be covered under FTAs is less clear. There is no internationally accepted agreement on the volume of trade that should be benchmarked against this concept. The Understanding on the Interpretation of GATT XXIV is silent on this matter. Under the CARIFORUM-EC EPA negotiations it was agreed that 86.9% of CARIFORUM imports from the EC trade or 92% of total trade would be subject to reciprocal FTA treatment. In other words, 8 % of total trade was exempted from reciprocal treatment – meaning that CARIFORUM is not required to subject this value of trade to tariff elimination under the EPA. This 8% exclusion list contains products that are either sensitive because they are produced within CARIFORUM or are sensitive government revenue items. (The list of items has been attached to this document). The exclusion of goods that are produced within CARIFORUM from the EPA means that they do not have to compete with like goods originating from the EC in a duty-free environment. It is therefore expected that this benchmark agreed under the EPA will certainly influence CARICOM positions in future bilateral trade agreements (with developed and developing countries) as they seek to shield these industries from liberalisation in future negotiations.

In the area of trade in services, the General Agreement on Trade in Services does not prevent WTO Member States from liberalising trade in services among themselves through Economic Integration Agreements. As in the case of trade in goods, Countries that are party to bilateral treaties are exempted from the WTO MFN principle provided they have substantial sectoral coverage and provides for the elimination of substantially all discrimination. Under the EPA, CARIFORUM has agreed to substantial commitments to liberalise a number of services sectors across the different modes of supply. It has been suggested that approximately 75% of CARIFORUM Services sectors were committed to the EPA liberalisation process. As with trade in goods this benchmark will set the basis for CARICOM positions in future bilateral trade agreements.

²² CARICOM Member States have negotiated FTAs with a number of developing countries. However these concessions are not required to be passed on to the entire WTO Membership. Article 2(c) of the 1979 enabling clause allows developing countries to enter into FTAs without granting similar concessions to the entire multilateral membership.

²³ Paragraph 3 of the Understanding on the Interpretation of Article XXIV states the following: *The ‘reasonable length of time’ referred to in paragraph 5(c) of Article XXIV should exceed 10 years only in exceptional cases. In cases where Members parties to an interim agreement believe that 10 years would be insufficient they shall provide a full explanation to the Council for Trade in Goods of the need for a longer period”.*

The EPA seeks a balance between reciprocity and asymmetry. It is reciprocal to satisfy WTO requirements but asymmetrical in light of the difference in the level of development between the Parties. The levels of asymmetry is measured in the differences in market access commitments for trade in goods as well as trade in services, the MFN principle and in the development dimension aspect of the agreement. In the area of trade in goods, there is asymmetry in the scope of the commitments taken between the parties. For instance CARIFORUM excludes from liberalisation 8% of total trade, whereas the EC commits all products – except weapons – to duty free access. There is also asymmetry within the safeguard clause in that the EC has agreed not to activate its WTO safeguard mechanism on products originating from CARIFORUM for a period of five years. In the area of services there is also asymmetry in the number of sectors committed in favour of CARIFORUM Countries. The development dimension is also asymmetrical in the sense that CARIFORUM Member States are the only beneficiaries to development assistance under the EPA.

The most favoured nation treatment principle within the EPA will also influence future CARICOM trade relations with both developed and some developing countries. In the EPA the MFN principle applies to commitments made in trade in goods, trade in services and Investment. It is asymmetrical in the sense that the EC will offer CARIFORUM any further concessions that go beyond the EPA that has been granted to a third country. CARIFORUM on the other hand will only offer to the EC any further concessions that go beyond the EPA that has been granted to developed countries and major trading economies²⁴. In essence any future concession offered to Canada and the United States that go beyond the concessions offered in the EPA will lead to CARICOM having to offer the same to the EC.

In light of the above, the following should be noted:

- CARICOM may most probably use the EPA commitments as the basis to structure their offensive and defensive negotiating positions in the future; and
- Any additional commitments that go beyond the EPA and that are adopted by CARICOM in the context of any bilateral free trade agreement with the US and Canada will have to be extended to the EC.

A COMPARISON OF EPA COMMITMENTS WITH THE SCOPE AND TENOR OF RECENT US & CANADIAN FTAS

The following section compares the scope and tenor of recent US and Canadian FTAs with the commitments taken in the EPA in an effort to identify some of the major issues to confront CARICOM in its future trade relations with these countries. In particular, attention will be paid to the US CAFTA DR Agreement and the Canada Costa Rica as well as Canada Peru Agreement as the basis for the comparison.

(a) TRADE IN GOODS

Elimination of Customs Duties

Article 15 of the EPA provides for duty free treatment on the importation of originating goods from the CARIFORUM States into the European Community, subject to the conditions outlined under Annex 2 to the Agreement. The following points should be noted with respect to the treatment of goods of CARIFORUM origin²⁵:

- 1) No customs duties will be levied by the EC against CARIFORUM originating products of Chapters 1 to 97 of the Harmonised System upon the entry into force of the Agreement. The EC will however continue to apply MFN applied rates on goods covered under HS Chapter 93 – Arms and other weapons.

²⁴ Major Trading Economies are defined as follows: "...any industrialised country or any country accounting for a share of world merchandise exports above one percent...or any group of countries acting individually or collectively or through a free trade agreement [or an economic integration agreement] accounting collectively for a share of world merchandise exports above 1.5 per cent".

²⁵ See Annex II to the CARIFORUM-EU EPA entitled "Customs Duties on Products Originating in CARIFORUM States."

- 2) The “Sugar Protocol” is to remain applicable until 30 September 2009, which will signal the end of the application of that Protocol.
- 3) Special provisions regarding the schedule of elimination for rice and sugar have also been outlined under Annex II of the Agreement. In addition, a special surveillance mechanism has been instituted for sugar based products over the period 1st January 2008 until 30th September 2015.

Article 16 considers the treatment by CARIFORUM of EC originating products, the full details of which are outlined under Annex III of the EPA.²⁶ According to the Barbados Evaluation of the EPA,²⁷ the Caribbean Regional Negotiating Machinery (CRNM) has indicated that CARIFORUM has agreed to eliminate duties against 86.9% of EC imports to CARIFORUM. While those products from the EC that currently attract either zero or low duties are to be formally committed within five years after the entry into force of the EPA, the remainder of the trade will be phased out entirely over a 25 year period, depending on their level of sensitivity and/or contribution to government revenue, in periods of either 10, 15, 20 or 25 years.

As noted above, CARIFORUM has excluded from tariff elimination most of its sensitive products, (consisting largely of agricultural and agro-processed commodities) from the application of the Agreement. This approach under the EPA will allow CARIFORUM States to continue to impose duties against imported products that can compete against domestic production and revenue generating products, while also being able to embark on a course of gradual liberalisation for the remaining products.

The question remains however as to the extent to which CARICOM will receive similar flexibilities under Free Trade Agreements with other developed country partners such as the US and Canada.

Tariff liberalisation under the US – Dominican Republic - Central American Free Trade Agreement (US-DR-CAFTA)

This agreement, signed by the United States, the Central American Free Trade Area²⁸ and the Dominican Republic in 2004 contains ambitious provisions on the liberalisation of trade in industrial and agricultural products. Unlike the EPA which provides for a liberalisation period of up to 25 years, the US-CAFTA-DR Agreement provides for a maximum phase-out period of up to 20 years. Duties on other goods will either be accorded duty-free treatment immediately upon entry into force of the Agreement, or over periods of 5, 10, or 15 years. It should also be noted that while the EPA allowed for the exclusion of a significant number of CARIFORUM countries’ most sensitive items, US-DR/CAFTA allowed exceptions from preferential tariff treatment for only a limited number of items including: chicken, milk powder, onions, garlic, beans, coffee, rice, wheat flour, sugar, beer, alcohol and tobacco products.²⁹

This is of particular importance for CARICOM, since industrial products are notably absent from the list of products exempted from preferential tariff treatment in the US-CAFTA-DR Agreement. This may have implications for CARICOM not only from the perspective of increased competition for regional producers but may result in significant losses in tariff revenue.

Tariff liberalisation under the Canada – Costa Rica Free Trade Agreement

The Canada – Costa Rica Agreement does not provide for liberalisation phase-out periods comparable in length to those of the CARIFORUM-EU EPA, or the US-DR-CAFTA. As outlined in the respective Tariff Elimination Schedules of the Parties, Canada has committed to the elimination of import duties on goods originating from Costa Rica over a period of up to 9

²⁶ See Annex III to the CARICORUM-EU EPA entitles “Customs Duties on Products Originating in the EC Party.”

²⁷ Barbados Evaluation of the EPA p. 28 – 29.

²⁸ The Central American Free Trade Area consists of: Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua.

²⁹ See Appendix 3.3.6.4 “Exceptions from Preferential Tariff Treatment” United States – Dominican Republic – Central American Free Trade Agreement.

years in equal yearly instalments. This agreement however appears to contemplate a level of asymmetry not evident in the US-DR-CAFTA, since Costa Rica has committed to the liberalisation of Canadian imports over a period of up to 15 years.³⁰

Some analysts suggest that Canada has indicated its interest in using its free trade agreement with Costa Rica as the negotiating template for a possible FTA with CARICOM. Accordingly, they have signalled that a possible FTA may encompass the following:

- Ambitious and extensive liberalisation;
- No exceptions to tariff liberalisation for industrial and fish products;
- Possible exclusion from liberalisation of products such as dairy and poultry;
- Possible asymmetrical phasing of tariffs with differential transition periods.³¹

As in the case with the US, CARICOM will seek to exclude from the scope of reciprocal liberalisation the same number of products that have been excluded under the EPA framework.

(b) Trade Defence Measures

The application of safeguard measures is a standing feature of trade agreements. They allow countries to impose duties to compensate for any injury to domestic industry as a result of the reduction or elimination of tariffs. This section assesses and compares the scope of safeguard measures under the CARIFORUM-EU EPA, with those applicable under the Canada-Costa Rica and US-DR-CAFTA Agreements.

With respect to the CARIFORUM-EU EPA, Article 24 allows the contracting parties to invoke safeguard provisions under the ambit of the WTO Agreements, specifically:

1. Article XIX of the GATT 1994 providing for emergency action on imports of particular products;
2. The WTO Agreement on Safeguards; and
3. Article 5 of the WTO Agreement on Agriculture which provides for Special Safeguard Provisions.

As noted earlier the safeguard clause is asymmetrical in the sense that the EC has agreed to exclude CARIFORUM imports from its activation of any WTO safeguard provisions for a period of five years after the signature of the EPA³². The exemption from the application of WTO safeguard measures has been attributed under Article 24(2) to the overall objectives of the EPA, and the small size of the economies of the CARIFORUM States. On the other hand CARIFORUM may apply safeguard action to products originating from the EC, where those products are being imported in such increased quantities, so as to cause or threaten either:

- a) Serious injury to the domestic industry producing like or directly competitive products in the territory of the importing party; or
- b) Disturbances in a sector of the economy, particularly where these disturbances produce major social problems, or difficulties which could bring about serious deterioration in the economic situation of the importing party, or
- c) Disturbances in the markets of like or directly competitive agricultural products, or in the mechanisms regulating those markets.³³

Safeguards applied under the EPA for any of the above factors must however be applied under the following conditions:

³⁰ Canada – Costa Rica Free Trade Agreement <http://www.sice.oas.org/trade/canacr/English/canacr.asp>

³¹ See CRNM Aide Memoir to the 3rd Meeting of the CARICOM-Canada Joint Working Group on Enhanced Trade Relations Barbados, March 1, 2005.

³² Article 24 CARIFORUM-European Union Economic Partnership Agreement

³³ Article 25 CARIFORUM-European Union Economic Partnership Agreement

- 1) The safeguard measures imposed are not to exceed what is necessary to remedy or prevent the serious injury or disturbances outlined above;
- 2) Safeguard measures may only consist of one or more of the following measures:
 - a) Suspension of the further reduction of the rate of import duty for the product concerned;
 - b) Increase in the customs duty on the product concerned up to a level not exceeding the customs duty applied to other WTO members (i.e. the MFN applied rate);
 - c) Introduction of tariff quotas on the product concerned.

The Maximum possible length of time for CARIFORUM States and the Overseas Regions to impose a safeguard is 8 years. Another noteworthy feature of the EPA Safeguard Clause is the provision found under Article 25(5)(b), which allows CARIFORUM States to apply safeguard measures on EC originating products that are imported in such increased quantities as to cause or threaten to cause disturbances to an infant industry, producing like or directly competitive products. Under this provision, CARIFORUM Countries will no longer be able to afford protection to infant industries. Some may argue that this provision limits the extent to which CARIFORUM governments will be able to impose duties as a measure to attract investment in new areas of industrial development and demonstrates that trade agreements do have an impact on industrial policy. This concession is not required for WTO compatibility and is against some of the principles of the GATT and WTO. This Report takes the view that Small Vulnerable Economies should be allowed to implement any measure necessary to stimulate industrial development as their contribution to world trade is so miniscule that such measures would not distort world trade patterns. Our trade performance under preferential schemes such as CBI and CARIBCAN confirm this.

Safeguard Provisions found in FTAs involving the USA and Canada

I. The US-DR-CAFTA Free Trade Agreement

The first notable feature about US-DR-CAFTA Safeguard provisions is that, unlike under the EPA, which has no special agricultural safeguards, the US-DR-CAFTA has included a bilateral agricultural safeguard for the purposes of that Agreement. The inclusion of an agricultural safeguard under US-DR-CAFTA is critical, since under Article 3.15, the agriculture safeguard can be invoked during any calendar year if the quantity of imports of goods during that year exceeds the trigger level set out in the relevant party's schedule. The difference between the EPA and the US-CAFTA-DR FTA is that under the EPA a greater number of agricultural items have been excluded from CARIFORUM market access commitment. In contrast a greater number of agricultural products have been included for liberalisation in the US-CAFTA-DR context and as such, specific safeguard rules are necessary to protect local agricultural production from surges in imports.

In contrast to the agricultural safeguard, which may be invoked once import volumes exceed a given predetermined tariff rate quota level, a general safeguard, as provided for under Chapter 8 of the Agreement, may only be applied if a product is being imported in such increased quantities that constitute a substantial threat or cause of injury to the domestic industry. The activation mechanism for the use of the general safeguard is therefore more difficult to prove than those for the agricultural safeguard.

It should be noted however, that the safeguard measures under the EPA, while providing for the typical recourse for the increased importation of goods that substantially threaten or cause serious injury to domestic injury (as in the case of US-CAFTA-DR), the EPA includes additional grounds for the activation of a safeguard measure that have not been included in US-DR-CAFTA, namely, disturbances in a sector of the economy, disturbances in the market of like or directly competitive products, or in the mechanisms regulating those markets.³⁴ There is no reference of infant industries in the US-CAFTA-DR Agreement.

II. Safeguards under the Canada – Costa Rica Agreement

³⁴ *Ibid*

As is the case with the US-DR-CAFTA Agreement, the Canada-Costa Rica Agreement contains a safeguard mechanism specifically for the benefit of the agricultural sector. Under the Canada – Costa Rica Annex III.3.2 entitled ‘Special Safeguards’, the parties may adopt a ‘special safeguard’ in the form of a tariff rate quota, if the volume of imports of that good from the other party exceeds the trigger level for that particular good. Hence, it should be noted that the special safeguard for agriculture under this Agreement only applies to the particular products identified by the parties as being eligible for this safeguard.

It should be noted that the special safeguard provision only applies to the goods specified by the Parties for the duration of the phase-out period for each good. The Agreement further provides for the trigger level to be increased by 5 percent on January 1st of each year for ten years, after its entry into force. This will make it more difficult to activate the safeguard mechanism throughout the duration of the phase out period.

The Canada – Costa Rica Agreement also provides for general emergency measures under Chapter VI entitled ‘Emergency Action.’ This Chapter recognises the parties’ rights and obligations under the GATT Article XIX as well as the WTO Agreement of Safeguards and any successor agreements. It also contains bilateral safeguards measures which may be invoked during the transition period, if as a result of the reduction or elimination of a duty under the agreement, that the volume of imports of an originating good from the other Party increases to such an extent that it constitutes a substantial cause or threat of injury to the domestic industry.

The transition period refers to the seven year period beginning on entry into force of the Agreement, except where in the case of Costa Rica, the tariff elimination process for the relevant good takes place over a longer period of time. In such a case, the transition period would be the period of staged elimination for that good.

In applying the emergency measure, the parties may invoke the following in order to prevent or remedy the injury to the domestic industry:

- a) Suspend the further reduction of the rate of duty for the particular good;
- b) Increase the rate of duty on the good to a level not exceeding the relevant MFN applied rate; or
- c) In the case of a duty applied to a good on a seasonal basis, increase the rate of the duty to a level not exceeding the MFN applied rate that was in effect for the good for the corresponding season immediately preceding the date of entry into force of the Agreement.

As with the US-CAFTA-DR Agreement, there is no reference to infant industries in this Agreement. CARICOM should prefer to have a safeguard measure similar to that offered in the EPA (minus the infant industry obligation) as it provides for longer period to implement the safeguard, it is asymmetrical in favour of CARIFORUM and does not expire as in the case of the Canada-Costa Rica framework.

(c) Trade Facilitation, Customs Cooperation and Administration

This section seeks to assess the provisions in the respective free trade agreements being considered in the area of customs cooperation and trade facilitation.

I. Trade Facilitation under the EPA

The rules on trade facilitation seek to expedite the movement of goods at the points of entry. Chapter Four on trade facilitation in the EPA outlines the provisions in this area, which, under Article 29 of the Agreement, outlines a commitment for the parties to fulfil the objectives of effective and control of trade facilitation and help promote the development and regional integration of CARIFORUM States.

Under Article 30 of the agreement, the parties commit to the following:

- The exchange of information concerning customs legislation and procedures;
- Develop joint initiatives in mutually agreed areas;
- Establish, wherever possible common positions in international organisations in the field of customs such as the WTO and World Customs Organisation; and
- To promote coordination among related agencies.

There are also provisions aimed at more efficient and transparent customs procedures. For instance, the Parties agree that their respective trade and customs legislation, provisions and procedures shall be based upon, *inter alia*:

- The need to provide additional facilitation for traders with a high level of compliance;
- The need to ensure that requirements for economic operators are reasonable, non-discriminatory, safeguard against fraud and do not lead to the application of 'excessive penalties for minor breaches of customs regulations or procedural requirements';³⁵
- The need to apply a single administrative document or electronic equivalent in the respective Parties;
- The need to apply modern customs techniques including risk assessment, as well as simplified procedures that are transparent, efficient and predictable; and
- The need for the progressive development of systems, including those based on information technology, to facilitate the electronic exchange of data among traders, customs administrations and related agencies; and
- The need to avoid the mandatory use of pre-shipment inspections. This matter is however to be further discussed within the CARIFORUM-EC Trade and Development Committee.

The EPA also address seeks to enhance relations between the customs and the business community. As such the Parties agree to the following:

- To ensure that all legislation, procedures, fees and charges as well as, whenever possible, the relevant explanations are made publicly available, as far as possible through electronic means;
- The need for timely and regular dialogue with economic operators on legislative proposals related to customs and trade procedures;
- That whenever possible, when new or amended legislation and procedures are introduced, information is made available to economic operators in advance; and
- The promotion of fair competition within the trading community via the use of non-arbitrary and publicly accessible procedures such a Memoranda of Understanding, making appropriate use of those promulgated by the WCO.

Under the ambit of regional integration as set out in Article 34(1), the CARIFORUM Countries also agree to promote, 'to the fullest extent possible regional integration in the field of customs,'³⁶ and to work on the development of regional customs legislation, procedures and requirements in line with international standards.

The EPA also provides for an institutional mechanism to monitor development under this clause. Article 34(2) provides for the monitoring of the regional integration initiatives outlined in the previous Article, by means of a Special Committee on Customs Cooperation and Trade Facilitation provided for under Article 36. This committee is also entrusted with monitoring the implementation and administration of the provisions of Chapter Four of the EPA, enhancing cooperation and dialogue with the Parties, providing a forum for consultation with regard to obligations outlined under Protocol II to the EPA³⁷, and

³⁵ Article 30(2)(b) CARIFORUM-EU EPA

³⁶ Article 34(1) CARIFORUM-EU EPA.

³⁷ Protocol II to the EPA concerns Mutual Administrative Assistance in Customs Matters.

discussing issues related to technical assistance activities. Finally it is important to note that for the most part trade facilitation commitments are contingent on technical and capacity building assistance.

II. Customs Cooperation and Administration under the US-DR-CAFTA Free Trade Agreement

Provisions on customs cooperation and administration under the US-DR-CAFTA Agreement are to be found under Chapter Five of the Agreement, entitled “Customs Administration and Trade Facilitation.”

With respect to these, differences in the language and scope from the corresponding area in the EPA are immediately apparent. While the EPA speaks to cooperation and joint initiatives and contains language that suggests that certain commitments are best endeavours, the US-DR-CAFTA appears in large measure to provide binding and mandatory commitments on the Parties.

Mandatory requirements under the US-DR-CAFTA include, *inter alia*:

- Publication, including on the internet, of custom laws, regulations and general administrative procedures;³⁸
- The designation or maintenance of one or more inquiry points to address inquiries by interested persons concerning customs matters. The Parties are also required to make available on the internet, the procedures for making such inquiries;³⁹
- The adoption or maintenance of simplified customs procedures for efficient release of goods;⁴⁰
- That Parties ensure that its customs authority or other competent authority adopt or maintain procedures that:
 - i. Provide for release of goods within a period no greater than that required to ensure compliance with its customs laws, and, to the extent possible, within 48 hours of arrival;
 - ii. Allow goods to be released at the point of arrival without temporary transfer to warehouses or other facilities; and
 - iii. Allow importers to withdraw goods from customs before and without prejudice to the final determination by its customs authority of the applicable customs duties, taxes and fees.⁴¹
- The adoption or maintenance of expedited customs procedures for express shipments;⁴²
- Access to administrative review of determinations on customs matters;⁴³
- Penalties for the violation of customs laws and regulations;⁴⁴ and
- Provision of written advance rulings on request.⁴⁵

It is suggested that the mandatory nature of the customs administration and trade facilitation commitments in the US-DR-CAFTA agreement outlined above may be of some concern to CARICOM, in light of the possible negotiation of a free trade agreement with the US. CARICOM governments have been constrained to accept binding commitments in the area of trade facilitation in the past due to capacity and financial constraints. It is therefore suggested that CARICOM may wish to include language in a possible FTA that is more in line with that found in the EPA, or seek development financing that may assist in the implementation of binding commitments. The US-CAFTA-DR does provide for technical assistance for CAFTA Member States and the DR.

³⁸ Article 5.1.1 US-DR-CAFTA Agreement

³⁹ Article 5.1.2 US-DR-CAFTA Agreement

⁴⁰ Article 5.2.1 US-DR-CAFTA Agreement

⁴¹ See Article 5.2 US-DR-CAFTA Agreement.

⁴² Article 5.7 US-DR-CAFTA Agreement

⁴³ Article 5.8 US-DR-CAFTA Agreement

⁴⁴ Article 5.9 US-DR-CAFTA Agreement

⁴⁵ Article 5.10 US-DR-CAFTA Agreement

III. Customs Cooperation and Administration under the Canada – Costa Rica Free Trade Agreement

Provisions on customs cooperation and administration under the Canada – Costa Rica free trade agreement can be found under Chapter Five entitled “Customs Procedures.” This Chapter contains provisions relating to the Certificate of Origin under Section I, which sets out the procedures and obligations for traders seeking to utilise the preferential regime for goods under the Agreement.

Section II contains provisions regarding the administration and enforcement of the regime for certifying origin of goods. This section includes: requirements for adequate maintenance of records relating to import and export; verification of origin on goods; the maintenance of the confidentiality of business information collected in the course of the administration of determinations of origin and the requirement for Parties to the agreement to maintain penalties for breaches of customs laws.

As is the case under the US-DR-CAFTA Agreement, the Canada – Costa Rica Agreement requires that Parties provide advanced rulings, prior to the importation of goods into their respective territories to the trader requesting such a ruling. Similarly, the Canada –Costa Rica Agreement provides for access to the review and appeal of administrative decisions. Under this Agreement, the Parties have also committed to cooperation in the area of customs procedures, specifically, for example, in the enforcement of their respective customs related laws and regulations implementing the Agreement.

Other areas of cooperation include the collection and exchange of statistics regarding importation and exportation of goods, the harmonisation of documents used in trade and, where practicable, to jointly organising training programmes on customs related issues. Such training programmes may include training for the officials and users who participate directly in customs procedures.⁴⁶

Both the EPA and the Canada-Costa Rica Agreement provides for substantial rules and both provide for development assistance to ensure that the goals of this chapter are met. For instance they all provide for the introduction of modern customs techniques such as improved risk assessment, simplified procedures for entry and release of goods, advance binding rulings and so on. CARICOM must ensure that the necessary technical assistance is made available to fulfil any commitments made in this area. CARICOM must ensure that the technical cooperation perceived in the Canada-Costa Rica is also made available to CARICOM.

Rules of Origin

Rules of origin are important components in preferential trade arrangements, as they are used to determine the production processes that goods must undergo, in order for them to be classified as ‘originating products’ of the exporting country. Such a classification is vital since only those products classified as originating products will be eligible to benefit from the preferential rules (usually in the form of duty-free market access) under the particular trading arrangement.

This section looks at the various rules of origin regimes that currently apply to CARICOM products, specifically, the EPA, CBI and CARIBCAN. For comparative purposes, this section also examines the rules applicable under trade agreements recently concluded by the United States and Canada. This examination provides a useful guide as to the types of regimes that those developed countries may seek to negotiate under potential free trade agreements with CARICOM.

a) Rules of Origin under the CARIFORUM-EU Economic Partnership Agreement

Under Article 10 of the EPA, “originating goods” are those that qualify under the rules of origin under Protocol 1 to the Agreement. What is notable about Article 10, is that it provides for a review of Protocol 1 within the first five years of the entry into force of the Agreement, with a view to further simplifying the methods and concepts used for determining origin, in

⁴⁶ Chapter V, Section VI of the Canada – Costa Rica Free Trade Agreement

light of the needs of CARIFORUM States. Article 10 further provides that any modifications to the existing rules are to be carried out via a decision of the Joint CARIFORUM-EC Council.

Article 2(2) of Protocol 1 to the EPA defines the products that may be considered or originating in CARIFORUM States.

Essentially, these products fall into two broad categories:

- 1) Products that are wholly obtained in the CARIFORUM States within the meaning of Article 6 of the Protocol. Wholly obtained products identified under Article 6 include: mineral products extracted from the State's soil or seabed; fruit and vegetable products harvested in the state, live animals born and raised there; products from live animals raised there; products obtained by fishing conducted there; products of fishing outside the territorial waters of the EC Party or of a CARIFORUM State by "their vessels" as defined under the Protocol.⁴⁷
- 2) Products obtained in CARIFORUM States incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in that CARIFORUM State within the meaning of Article 7 of the Protocol. A good is sufficiently worked or processed if the imported input from non-originating countries has a different tariff classification from the final product.

For purposes of clarity therefore, under the EPA, each product under the Harmonised System of Product Classification is listed in Annex II, with the required manufacturing processes identified so that traders are aware of the production requirements of their particular product in order to benefit from duty-free access to the EU.

b) Rules of Origin under the CBI Arrangement

As was mentioned earlier, CARICOM States currently benefit from one-way preferential duty-free access to the US market for a host of products under the arrangement collectively known as the Caribbean Basin Initiative (CBI). This initiative also possesses its own rules of origin to determine the eligibility of CARICOM goods for preferential market access.

However, unlike the regime governing preferential market access to the EU market, which contains product specific rules of origin for those products that are not wholly obtained, the US has adopted a rules of origin regime using percentage value added criteria for all products across the board.

Under s. 213 of the Caribbean Basin Economic Recovery Act 1983, eligible articles for preferential treatment include the following:

An article that is the growth, product or manufacture of a beneficiary country if

- a) That article is imported directly from a beneficiary country into the customs territory of the United States; and
- b) The sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (ii) the direct costs of processing operations⁴⁸ performed in a beneficiary country or countries is not less than 35% of the appraised value of such article at the time it is entered.

c) Rules of Origin under the US-DR-CAFTA Agreement

Chapter Four of the US-DR-CAFTA Agreement outlines the rules of origin regime applicable to that Agreement. According to Chapter Four, a good is considered 'originating' where:

⁴⁷ The term "their vessels" refers to vessels meeting the nationality requirements outlined under Article 6(2) to the Protocol. Such requirements include registration of the vessel in a CARIFORUM or EC Member State, which sail under the flag of a CARIFORUM or EC Member State, or subject to nationality requirements with respect to the ownership of the vessel by natural or legal persons.

⁴⁸ Note that direct costs include factors such as labour costs but do not include costs that are not directly attributable to the merchandise concerned such as profit and general business expenses that are not allocable to the specific merchandise.

(a) it is a good wholly obtained or produced entirely in the territory of one or more of the Parties;

(b) it is produced entirely in the territory of one or more of the Parties and

(i) each of the non-originating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4.1, or

(ii) the good otherwise satisfies any applicable regional value content or other requirements specified in Annex 4.1, and the good satisfies all other applicable requirements of this Chapter; or

(c) it is produced entirely in the territory of one or more of the Parties exclusively from originating materials.

Interestingly, Annex 4.1 outlines product specific rules of origin and therefore differs significantly from the across the board, percent value added criterion used under CBI.

d) Rules of Origin under CARIBCAN

Commonwealth Caribbean countries also currently benefit from one-way preferential duty-free access for a significant number of products into Canada under the arrangement known as CARIBCAN.

The following goods are deemed eligible for preferential market access into Canada under the CARIBCAN arrangement⁴⁹:

(a) a mineral good extracted from the soil or the seabed of the country;

(b) a vegetable good harvested in the country;

(c) a live animal born and raised in the country;

(d) a good obtained in the country from a live animal;

(e) a good obtained by hunting or fishing in the country;

(f) a good derived from sea fishing or other marine goods taken from the sea by a vessel of the country;

(g) a product made on board a factory ship of the country exclusively from products referred to in paragraph (f);

(h) waste and scrap derived from manufacturing facilities of the country;

(i) used goods of the country imported into Canada for use only for the recovery of raw materials; or

(j) goods produced in the country exclusively from a product referred to in any of paragraphs (a) to (h).

(2) Goods originate in a beneficiary country if the value of the materials, parts or products originating outside the beneficiary country or in an undetermined location and used in the manufacture or production of the goods amounts to not more than 40% of the ex-factory price of the goods as packed for shipment to Canada.

⁴⁹ Caribbean Trade Reference Centre “Rules of Origin Respecting CARIBCAN”
<http://ctr.c.sice.oas.org/Trade/caribcan/Caribcan02.asp>

e) Rules of Origin under the Canada – Costa Rica Free Trade Agreement

Chapter Four of the Canada – Costa Rica Agreement contains the general rules of origin applicable between the Parties to the Agreement. Article IV.1 provides as follows:

Except as otherwise provided in this Chapter, a good shall originate in the territory of a Party where:

(a) the good is wholly obtained or produced entirely in the territory of one or both of the Parties, as defined in Article IV.15;

(b) each of the non-originating materials used in the production of the good undergoes an applicable change in tariff classification as set forth in Annex IV.1 (Specific Rules of Origin) as a result of production occurring entirely in the territory of one or both of the Parties, or the good otherwise satisfies the applicable requirements of that Annex where no change in tariff classification is required, and the good satisfies all other applicable requirements of this Chapter;

(c) the good is produced entirely in the territory of one or both of the Parties exclusively from originating materials; or

(d) except for a good of Chapter 39 or Chapter 50 through 63 or except as provided in Annex IV.1 (Specific Rules of Origin), the good is produced entirely in the territory of one or both of the Parties but one or more of the non-originating materials used in the production of the good cannot undergo a change in tariff classification because both the good and the non-originating materials are classified in the same subheading, or heading that is not further subdivided into subheadings, provided that the regional value-content of the good, determined in accordance with Article IV.2, is not lower than 35 percent when the transaction value method is used, or 25 per cent when the net cost method is used, and the good meets the other applicable requirements of this Chapter.

Interestingly, as is the case with the US-DR-CAFTA Agreement, Canada has apparently moved away from solely utilising the across the board percentage value added criteria in use under its CARIBCAN preferential regime in favour of the use of product specific rules under the Canada – Costa Rica Agreement, which are contained in Annex IV.1 to the Agreement. CARICOM negotiators generally tend to prefer the change in tariff heading rule than the value content rule because many of the region producers are depended on the importation of raw materials and would prefer to source their inputs from the cheapest source to remain competitive.

Trade in Services and Investment

Trade in services is neither covered under CBI nor CARIBCAN. However trade in services account for a significant proportion of business activity in CARICOM States. While tourism exports dominate services output, other services – such as financial and professional services increasingly contribute to GDP and revenue generation in Caribbean States. The introduction of trade in services as a feature in free trade agreements is a relatively recent phenomenon in the post-Uruguay Round era. The CARIFORUM-EC EPA is the first time that CARICOM Member States have made significant commitments on trade in services under a bilateral framework⁵⁰. The CARIFORUM-EC EPA contains substantial provisions on trade in services and investment. In the areas of services the EPA covers all modes of supply whereas in the commitments on investment are limited to commercial presence (otherwise known as the right of establishment).

Before discussing the scope of these agreements it is important to state the modality used to negotiate services as it differs from the approach taken by Canada and the United States in their respective bilateral FTAs with other developing countries. Within the EPA, the parties undertook to take commitments using a positive list approach – i.e. commitments are only taken on the services listed in a Member States schedule of commitments. This approach was also taken in the WTO and is

⁵⁰ Under the CARICOM-Dominican Republic Agreement, CARICOM agreed to framework provisions on trade in services. However no sector commitments were made to date. Under the Regional Preference Clause (Article 238) CARICOM will have to offer the DR the same commitments offered to the European Community within a year after the EPA has been signed.

considered by many as the most developmental approach as countries will only commit sectors at a pace that is consistent with their developmental objectives. Both CARIFORUM and the EC have used a positive list approach to schedule their commitments on services in the EPA. In contrast the United States and Canada have both used a negative list approach – i.e. all sectors have been committed to liberalisation unless otherwise stated in the schedule of non-conforming measures. It is expected that the US and Canada will want CARICOM to adopt a negative list approach to services. However CARICOM should insist to a positive list approach since there is limited data available on services trade and also because little research have been done on the impact of liberalisation on the services sector in the Region. The negative list approach provides for a faster pace of liberalisation and will provide to third party trading parties the same level of access as anticipated in the CSME (notwithstanding the fact that the CSME is still under construction).

Under the positive list approach 75% of CARIFORUM service sector was committed to the EPA while the EC committed around 90% of the services sectors as recognised by the United Nations Provisional Central Product Classification. Some of the sectors committed to liberalisation include: professional services (accounting, engineering, medical, legal, architecture), research and development services, tourism related services, transportation services, telecommunication services, environmental services, computer related services, management consulting, market research and public opinion polling, recreation, cultural and sporting services (including news agency services, entertainment services and so on). However there are a number of conditions to access the markets and these are in the form of residency requirements, citizenship requirements, conditions on the form of legal entity allowed to carry business activity, economic and labour needs tests and so on. Under the negative list approach all services sectors (known and unknown) have been subjected to liberalisation, however a member state can still list measures inconsistent with such commitment. Measures inconsistent with market access commitments have been listed in the US-CAFTA-DR and Canada-Peru instances.

The form of market access commitments taken in the EPA are similar to those taken in the US-CAFTA-DR and the Costa Rica-Peru as they reflect WTO approach to market access liberalisation. Under the EPA market access commitments on cross border services refer to the removal of discriminatory measures that result in:

- Limitations on the number of service suppliers whether in the form of numerical quotas, monopolies, exclusive service suppliers or the requirements of an economic needs test;
- Limitations on the total value of service transactions or assets in the form of numerical quotas or the requirement of an economic needs test; and
- Limitations on the total number of service operations or on the total quantity of service output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test.

When a commitment has been taken, the country agrees that it will not to impose such limitations unless the discriminatory measure is listed in the Country's schedule of commitments.

It should also be noted that EPA commitments do not cover the employment market, work permits or visas. As such, although commitments have been taken by the EC it may still be difficult for our service providers to sell their services when they seek to temporarily enter that market. On the issue of mode IV, it must be noted also that the EC makes provisions for a number of category of business persons to access the EC market. These include, inter alia, independent professionals, contractual service providers, key personnel (inclusive of managers, specialists and business persons responsible for setting up a business) and graduate trainees. It must be noted that commitments in cross border services and commercial presence are linked to some of the categories in mode IV. For instance a commitment made in commercial presence chapter automatically results in commitments taken for graduate trainees and key personnel. While a range of categories (see table below) have been identified for contractual service providers and independent professionals there are a whole host of measures that condition the ability for service providers to enter the market.

The Canada-Peru Treaty provides for the Temporary entry of business persons. Article 1201 of the Agreement recognises the mutual objective to facilitate temporary entry for business persons on a reciprocal basis. The Article also expresses the "...the need to establish transparent criteria and procedures for temporary entry and the need to ensure border security and

to protect the domestic labour force". As in the case of the EPA, immigration measures are not covered under the scope of the Agreement. The broad categories of business persons covered in this agreement are similar to those established in the EPA. They include: business persons, contractual service suppliers, managers, professionals, management trainees, technicians in a subordinate relationship and technicians. It must be noted that in some cases the coverage of persons eligible to enter under this chapter appears broader than in the EPA – for instance in the area of professionals and technicians. An illustrative list of the categories of business persons eligible under this Agreement has been placed in the Annex to this Report. In addition the length of stay for such persons appears more flexible than in some of the EPA commitments. CARICOM Member States must therefore review and compare these Treaties and request similar treatment where the commitments taken by Canada exceed those taken in the EPA since the temporary movement of business persons is often preferred means of providing a service.

The EPA Services Agreement also contains a chapter on the regulatory framework. It covers rules on mutual recognition, domestic regulation (procedures), transparency and general rules for a number of sectors including: tourism, courier, telecommunications and financial services. With respect to mutual recognition, the EPA states that each party has the right to require that natural persons possess the necessary qualifications or professional experience to perform a service in its market. The EPA however set out a broad procedural framework under which the professional associations from either party may wish to negotiate mutual recognition agreements to facilitate entry of their service providers in the respective markets. The negotiation of these MRAs is important since many of the Region's professionals may not have European accepted qualifications and this will definitely negate the market access provided for in the Agreement. The US-CAFTA-DR and the Canada-Peru agreements also have provisions for the negotiation of MRAs, however the latter set out a negotiating template to assist the Parties to that agreement in the negotiations of such an Agreement. CARICOM Member State should study this template for future MRA negotiations. It is also important to note that CARICOM will require development assistance to ensure that its professional associations actively participate in the negotiation of MRAs as envisaged in the EPA. It is expected that a similar approach will be taken with the US and Canada.

With respect to domestic regulation, it must be noted that the WTO negotiations on domestic regulation are ongoing as such bilateral rules tend to be limited in scope. Article 87 of the EPA covers some of the areas considered under scope of domestic regulation. In particular this article covers procedures relating to licensing and the expectation that the state should respond to a request about the status of a license within a reasonable time frame. It also covers the implementation of judicial, arbitral or administrative tribunal and procedures at the request of a service provider. Similar provisions are covered under the US-CAFTA-DR and Canada-Peru Agreements. In the case of the US-CAFTA Agreement there is no provision for judicial, arbitral or administrative tribunal however there are best endeavour rules on transparency and licensing as well as the commitment to review the clause in the event of developments at the WTO level in the area of domestic regulation.

The EPA also provides a regulatory framework for telecommunications and financial services. However the US-CAFTA-DR and the Canada Peru both have elaborate chapters dedicated to these sectors. These rules are a lot more detailed than the corresponding rules in the EPA and CARICOM will have to decide whether it is in its interest to negotiate substantial commitments in these areas. It should be noted however that since Canada and the United States already have substantial presence in the Caribbean in the area of financial services, it may be difficult for CARICOM not engage itself in the negotiation of such rules with the US and Canada.

As noted earlier, CARICOM Member States have also taken commitments on investments under the CARIFORUM-EC EPA. It is important to note that whereas the EC uses a positive list approach to cover both investments in services and other non-services sectors, CARIFORUM uses the positive list for its mode three services commitments but takes a negative list approach for the other areas of activity covered under the investment chapter. These other areas of activity include commitments on manufacturing, mining, agriculture and fishing. Therefore in the areas where a negative list methodology is adopted, means that market access has been offered to those sectors unless a reservation to that market access has been identified in the country schedule of commitments. In contrast to this method of liberalisation, the US and

Canada apply the NAFTA model which covers a much broader range of investments and covers all forms of investments, tangible and intangible. The types of investments covered under the US/Canada frameworks include the following:

- An enterprise,
- Shares, stock, and other forms of equity participation in an enterprise,
- Bonds, debentures, other debt instruments and loans,
- Futures, options and other derivatives,
- Turnkey, construction, management, production, concession, revenue-sharing, and other similar contracts,
- Intellectual property rights,
- Licenses, authorisations, permits, and similar rights conferred pursuant to domestic law and
- Other tangible or intangible, movable or immovable property and related property rights such as mortgages, liens and pledges.

Some of the important commitments taken by Canada and the US in their respective Investment Chapters relate to National Treatment and MFN where the parties agree not to impose discriminatory treatment in favour of national or third party investments respectively. These principles apply to the establishment, acquisition, expansion, management, conduct, operation and sale or other disposition of investments. Commitments are also taken, inter alia, on the Minimum Standard of Treatment where obligations have been taken for fair and equitable treatment of investment as well as its full protection and security. There are also substantive provisions for expropriation and compensation and investor/state dispute settlement. In contrast the CARIFORUM-EC Treaty provides for MFN and National treatment but does not include rules on expropriation and compensation nor investor/state dispute settlements. Under the EPA market access commitments relate to those affecting the establishment of commercial presence. Where a commitment has been taken the Parties agree not to impose:

- limitations on the number of commercial presences whether in the form of numerical quotas, monopolies, exclusive rights or other commercial presence requirements such as economic needs tests;
- limitations on the total value of transactions or assets in the form of numerical quotas or the requirement of an economic needs test;
- limitations on the total number of operations or on the total quantity of output expressed in terms of designated numerical units in the form of quotas or the requirement of an economic needs test.
- limitations on the participation of foreign capital in terms of maximum percentage limit on foreign shareholding or the total value of individual or aggregate foreign investment; and
- measures which restrict or require specific types of establishment (subsidiary, branch, representative office) or joint ventures through which an investor of the other Party may perform an economic activity.

The Development Dimension under Free Trade Agreements

This section examines provisions on development cooperation which have been included in the CARIFORUM-EU Economic Partnership Agreement and as well as the inclusion of similar provisions in free trade agreements recently concluded by the US and Canada. This section therefore seeks to assess the extent to which a development dimension may likely be included in possible free trade agreements with the US and Canada.

a) The Development Dimension under the CARIFORUM-EU EPA

The preamble to the EPA purports to promote the Agreement as an instrument of development of the CARIFORUM States. The preamble also notes that building capacities and addressing supply side constraints is required to take full advantage of the trading opportunities available under the EPA. Furthermore, the Parties reaffirm the essential role that development assistance, including trade related assistance can play in supporting CARIFORUM States to implement and take advantage of the Agreement.

Accordingly, objectives of the EPA as set out under Article 1 include:

- Promoting the gradual integration of the CARIFORUM States into the world economy, in conformity with their political choices and development priorities; and
- Improving the CARIFORUM States' capacity in trade policy and trade related issues.

The development focus of the EPA is further highlighted under Articles 7 and 8. Under Article 7 entitled "Development Cooperation", it is recognised that development cooperation is to be a crucial element of the EPA, and an essential factor in realising the objectives of the Agreement.

The Agreement goes further under Article 8 by identifying cooperation priorities, and provides as follows:

(i) The provision of technical assistance to build human, legal and institutional capacity in the CARIFORUM States so as to facilitate their ability to comply with the commitments set out in this Agreement;

(ii) The provision of assistance for capacity and institution building for fiscal reform in order to strengthen tax administration and improve the collection of tax revenues with a view to shifting dependence from tariffs and other duties and charges to other forms of indirect taxation;

(iii) The provision of support measures aimed at promoting private sector and enterprise development, in particular small economic operators, and enhancing the international competitiveness of CARIFORUM firms and diversification of the CARIFORUM economies;

(iv) The diversification of CARIFORUM exports of goods and services through new investment and the development of new sectors;

(v) Enhancing the technological and research capabilities of the CARIFORUM States so as to facilitate development of, and compliance with, internationally recognised sanitary and phytosanitary measures and technical standards and internationally recognised labour and environmental standards;

(vi) The development of CARIFORUM innovation systems, including the development of technological capacity;

(vii) Support for the development of infrastructure in CARIFORUM States necessary for the conduct of trade.⁵¹

It should be noted that development cooperation provisions are not limited to those outlined under Articles 7 and 8. Rather, as is stated under Article 8(2), development cooperation priorities stated under paragraph one of Article 8 are to be further specified in the individual Chapters of the Agreement. In essence therefore, it appears that the notion of development cooperation is to be embedded across all disciplines provided throughout the Agreement.

In order to channel and mobilise development resources from the European Development Fund and other donors, the Parties under Article 8(3) have committed to establishing a regional development fund within two years of the date of signature of the Agreement.

Examples of development cooperation initiatives in the various negotiating areas in the EPA include, *inter alia*:

- In the area of trade in goods, the facilitation of support in the form of technical assistance in the area of fiscal reform with a view to shifting dependence from tariff and other duties and charges, to other forms of indirect taxation; and capacity and institution building.⁵²

⁵¹ Article 8(1) CARIFORUM-EU Economic Partnership Agreement

- In the area of customs and trade facilitation, the facilitation of support in the application of modern customs techniques including risk assessment, advanced binding rulings, simplified procedures for entry and release of goods, post release controls and company audit methods; the introduction of procedures and practices which reflect, as far as practicable, international instruments and standards in the field of customs and trade; and the automation of customs and other trade procedures. Under this area, the parties have also agreed to the establishment of a Special Committee on Customs Cooperation and Trade Facilitation.⁵³
- In the area of agriculture and fisheries, areas of cooperation include: the improvement of competitiveness in potentially viable production in agricultural and fisheries products in both traditional and non-traditional export sectors; development of export marketing capabilities; compliance with and adoption of quality standards relating to food production and marketing; improving the ability for CARIFORUM operators to comply with health and quality standards for fish and fish products; and scientific and technical human and institutional capacity building.⁵⁴
- In the area of tourism services, capacity building for environmental management at the regional and local level; the development of internet marketing strategies for small and medium-sized tourism enterprises; and tourism exchange programmes and training, including language training for tourism service providers.⁵⁵
- In the area of the liberalisation of services and investment, improving the ability of CARIFORUM service suppliers to gather information on and to meet EC regulations and standards; improving the export capacity of CARIFORUM service suppliers; and developing and implementing regulatory regimes for specific services sectors at the CARIFORUM level.⁵⁶

b) Development Cooperation under the US-DR-CAFTA Agreement

It is to be noted that the US-DR-CAFTA Agreement makes no mention of development cooperation. Indeed, whereas the preamble and objectives of the EPA evidence an intention to place development of the CARIFORUM region as one of the fundamental aims of the EPA, the US-DR-CAFTA appears simply to be a means of eliminating barriers to trade between the parties and promoting the creation of commercial opportunities.

Consequently, it is not expected that the US would be predisposed to negotiating a free trade agreement that contains development cooperation commitments.

c) Development Cooperation under the Canada – Costa Rica Free Trade Agreement

An examination of the Canada – Costa Rica Free Trade Agreement, as is the case with the US-DR-CAFTA Agreement, shows a lack of emphasis on development cooperation.

It is expected however that Canada may be open to negotiating a free trade agreement with CARICOM that is more open to issues of development cooperation. Canadian negotiators have been said to be receptive to a CARICOM proposal that a development dimension may be included within the scope of a possible free trade agreement.

It is important that special emphasis be placed on the development dimension to ensure that firms and people will be able to make the necessary adjustment required to participate in a more liberalised trading environment.

⁵² Article 22 CARIFORUM-EU Economic Partnership Agreement

⁵³ See Articles 35 – 36 CARIFORUM-EU Economic Partnership Agreement

⁵⁴ See Article 43 CARIFORUM-EU Economic Partnership Agreement

⁵⁵ See Article 117 CARIFORUM-EU Economic Partnership Agreement

⁵⁶ See Article 121 CARIFORUM-EU Economic Partnership Agreement

NON-GOVERNMENTAL ORGANISATION (NGO) PARTICATION

“Democratic governance will be meaningless if governments do not ensure an effective and fully informed public participation in decision-making, in particular, in the impact assessment of trade process (Bastidas, 2004)”.

CIVIL SOCIETY AND THE EPA PROCESS

Experience from the EPA process shows that although provisions were made for the participation of civil society at both the national and regional levels, there is need to review how these organisations can effectively contribute to the development of trade policy. During the EPA process the level of participation by civil society was arguably inadequate, ad hoc and disorganised. While some of the region’s NGOs were allowed to participate in some of the technical working groups at the regional level, this was not done on an across the board basis. There was even less involvement of NGOs at the national level notwithstanding, the establishment of non-state actors committees in some countries. Failure to find a suitable mechanism to include the participation of NGOs in the construction of trade policy often leads to mistrust and outrage as citizens seek to understand the nature of trade agreements after they have been negotiated.

NGOs in the Region often lack the resources to adequately participate in the negotiation of trade agreements. Although there were some resources available to deepen the participation of NGOs in the EPA negotiating process, the reality has been that they failed to make the crucial inputs necessary to stimulate dialogue between the policy makers, negotiators and the NGO community. It is unfortunate that NGOs became more vocal and involved after the EPA was initialled and the intent to sign was already cast in stone. There is now need to ensure that NGOs actively participate in the consultative mechanism established under the EPA since there will be reviews conducted on the Agreement and input from NGOs will be crucial in this assessment.

It is also important to note that Article 232 of the EPA envisages the participation of civil society in the implementation of this Treaty. This Article establishes a consultative committee, which will comprise of civil society organisations, including the private sector, the academic community, and other social and economic actors. According to the EPA, this Consultative Committee will dialogue and cooperate on all “...economic, social and environmental aspects of the relations between the EC Party and CARIFORUM States, as they arise in the context of the implementation of [the EPA]”.

It is also important that governments and trade officials understand the important dynamic that civil society bring to trade negotiations. NGOs’ contribution is often viewed as the legitimizing element in the process and can foster the requisite transparency and broad based consensus that should be achieved on these important Treaties. NGOs can also be used as an additional pool of expertise in the formulation of trade policy that would be in line with the needs of its membership which most importantly includes labour. Recent bilateral agreement signed by the US and Canada agreements have strong provisions on labour and environment that reflect the participation of labour and environmental groups in the construction of trade policy. Labour Unions and Environmental Groups represent strong lobbying interests and are able to substantially influence government policy.

THE EU COMMISSION AND NGOS

The EU Commission has also recognised the importance of Civil Society to the negotiating process. Consultation with NGOs usually takes place through the Director General External Trade Civil Society Dialogue. This facility was launched with the aim of increasing the legitimacy of the Commission as a policy maker and to improve the quality of trade policy by making use of expert knowledge that NGO groups provide (Jarman et al, 2008). The Commission also seeks to improve the working relationship with interested stakeholders to ensure that all parties are heard. The Commission also sources NGO experts who lend their expertise in the writing of trade policy and policy recommendations, drafting of legislation and lobbying on behalf of the Commission.

One of the mechanisms used to develop partnerships with Civil Society is the establishment of a Civil Society database. This database has a registry of over 600 Civil Society Organizations ranging from trade unions, environmental NGOs,

development organizations, business associations, and animal welfare and women's organizations. Civil Society Organizations registered with the Commission are able to attend meetings, have greater access to officials of the Commission and to privileged information (Jarman, 2008). However, although NGOs are able to attend meeting and gain access to information and in some instances suggest topics for meetings, the Commission usually has the final say on the agenda of meetings and which groups are allowed to attend its meetings. This has resulted in some NGOs becoming impatient and frustrated with this format as the Commission is able to pick and choose who has the privilege to take part in meetings⁵⁷.

According to Jarman, as the line between non-tariff barriers and internal policies becomes blurred, NGO expertise has become increasingly valuable to officials of the Commission. As such, NGOs have been able to directly influence the trade policy of the Commission in several areas such as the Everything But Arms policy that allows duty-free access to imports from least developed countries and the creation of the GSP plus system which offer incentives to developing countries for implementing labour and environmental standards and have also drafted legislation regarding genetically modified foods on behalf of the Commission. In enhancing its legitimacy the Commission has allowed a wider range of access by NGO groups to its trade policymaking process, acknowledging their right to contribute to the process (Jarman, 2008).

The following takes a brief look at NGO participation in trade agreements signed by the US and Canada.

CIVIL SOCIETY AND THE CHILE-US FTA

Oswaldo Rosales⁵⁸, Director General for International Economic Relations in Chile, notes that having achieved the some public buy-in during the FTAA process by involving civil society along every step of the way during the negotiations, this country sought to again make use of method and strategies that would allow for a great degree of public participation during the negotiating process. Outlined below are some of the practices utilised by Chilean government to ensure legitimacy of the negotiating process.

To ensure transparency in the negotiation process the concept of the "room next door" was established by the government of Chile in collaboration with civil society. In practice this involved the setting up of three rooms where business owners and workers' representatives were allowed to consult with government officials and negotiators during the many rounds of negotiations. This experience assisted in the building of trust between negotiators and the private and labour organisations and was essential in the last parts of the negotiation that required fast and urgent decisions. During and after each round of negotiations public information about the evolution of negotiation process was made available via a publicly available website. This provided for greater political visibility and transparency of the process.

This level of inclusion facilitated an increased awareness and education of as well as participation in Chile's trade negotiation processes and provided well structured inputs from an informed civil society. In essence this process has generated greater analysis and has increased the legitimacy and consensus about trade policy issues. In addition to the establishment of the room next door, consultations and seminars with labour unions took place across Chile to report on the progress of the negotiations and hear the concerns of workers, small farmers, other NGOs and business owners.

CIVIL SOCIETY PARTICIPATION IN THE US-CAFTA-DR NEGOTIATING PROCESS

According to information obtained by USAID, the outreach programme offered to civil society resulted in a deliberate effort to engage labour and environmental groups during the negotiating process. The civil society outreach programme had three main objectives. These were to:

⁵⁷ Holly Jarman (2008), *The Other Side of the Coin: Knowledge, NGOs and EU Trade Policy* Wiley Inter Science Journal, Vol. 28, Pg 26-32.

⁵⁸ Oswaldo Rosales, *Chile-US Free Trade Agreement: lessons and best practices* (2003)

- Ensure legitimacy of the negotiation through inclusion of NGOs, labour unions, environmental groups in the negotiating process
- Reinforce democratic values by increasing transparency through dialogue with civil society
- Provide feedback for government negotiators.

Some of the key strategies that were implemented during this process included:

- Information dissemination through an internet site, publications and a public liaison with a 1-800 number that civil society could call and receive a response;
- The establishment of feedback mechanisms such as a Civil Society Consultative Group and submission of position papers; and
- A series of consultation meetings and discussion with productive sectors, NGOs and academics and members of the Legislative Assembly

As a result of this process, the CAFTA Civil Society Inventory was created and which consists of hundreds of documents from meetings with key NGOs, businesses and academics. This provided key stakeholders with an opportunity to analyse concerns from these groups. In addition, consultation with the NGOs organisations and public education exercises also assisted in building support for the Agreement as groups had a better understanding of how the FTA would impact them. Through USAID, many firms and civil society groups also received technical assistance throughout the implementation period.

It must be noted that Annex 16.5 of the US-CAFTA-DR Agreement somewhat reflects the participation of civil society. This Annex sets out a non-binding framework for the establishment of a mechanism to cooperate on a number of labour related and capacity building issues including:

- The elimination of discrimination on the basis of gender in respect of employment and occupation;
- Human resource development and employee training;
- Promotion of new employment opportunities and workforce modernisation;
- Rights relating to migrant labour ; and
- Building institutional capacity for labour organisations especially in the form of training and the professionalization of human resources.

THE FTAA PROCESS AND THE CIVIL SOCIETY

In a study conducted on Civil Society Participation in the FTAA, Porter and Muffet highlighted three key principles to ensure public participation in the negotiating process these were access to information, decision-making and to justice. In an effort to achieve this, a Committee of Government Representatives on Civil Society Participation was established and mandated to “strengthen and deepen the level of consultation between the negotiating parties at the national level throughout the hemisphere and to identify and encourage the use of best practices in engaging with civil society.” NGOs were also invited to submit papers to the FTAA committee on areas of interest for the respective groups.

During the FTAA negotiating process, governments were repeatedly advised to make information available to the public in a transparent manner. Several countries during the FTAA process sought to ensure this by undertaking a series of activities to engage civil society organizations throughout the hemisphere. Over twenty-five countries held meetings, consultations, workshops and conferences with NGOs, business associations, trade unions and members of the academic community, whose expert advice were sought to analyse the proposals and policies of governments and to raise public awareness about the agreement. Countries such as Chile for example, sent out a series of open invitations between 1999 and 2002 inviting business associations, trade unions and NGOs to submit written presentations of on FTAA issues. The Office for International Economic Relations (DIRECON) of Chile also set up a website with a special section dedicated to civil society

that provided information on economic agreements and foreign trade. Similar mechanisms were also utilized by Dominican Republic, Mexico, and Panama. As mentioned earlier, Chile also established “side rooms” during the FTAA negotiating process for businesses, unions and small and medium sized enterprises to inform and consult with sectors during negotiating rounds. As a result of the success and response by civil society to the government’s effort, and in an effort to achieve greater transparency in future trade negotiations, the mechanisms such as the Ministerial Advisory Council utilized during the FTAA negotiations were institutionalized and has become a part of Chile’s foreign policy framework.

According to Porter and Muffet, access to decision-making, the second principle of public participation can be achieved by allowing the public to participate in the decision-making process during the negotiating process and as an eventual agreement is implemented (2000). For this to be achieved, it is important that NGOs be given access to official meetings where they are given to opportunity to make statements and submit proposals that would impact upon the process. This according to Porter and Muffet should be an ongoing process throughout the negotiating process and not only at the beginning or end of the process. Access to decision-making however, is not easy to define or achieve and there is not set formula.

With respect to issues relating to justice, this is made possible by allowing civil society to contribute to in treaty implementation as well as with compliance by providing a facility that allows civil society to monitor trends and that gives them timely access to data so as to empower them to alert parties in cases of non-compliance. This according to Porter and Muffet is especially useful where trade agreements are not accepted by the general public due to a lack of public understanding of the agreement.

CONCLUSIONS

The foregoing discussion has sought to offer some perspective on the way forward in light of possible CARICOM negotiations for free trade agreements with Canada and the United States of America. This has been done by taking into account the general scope and tenor of trade agreements which those developed countries have negotiated with developing countries in the recent past. It is therefore in light of the foregoing analysis that the following concluding observations are provided.

With respect to the socio-economic impact it is important to recall that CBI and CARIBCAN have in some measure contributed to employment, value-added and foreign exchange earnings from the manufacturing sector. However, the contribution of CARICOM merchandise exports is miniscule when compared to services contribution to output, employment and foreign exchange earnings. These preferential schemes do not cover services nor do they provide incentives for linkages between services and the other productive sectors of the economy. The fact that the US and Canada have negotiated bilateral free trade agreements that include commitments on trade in services means that parties to those agreements have guaranteed market access whereas CARIFORUM firms do not enjoy similar market access guarantees. This notwithstanding, market access does not guarantee market penetration as with the case of the EPA, where visa, state regulations and mutual recognition issues can act as barriers to trade (with or without a Free Trade Agreement).

With respect to merchandise trade, it may be recalled that while these preferential schemes offered CARICOM producers non-reciprocal duty free access to those markets, it should equally be recognised that an increasing number of CARICOM products are being exported free of duty into the United States and Canada under MFN applied rates. Furthermore, it is expected that the margins of preference enjoyed by CARICOM firms will continue to contract as developed countries reduce remaining barriers at the multilateral level or as more bilateral and regional trade agreement are negotiated. Therefore the negotiation of future FTAs by CARICOM should not be solely based on the possibility of losing preferential margins. It is submitted therefore that apart from locking in the existing levels of market access for CARICOM products provided under preferential schemes which holds obvious importance for regional exporters, the negotiation of FTAs with Canada, and the US in particular may do little to augment CARICOM's merchandise exports to those countries.

CARICOM's main concern given the reciprocal nature of any pending FTA negotiations would be the extent to which the region is able to safeguard the defensive interests of local industry against the competition that will be attendant where those industries are subject to liberalisation under prospective free trade agreements. This will be of particular concern with respect to trade negotiations with the US and Canada as these countries have not hitherto demonstrated any inclination to offer the level of exclusions for regional products from liberalisation to the extent provided under CARIFORUM's Economic Partnership Agreement with the European Union.

Moreover, the failure of a CARICOM-US FTA to adequately shield sensitive regional sectors from liberalisation will not only have implications for the competitiveness of those sectors, but such failure will also have implications for those countries that rely heavily on tariff revenue given the significant volume of trade conducted with the country. It is submitted therefore that any FTA negotiations with the US or Canada should of necessity take these considerations into account.

While it is evident that more comprehensive safeguard provisions have been included in recent FTAs negotiated by the US and Canada, particularly in the area of agriculture, than those found in the EPA, this is due to the fact that the agricultural sector has largely been excluded from the EPA liberalisation process, unlike in the case of FTAs negotiated by the US and Canada which have been more ambitious. The concern for CARICOM therefore will be the extent to which it is able to maintain the level of protection offered to its sensitive sectors under the EPA when negotiating agreements with the US and Canada.

It is also noted that with respect to areas such as trade facilitation, the imposition of mandatory requirements in US and Canadian FTAs contrast with the language of the CARIFORUM-EU EPA which is either drafted in 'best endeavour' terms or

is contingent upon receipt of development assistance from the EC. This suggests that the disciplines in this area are expected to be more onerous under Canada and US FTAs than under the EPA. This should be of concern to CARICOM with respect to negotiations with the US in particular, since that country has not appeared to be predisposed to offering the level of development assistance to developing country partners in undertaking such commitments as has been the case under the EPA, or has been evident in Canada's FTA with the Canada-Costa Rica Agreement.

With respect to NGO participation, it must be reiterated that NGO participation in CARICOM negotiations has been inadequate. CARICOM NGOs often lack the human and financial resources required to keep actively engaged in trade negotiations. Experience from other negotiating processes shows that civil society participation must go beyond periodic consultation. Civil society dialogue in trade negotiation must be ongoing and inclusive during the pre- negotiation, post and negotiation phases.

Finally, it must be noted that trade agreements tend to have an impact on a country's industrial development model. For instance, commitments taken in the EPA as well as under the WTO Subsidies and Countervailing Measures Agreement will have an impact for CARICOM countries' ability to respectively use tariffs to protect infant industries and to offer export subsidies to the manufacturing sector (by 2015). Therefore future assessments of the impact of trade agreements must take into account the impact on industrial policy design and architecture as in some instances, the commitments taken do not allow for the granting of certain concessions in support of key sectors. While there are no such disciplines affecting services, commitments taken in that area already reduce the extent to which government could discriminate in favour of local production and it is expected that as these trade rules deepen, they will increasingly encroach on government's ability to offer the traditional support to firms and as such, governments will have to be creative in the nature of incentives offered to stimulate industrial development.

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
|--|--|--|
| <p>TRADE IN GOODS</p> <p>Extension of CARIBCAN waiver</p> | <p>CARICOM will seek an extension of the benefits of CARIBCAN at least until 2011. It is unclear whether Canada will want to negotiate a further extension post 2011. If CARICOM receives all existing preferences in a FTA framework it is uncertain why CARICOM would require a further extension of CARIBCAN.</p> | <p>CARICOM should similarly seek an extension of the total CBI regime (CBERA is schedule to expire at the end of September 2008) at least until the conclusion of negotiations of an FTA between the US and CARICOM. CARICOM should also seek to secure and possibly enhance existing preferences under an FTA.</p> |
| <p>Expansion of CARIBCAN country coverage</p> | <p>CARICOM would want to ensure that Haiti and Suriname are included in the country coverage of CARIBCAN</p> | |
| <p>Reciprocity Vs Asymmetry</p> | <p>Reciprocity is necessary for the FTA to qualify under WTO rules. However, in light of the fact that CARICOM is a collection of Small Vulnerable Economies, CARICOM must ensure that commitments take into account the different levels of development between the Parties of the negotiation and therefore ensure that the proposed FTA provides for acceptable levels of asymmetry where possible. Under the CARIFORUM-EC context there is asymmetry in nature of market access commitments for trade in goods and services, in the safeguard clause, in MFN and in the development dimension. While the Canada-Costa Rica provides for some asymmetry in the nature of commitments, they are not as pronounced as found in the EPA.</p> | <p>The US-DR-CAFTA agreement provides little asymmetry in favour of the developing country partners to that agreement, and is not as flexible as the EPA or Canada - Costa Rica. CARICOM should therefore seek to ensure that any FTA has regard to the differing levels of development among CARICOM member states and therefore provide for asymmetry wherever possible.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
|---|--|--|
| <p>GATT Art XXIV: Substantially all trade</p> | <p>CARICOM will want to ensure that it does not commit any further industrial or agricultural products to tariff elimination. Under the EPA framework CARIFORUM agreed to eliminate duties on 86.9% of EC Trade. CARICOM would want to ensure that the goods that have been excluded under this Treaty are also excluded in future bilateral trade negotiations with developed countries. Canada is expecting that all industrial products will be subject to tariff elimination leaving little room for the exclusion of sensitive agriculture products. CARICOM will want Canada to eliminate all duties that are currently maintained on agricultural and agro-processed goods.</p> | <p>CARICOM would also want to ensure that FTA negotiations with the US do not require a level of tariff elimination that exceeds that under the EPA. This will however be a major challenge as the US-DR-CAFTA agreement seeks to liberalise all industrial products and only excludes a limited number of agricultural commodities.</p> |
| <p>Most Favoured Nation: EPA implications</p> | <p>CARICOM will want to limit MFN obligation to developed countries. As a fall back it may seek a similar clause as in the EPA. Canada however may not seek asymmetry and may request CARICOM to accept an MFN provision that is applicable to any future FTA that offers better concessions.</p> | <p>CARICOM will want to limit MFN obligation to developed countries. As a fall back it may seek a similar clause as in the EPA. The US however may not seek asymmetry and may request CARICOM to accept an MFN provision that is applicable to any future FTA that offers better concessions.</p> |
| <p>National Treatment</p> | <p>CARICOM will accept to apply national treatment provisions as this is already a GATT commitment. It should be noted however that Provinces in Canada are only obliged to offer MFN treatment to any like, directly competitive or substitutable goods. CARICOM should put forward that it is requesting national treatment from within the provinces which often apply discriminatory measure on trade originating from outside Canada.</p> | <p>CARICOM will accept to apply national treatment provisions in accordance with WTO principles.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
|---|---|---|
| <p>Elimination of export duties</p> | <p>CARICOM Agreed to the elimination of export duties under the CARIFORUM-EC framework. The Canada-Costa Rica Agreement however permits the Costa-Rica to maintain export duties on bananas exported from Costa Rica. Therefore CARICOM may have the option not to take this commitment. However it is going to be hard to argue this point since the commitment has already been made under the EPA context. Guyana and Suriname are the only two CARICOM Countries that have committed to remove Export Duties.</p> | <p>As with the Canada-Costa Rica Agreement, The US CAFTA DR Agreement permits the CAFTA Member Countries to exclude commitments on export duties. Therefore CARICOM may have the option not to take this commitment. However it is going to be hard to argue this point since the commitment has already been made under the EPA context.</p> |
| <p>Removal of customs duties on imports originating from CARICOM</p> | <p>CARICOM will request duty free quota free access for all products except those that fall under HS 93 - i.e. weapons and other arms and munitions.</p> | <p>CARICOM will request duty free quota free access for all products except those that fall under HS 93 - i.e. weapons and other arms and munitions.</p> |
| <p>Removal of customs duties on imports originating from Canada & The United States</p> | <p>It is expected that CARICOM will seek to commit the same level of trade to liberalisation as in the EPA. CARICOM must ensure that it does not commit any more lines to tariff elimination. Canada will be seeking full duty free quota free access for its industrial products while allowing for some flexibility with respect to the elimination of customs duties on Agricultural and agro-processed goods.</p> | <p>CARICOM should similarly seek to commit to a level of liberalisation with the US that does not exceed that covered under the EPA. It is expected however that the US will be seeking liberalisation of all industrial products with limited exceptions in the area of agriculture.</p> |
| <p>Exclusion of sensitive agricultural products from liberalisation</p> | <p>A significant percentage of CARIFORUM's exclusion list was assigned to agricultural products. CARICOM will want to ensure that the same range of goods have been excluded to ensure that there is sufficient protection available to safeguard agricultural production in the Region.</p> | <p>It is not expected that the US will be inclined to allow for the level of flexibilities accorded to CARICOM agricultural commodities as was the case under the EPA. CARICOM must nonetheless seek maximum protection for this sector given its vulnerability and sensitivity.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
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| <p>Moratorium on the Elimination of Customs Duties</p> | <p>CARIFORUM have committed to a 3 year standstill on the phased elimination of its customs duties. However with respect to cars and car parts, there is a 10 year moratorium on the removal of duties. CARICOM will not want to commit to the elimination of customs on imports originating from Canada that commences before the moratorium with the EC has concluded.</p> | <p>Under the US-DR-CAFTA Agreement, duties on goods subject to liberalisation over 15 years are to remain at the base rate from yrs 1 - 6 while duties on goods to be phased out over 20 yrs are to maintain the base rate from yrs 1 - 10. For other product categories CARICOM should however seek to ensure that tariff liberalisation does not take place prior to liberalisation under the EPA, as this may trigger the imposition by the EU of the EPA MFN clause.</p> |
| <p>Elimination of other duties and charges</p> | <p>CARIFORUM has agreed to remove all other discriminatory duties and charges in 10 year. There is a standstill for a period of seven and a phased reduction in the remaining three years. CARICOM will want similar treatment in a CARICOM-Canada context.</p> | |
| <p>Transition Periods: overall time frames</p> | <p>CARICOM Agreed to a maximum phase out period of 25 for its most sensitive products. The phase out period range from immediate duty free treatment to 25 years. CARICOM will be seeking similar phase out periods for its sensitive products.</p> | <p>The US-DR-CAFTA agreement provides for a maximum phase out period of 20 yrs. CARICOM should seek to negotiate a phase-out period that is as flexible as that under the EPA.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
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| <p>Establishment of Base Rates</p> | <p>Base rates are the rates from which tariff liberalisation will commence. Under the EPA, base rates were established using an average of the rates applied to a product across CARIFORUM States. In instances where the individual country rate is 100% greater than the average, then the individual country is allowed to commence liberalisation from the applied rate. In instances where the individual country rate is above the average but within the 100% threshold then the country is expected to reduce its rate to the average and commence tariff elimination from that rate. In the context of CARICOM-Canada CARICOM should seek the negotiation of base rates that are no less favourable than those negotiated under the EPA.</p> | <p>Under the US-DR-CAFTA, the base rates and staging categories for liberalisation are included in each country's schedule. CARICOM should seek the negotiation of base rates that are no less favourable than those negotiated under the EPA.</p> |
| <p>Exclusion of Article 164 products</p> | <p>Article 17 of the CARIFORUM-EC EPA allows the OECS and Belize the flexibility to exclude items that are currently allowed a waiver from duty free treatment under the CARICOM context. IN the event that these countries modify their commitments in the CARICOM context and includes additional items to this exclusions list, then the Parties to the EPA may decide to grant these countries this exemption as long as the modification does not result in an incompatibility with EPA or GATT Article XXIV. CARICOM will be seeking similar flexibilities with Canada.</p> | <p>CARICOM should seek similar flexibilities for Revised Treaty Article 164 products in negotiations with the US.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
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| <p>Administrative Cooperation</p> | <p>CARIFORUM Countries agreed to special provisions on administrative cooperation that is designed to ensure the effective control and implementation of preferential treatment. Under these provisions, either Party can suspend preferential treatment for a period if it is deemed that fraud has occurred or there is failure to cooperate if a query has been made by either contracting party. There are no similar specific requirements in the Canada - Costa Rica context. However the penalties within the Canada-Costa Rica rules of origin allow for criminal, civil or administrative penalties for exporters who violate the rules under that chapter. In the EPA context the range of penalties for persons who draw violate the rules of origin are less clear.</p> | <p>The US-DR-CAFTA agreement provides that a Party may request 'confidential information' where there is reasonable suspicion of unlawful activity under that Chapter. In like manner to the Canada - Costa Rica Agreement, provisions for penalties for breach of customs rules have been included. No provision has however been made for the suspension of preferential treatment in this agreement.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
|------------------------|---|---|
| <p>Rules of Origin</p> | <p>CARIFORUM has agreed to rules of origin that allows for the production of raw materials to take place in All ACP States, neighbouring developing countries (Colombia, Venezuela, Mexico, Costa Rica) and the EC. There are also rules for certain products (mostly agriculture) to be wholly produced in CARIFORUM in order to qualify. Finally for most products inputs can be sourced from non-originating countries if there has been substantial transformation to create the final product. Substantial transformation means that the input must not fall under the same tariff heading as the final product. In the Canada-Costa Rica context, there are mandatory regional value content rules that must apply for certain goods. There are also provisions for substantial transformation and wholly produced goods originating from either party. In the context of a CARICOM-Canada Agreement, CARICOM will be seeking more flexible rules than current 60% value content rule. In fact CARICOM will want to negotiate rules of origin that does not require value content since most producers import raw materials from outside the Region. CARICOM would also want to be able to source raw materials produced from neighbouring developing countries</p> | <p>The US-DR-CAFTA agreement provides for product specific rules of origin that includes regional content requirements. CARICOM should resist the inclusion of regional content requirements as these limit the extent to which producers may source inputs outside the jurisdictions of the contracting parties.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
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| <p>Safeguards/Trade defence measures</p> | <p>Safeguards are necessary to ensure that tariff elimination does not result in serious injury to domestic firms. In the case of the EPA, CARIFORUM has access to WTO Safeguard measures while the EC has committed not to include CARIFORUM exports in any WTO safeguard that it chooses to activate. This is a five year commitment that is renegotiable. CARIFORUM can also activate a bilateral safeguard for up to eight years in the event that any injury occurs as a result of an increase in EC imports caused by tariff elimination. The Canada Costa Rica Agreement allows for a maximum safeguard for six years. In this case CARICOM should prefer the 8 years as provided for in the EPA. It should also be noted that there is no asymmetry in the Canada Costa Rica Agreement therefore CARICOM should expect that the safeguard would be applied to both parties. The Canada Costa Rica has slightly more flexible remedies in that it opens the window to apply a rate of duty equivalent to the MFN rate on the day of entry into force of the Agreement. The Canada-Costa Rica Agreement also has remedies for seasonal products while the EPA does not. CARICOM would want to determine whether this facility is acceptable. Finally the EPA denies CARIFORUM the right to activate a safeguard to protect infant industries 10 years after the signature of the EPA. CARICOM should deny Canada this commitment.</p> | <p>The US-DR-CAFTA agreement allows for the imposition of a safeguard for a maximum of four years, including extensions and is therefore less flexible than the EPA and Canada - Costa Rica agreements. CARICOM should seek to negotiate safeguard measures that mirror the flexibility provided under the EPA. However, CARICOM should resist the inclusion of an EPA-type safeguard for infant industries that is limited only to 10 yrs.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
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| Special safeguard mechanism for agriculture | There is no special agriculture safeguard in the EPA. This is because most of the sensitive agriculture products have been excluded from liberalisation. | The US-DR-CAFTA agreements provides for an agriculture safeguard. CARICOM may wish to consider the inclusion of such a safeguard in its negotiations with the US should they resist the level of protection that has been afforded to CARICOM agricultural products under the EPA. |
| Food Security | In the EPA the rules on Food Security allows CARIFORUM States to activate its safeguard clause to protect food security. In a CARICOM-Canada context, CARICOM Member States should request that they be allowed to invoke any measure necessary in the interest of food security. At a minimum CARICOM should seek a similar provision as in the EPA. | In the EPA the rules on Food Security allows CARIFORUM States to activate its safeguard clause to protect food security. In a CARICOM-US context, CARICOM Member States should request that they be allowed to invoke any measure necessary in the interest of food security. At a minimum CARICOM should seek a similar provision as in the EPA. |
| Apparel/Clothing | There is a substantial chapter on textiles and clothing in the Canada-Costa Rica Agreement. It covers the elimination of duties and rules of origin, safeguards and rules of origin. CARICOM will have to determine the extent to which they will want to subject themselves to similar rules in light of the fact that Haiti is a major producer of textiles. The EPA rules of origin allows for the double transformation rule that allows products made from fabric to qualify. In the past clothing had to be made from yarn in order to qualify. CARICOM should at least request that a similar facility be made available under a CARICOM-Canada context. | US-DR-CAFTA contains separate disciplines on textiles and apparel, including rules of origin and textile safeguard measures. CARICOM should consider whether the inclusion of disciplines in this area should be included in its negotiations with the US given Haiti's interest in this area. |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
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| <p>Treatment of Rum</p> | <p>Under the CARIBCAN framework, the CARICOM Rum industry is not allowed to use extra-regional inputs in rum sold to Canada. The Rum must either be wholly produced in CARICOM or use Canadian inputs when sold in bulk to Canada. In the Canada-Costa Rica Agreement there is no such provision. According to the Canada-Costa Rica Agreement, "Neither Party may adopt or maintain any measure requiring that distilled spirits imported from the territory of the other Party for bottling be blended with any distilled spirits of the Party". Notwithstanding these provisions Annex III.8 establishes additional rules affecting the sale and distribution of wine and distilled spirits in Canada that can limit the sale of CAIRCOM Rum in the Canadian Market. CARICOM would want to negotiate the most flexible rules as possible to enable them to sell rum to that market.</p> | <p>It should be noted that under US-DR-CAFTA, both alcohol (HS 2207, 2208) and beer (2203) have been identified as products that have been excepted from preferential tariff treatment</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| | | UNITED STATES |
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| ISSUE | CANADA | |
| Trade Facilitation | <p>The rules on trade facilitation seek to expedite the movement of goods at the points of entry. Both the EPA and the Canada-Costa Rica Agreement provides for substantial rules and both provide for development assistance to ensure that the goals of this chapter are met. For instance they all provide for the introduction of modern customs techniques such as improved risk assessment, simplified procedures for entry and release of goods, advance binding rulings and so on. CARICOM must ensure that the necessary technical assistance is made available to fulfil any commitments made in this area. CARICOM must ensure that the technical cooperation perceived in the Canada-Costa Rica is also made available to CARICOM.</p> | <p>US-DR-CAFTA similarly includes extensive commitments in the area of trade facilitation. It however also provides for capacity building in this area. CARICOM should also seek technical cooperation to assist in the implementation of any commitments in this area.</p> |
| TRADE IN SERVICES | | |
| Negative List Versus Positive List | <p>CARICOM will want to negotiate its services commitments based on a positive list approach not withstanding Canada's approach towards the liberalisation of services under bilateral FTAs.</p> <p>CARICOM should review the Canada-Peru Agreement and identify instances where additional commitments have been taken that go beyond the categories agreed to under the EPA.</p> <p>Visas waivers should also be covered under the negotiations with Canada as they can limit the extent to which CARICOM nationals can benefit from any FTA with Canada. This said, it is unlikely that Canada will include immigration issues under the scope of the Agreement.</p> | <p>CARICOM will want to negotiate its services commitments based on a positive list approach not withstanding US's approach towards the liberalisation of services under bilateral FTAs.</p> <p>Visas waivers should also be covered under the negotiations with Canada as they can limit the extent to which CARICOM nationals can benefit from any FTA with Canada. This said, it is unlikely that Canada will include immigration issues under the scope of the Agreement.</p> |
| Temporary Movement of Business Persons | | |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
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| <p>Mutual Recognition Agreements</p> | <p>The negotiation of these MRAs is important since many of the Region's professionals may not have European accepted qualifications and this will definitely negate the market access provided for in the Agreement. The US-CAFTA-DR and the Canada-Peru agreements also have provisions for the negotiation of MRAs, however the latter set out a negotiating template to assist the Parties to that agreement in the negotiations of such an Agreement. CARICOM Member State should study this template for future MRA negotiations. It is also important to note that CARICOM will require development assistance to ensure that its professional associations actively participate in the negotiation of MRAs as envisaged in the EPA. It is expected that a similar approach will be taken with the US and Canada.</p> | <p>The negotiation of these MRAs is important since many of the Region's professionals may not have European accepted qualifications and this will definitely negate the market access provided for in the Agreement. The US-CAFTA-DR and the Canada-Peru agreements also have provisions for the negotiation of MRAs, however the latter set out a negotiating template to assist the Parties to that agreement in the negotiations of such an Agreement. CARICOM Member State should study this template for future MRA negotiations. It is also important to note that CARICOM will require development assistance to ensure that its professional associations actively participate in the negotiation of MRAs as envisaged in the EPA. It is expected that a similar approach will be taken with the US and Canada.</p> |
| <p>Investment</p> | <p>CARICOM may have no difficulty negotiating a comprehensive investment agreement in light of the fact that it took a negative list approach to investment. However the CARICOM investment Code is yet to be agreed upon and as such this will condition the level of commitments taken at a regional level. A major issue arising from the Canada-Peru Agreement is the fact they use an investor-state dispute settlement mechanism and most CARICOM States do not have the experience or resources to subscribe to this level of commitment. CARICOM should have no problem negotiating promotion and protection principles as they are already covered in existing bilateral investment agreements to which CARICOM member States are Party.</p> | <p>Both the US and Canada use the NAFTA template as the basis for their investment commitments. Therefore CARICOM should carefully review these clauses to ensure that it does not undermine the proposed CARICOM investment Code. In addition CARICOM should not have a problem with commitments on expropriation and compensation since most of the existing bilateral agreements already cover promotion and protection and in light of the fact that the CBI was contingent on commitments on these disciplines.</p> |

CARICOM KEY ISSUES NEGOTIATING TEMPLATE

| ISSUE | CANADA | UNITED STATES |
|---|--|---------------|
| <p>DEVELOPMENT COOPERATION</p> <p>Technical and Financial Assistance: Re Adjustment to Liberalisation</p> | <p>CARICOM must insist on technical assistance as well as resources for capacity building to ensure that CARICOM Firms can effectively trade in a more liberalised environment.</p> <p>In the area of trade in goods and services development assistance is critical in the following areas:</p> <ul style="list-style-type: none"> • To assist Firms to carry out the necessary adjustments to effectively compete in markets, conduct research, diversify product offerings and meet international standards. • The liberalisation of trade in goods will have serious implication for tax revenue. Import duties account for a significant portion of tax revenue (especially in the OECS) and therefore the removal of duties will cause Government to adjust their fiscal regimes to ensure that there is no significant loss of revenue. | |
| <p>Participation</p> | <p>Resources are required to ensure that all NGOs (Private Sector, Labour and other socially oriented groups) can effectively participate in trade negotiations</p> | |

ANNEX A

CARICOM COUNTRY PROFILES

ANTIGUA AND BARBUDA

With a population of 84, 522 persons, Antigua's Gross Domestic Product (GDP) at 2007 stood at US\$1.526 billion dollars. It has a GDP per capita of US\$18, 600 and an estimated real growth rate of 6.1%. Antigua's three main sectors of economic activity are Services which account for 74.7% of GDP followed by Industry which account for 22.2% and Agriculture 3.31% of GDP at the end of 2006.

Antigua's main exports consist of petroleum products, bedding, handicrafts, electronic components, transport equipment, food and live animals. Its main imports however, are food products, animals, machinery and transport equipment, chemicals and oil.

Antigua has a labour force of 30,000 persons. Of this, 82% is employed within the Services sector 11% within Industry and 7% within the Agricultural sector.

BAHAMAS

The Bahamas has a population of 307,451 persons. At the end of 2007 its Gross Domestic Product (GDP) stood at US\$8.332 billion. With a GDP per capita of US\$25, 000 and an estimated growth rate 3.1%, Bahamas' main sectors are services which accounts for 90% of GDP, industry 7% and agriculture which made up 3% of the GDP.

Its main exports include mineral products and salt, animal products, rum, chemicals, fruit and vegetables. While its main imports are machinery and transport equipment, manufactures, chemicals, mineral fuels, food and live animals.

Its labour force currently stands at 81,900, 90% of which is employed within the Tourism and Others Services sectors and 5% in the Agricultural and Industrial sectors respectively.

BARBADOS

The population of Barbados is approximately 281,968 persons. Barbados' Gross Domestic Product (GDP) at the end of 2007 stood at US\$5.317 billion, with an estimated GDP per capita of US\$19, 300 and a GDP real growth rate of 4.2%. The Services sector accounts for 78% of Barbados' GDP followed by Industry and Agriculture which accounted for 16% and 6% of GDP respectively.

Barbados' main export include sugar and molasses, rum, other foods and beverages, chemicals and electrical components. Its main imports are consumer goods, machinery, foodstuffs, construction materials, chemicals, fuel, and electrical components.

Barbados boasts a labour force of 128, 500 persons, of this, 75% are employed within the Services sector, 15% within the Industrial sector and 10% within the Agricultural sector.

BELIZE

Belize currently has a population of 301,270 persons. With a growth rate of 2.2% in 2007, the Gross Domestic Product (GDP) of this country currently stands at US\$2.444billion. Of this amount, Services makes up approximately 65% of GDP meanwhile Industry and Agriculture accounts for 13.7% and 21.3% of Belize's GDP respectively.

Belize's main exports are sugar, bananas, citrus, clothing, fish products, molasses and wood. Its main imports are machinery and transport equipment, manufactured goods, fuels, chemicals, pharmaceuticals, food, beverages and tobacco.

Labour force is currently stands at 113,000 persons. The Services sector employs 62.3% of the labour force, followed by the Agricultural and Industrial sector which employs 22.5% and 15.2% of the labour force respectively.

DOMINICA

Dominica currently has a population of 72,514 persons. This country has a Gross Domestic Product (GDP) per capita of US \$9000 and a real growth rate of approximately 0.9%. Dominica's GDP at 2007 was US \$311 million. Of this, Services accounted for 49.5%, Industry 32.8% and Agriculture 19.9% of the Dominica's GDP.

Dominica's main exports include bananas, soap, bay oil, vegetables, grapefruit, and oranges. While it's main imports include manufactured goods, machinery and equipment, food products and chemicals.

Of the 72, 514 people living on the island, approximately 25, 000 are estimated to be a part of the working population. Of this number, 40 % is employed in the Agricultural sector; another 32% in the Industrial sector and the remaining 28% in the Services sector.

GRENADA

With a population of 90,343 in July 2008, this country's Gross Domestic Product (GDP) at 2007 stood at US\$1.108 billion dollars. With a GDP per capita income of US\$10,500 and an estimated real growth rate of 3.1%, the Services sector accounted for 76.6% of the GDP followed by the Industrial and Agricultural sector which contributed to 18% and 5.4% of Grenada's GDP respectively.

Grenada's main exports include, bananas, cocoa, nutmeg, fruit and vegetables, clothing and mace. It main imports include food products, manufactured goods, machinery, chemicals and fuel.

The country currently has a labour force of approximately 42, 300 persons. Of this, the services industry accounts for 62% of those who are gainfully employed, with agriculture 24% and industry 14% accounting for the other main sources of employment within the country.

GUYANA

Guyana has a population of 770,794. This country's Gross Domestic Product (GDP) at 2007 stood at \$2.92 billion dollars, with a per capita income of \$3,800 and an estimated real growth rate of 5.4%. Guyana's three main sectors of economic activity are; Services which contributes to 47.1% of GDP followed by Agriculture at 31.1% and Industry at 21.7% at the end of 2007.

Guyana's main export commodities are sugar, gold, bauxite, alumina, rice, shrimp, molasses, rum and timber. Its imports consist of machinery, petroleum and food.

Guyana currently has a labour force of 418,000 persons.

HAITI

Boasting a population of 8,924,553, this country's Gross Domestic Product (GDP) at 2007 stood at US\$11.14 billion dollars. With a GDP per capita of US\$1,300 and an estimated real growth rate of 3.2%, Haiti's three main sectors of economic activity are; Services which contributes to 52% of GDP followed by Agriculture account for 28% and Industry 20% of Haiti's GDP.

Haiti's main exports include, apparel, oils, cocoa, mangoes and coffee. Its imports include food, manufactured goods, machinery and transport equipment, fuels and raw materials

Haiti has a labour force of approximately 3.6 million persons. Haiti's agricultural sector employs 66% of the labour force, while its services sector employs 25%, followed by Industry which employs only 9% of the labour force.

JAMAICA

With a population of 2,804,332 in July 2008, this country's Gross Domestic Product (GDP) at 2007 stood at US\$20.67 billion dollars, with a GDP per capita of \$7,700 and an estimated real growth rate of 1.4%. Jamaica's three main sectors of economic activity are Services which contribute to 62.2% of GDP followed by Industry at 32.7% and Agriculture at 5.1%.

Jamaica's main exports are alumina, bauxite, sugar, bananas, rum, coffee, yams, beverages, chemicals, wearing apparel, and mineral fuels. Its main imports include food products and other consumer goods, industrial supplies, fuel, parts and accessories of capital goods, machinery and transport equipment, and construction materials.

Its labour force stands at 1.255 million persons. The services sector employs 64% of the labour force, followed by Industry which employs 19% and Agriculture which employs 17% of the labour force.

MONTserrat

Due to the continuation of volcanic activity Montserrat's population stands at approximately 5,079 at the end of 2008. This country's Gross Domestic Product (GDP) at 2002 stood at US\$29 million dollars, with a GDP per capita of \$3,400 and an estimated real growth rate of -1%. The Services sector in Montserrat accounts for 75.7% GDP followed by Industry 23.1% and Agriculture 1.2% of GDP respectively.

Montserrat's main exports include electronic components, plastic bags, apparel, hot peppers, limes, live plants and cattle. Its main imports are machinery and transportation equipment, foodstuffs, manufactured goods, fuels, lubricant.

Montserrat currently has a labour force of approximately 4,521 persons.

N.B. Severe volcanic activity, in July of 1995 and again in June of 1997 has put a damper on the Montserrat's economy. Two-thirds of the 12,000 inhabitants fled the island. Some however, began to return in 1998. Prospects for the economy depend largely on developments in relation to the volcanic activity. Half of the island is expected to remain uninhabitable for another decade.

ST. LUCIA

St. Lucia's Gross Domestic Product (GDP) stood at US\$1.794 billion dollars a real growth percentage of 3.2% and a GDP per capita of US\$10,700. The Services sector accounted for 80% of St. Lucia's GDP, while Industry and Agriculture contributed to 15% and 5% of GDP respectively.

St. Lucia main exports include bananas, clothing, cocoa, vegetables, fruits and coconut oil. Its imports consist of food products, manufactured goods machinery and transportation equipment, chemicals and fuels.

St. Lucia currently has a population of approximately 159,585 inhabitants according to 2007 estimates. Of this number, 43,800 are currently part of the labour force. The main components of the labour force by sectors shows that the Services sector accounts for 53.6% of the labour force, whilst Industry and Agriculture follow with 24.7% and 21.7% respectively.

ST. KITTS AND NEVIS

St. Kitts and Nevis Gross Domestic Product (GDP) stood at US\$721 million in 2007 and experienced GDP real growth rate of 3.3%. Its GDP per capita was US\$13,900 in the same year. Of this, the services sector accounted for 70.7% of GDP, followed by industry which accounted for 25.8% and agriculture for 3.5% of GDP.

This country's main exports include machinery, food, electronics, beverages and tobacco. Its imports are machinery, manufactures, food and fuels.

St. Kitts and Nevis has a population of approximately 39,817 inhabitants. The number of people in the labour force is 18,170. The breakdown of the labour over the different sectors shows that the Services sector employs

ST. VINCENT AND THE GRENADINES

St. Vincent and the Grenadines' Gross Domestic Product (GDP) of which Services accounts for 64%, Industry 26% and Agriculture 10% currently stands US \$1.04 billion. With an estimated real growth rate of 6.6% in 2007, this country's GDP per capita approximately US\$9,800 in 2007.

The country's main exports include bananas, eddoes and dasheen, arrowroot starch and tennis racquets. Its main imports consist of food products, machinery and equipment, chemicals and fertilizers, minerals and fuels.

Of the over 118,432 people living on the island, approximately 41,680 are estimated to be a part of the working population. Of this number, 57% is employed in the Services sector; another 26% in the Agricultural sector and the remaining 17% are employed within the Industrial sector

SURINAME

Suriname's currently has a population of 475,996 people. With a growth rate of 5.5% and a GDP per capita of US\$7,800 in 2007 the Gross Domestic Product (GDP) of this country currently stands at US\$4.073 billion. Of this amount, Services makes up approximately 65% of GDP meanwhile Industry and Agriculture account for 25% and 10.8% of Suriname's GDP.

Suriname's main exports are alumina, gold, crude oil, lumber, shrimp and fish, rice and bananas. Its imports are capital equipment, petroleum, foodstuffs, cotton and consumer goods.

The country currently has a labour force which makes up approximately of 156,000 persons. Of the labour force by sector, the services industry accounts for 78% of those who are gainfully employed, with industry 14% and agriculture 8% accounting for the other main sources of employment within the country.

TRINIDAD AND TOBAGO

With an estimated population of approximately 1,047,366, the twin island republic of Trinidad and Tobago is the major oil and gas supplier among CARICOM. With a Gross Domestic Product (GDP) growth rate of 5.5% in 2007, the current GDP of the country currently stands at US\$23.79billion in 2007. Of that figure, Industry makes up approximately 62% of the GDP with the Services accounting for 37.5% and Agriculture 0.6%.

In addition to oil and gas, Trinidad's main exports are petroleum and petroleum products, liquefied natural gas (LNG), methanol, ammonia, urea, steel products, beverages, cereal and cereal products, sugar, cocoa, coffee, citrus fruit, vegetables and flowers. Its main imports are mineral fuels, lubricants, machinery, transportation equipment, manufactured goods, food, live animals and grain.

The country boasts a labour force of over 615,000. Of this labour force, 65% is employed in the Services sector with construction comprising of 17%, Manufacturing, Mining and Quarrying 13% and Agriculture accounting for the 4% of the contribution of the major sectors in which the labour force is concentrated.

ANNEX B

Top 25 Merchandise Imports from CARIBCAN Beneficiaries which entered Canada Under CARIBCAN Duty-Free Tariff Treatment (CCCT) in 2006 (in Canadian Dollars)

| HS Tariff | Description | Imports under CARIBCAN Treatment (CCCT) |
|-----------|---|---|
| 29051100 | Methanol (methyl alcohol) | 73,285,963 |
| 72031000 | Ferrous products obtained by direct reduction of iron ore | 14,531,170 |
| 22084010 | Rum | 9,506,141 |
| 03061100 | Rock lobster and other sea crawfish (<i>Palinurus spp.</i> , <i>Panulirus spp.</i> , <i>Jasus spp.</i>) | 5,286,765 |
| 20089930 | Akalas, akees, anchovy pears, apple-pears, avocados, bananas, banana chips (thin banana slices fried or otherwise prepared whether or not salted, sweetened or otherwise flavoured), bread fruit, carambolas, chayotes, cherimoyas (Jamaica apples).... | 1,298,403 |
| 22021000 | Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured | 1,079,157 |
| 73269090 | Other [Other articles of iron or steel] | 928,735 |
| 21039020 | Mixed condiments and mixed seasonings | 768,485 |
| 85369091 | Other: Junction boxes; Receptacle boxes of metal | 734,232 |
| 07149090 | Other [Arrowroot, salep, Jerusalem artichokes and similar roots and tubers with high starch or inulin content, fresh, chilled or dried, whether or not sliced or in the form of pellets; sago pith] | 558,645 |
| 20059090 | Other [Other vegetables and mixtures of vegetables] | 557,873 |
| 21039090 | Other [Sauces and preparations] | 428,020 |
| 19059049 | Other biscuits [Containing less than 25% by weight of wheat] | 391,137 |
| 83061090 | Other [Bells, gongs and the like other than church bells] | 386,112 |
| 20089990 | Other [Berries, berry pulp, other fruit and pulps] | 379,500 |
| 07142000 | Sweet potatoes | 316,774 |
| 22089099 | Other [spirituous beverages] | 313,415 |
| 22071010 | Undenatured ethyl alcohol >= 80% vol for use in the manufacture of spirituous or alcoholic beverages | 267,577 |
| 19053122 | Sweet biscuits containing 25% or more by weight of wheat, in packages of a weight not exceeding 1.36 kg each, over access commitment | 236,294 |
| 19053192 | Other: Wafers and frozen waffles containing 25% or more by weight of wheat, in packages of a weight not exceeding 454 g each, and sweet biscuits containing 25% or more by weight of wheat, in packages of a weight not exceeding 1.36 kg each, over access.... | 187,341 |
| 17049090 | Other [Sugar confectionery (including white chocolate), not containing cocoa, not including chewing gum, whether or not sugar-coated] | 181,571 |
| 19059020 | Bread, leavened with yeast; Unleavened bread for sacramental purposes and communion wafers | 162,183 |
| 08129010 | Akalas, akees, anchovy pears, apple-pears, avocados, bananas, bread fruit, carambolas, chayotes, cherimoyas (Jamaica apples).... | 160,444 |
| 09105000 | Curry | 156,089 |
| 09109990 | Other [Spices] | 148,760 |

ANNEX C

| CARICOM MEMBER STATES SECTOR % CONTRIBUTION TO GDP (Current Prices) | | | | | | | |
|---|-------|-------|-------|-------|-------|-------|-------|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
| Antigua and Barbuda | | | | | | | |
| Manufacturing | 2.26 | 2.26 | 2.3 | 2.32 | 2.14 | 2.07 | 1.86 |
| Agriculture | 3.93 | 3.8 | 3.79 | 3.77 | 3.69 | 3.61 | 3.31 |
| Services | 72.05 | 70.08 | 70.6 | 61.44 | 72.4 | 73.24 | 74.71 |
| Bahamas | | | | | | | |
| Manufacturing | 5.2% | 3.8% | 4.1% | 3.8% | 4.6% | 4.4% | 4.4% |
| Agriculture | 0.6% | 0.7% | 0.6% | 0.6% | 0.4% | 0.4% | 0.4% |
| Services | 65.3 | 68.9 | 67.9 | 67.5 | 67.5 | 68.9 | 68.6 |
| Barbados* | | | | | | | |
| Manufacturing | 5.25 | 5.02 | 5.31 | 5.43 | 4.61 | 5.48 | 5.55 |
| Agriculture | 3.54 | 3.82 | 3.09 | 3.59 | 2.93 | 2.95 | 2.69 |
| Services (excluding gov't services) | 55.77 | 55.65 | 54.12 | 53.68 | 55.93 | 57.27 | 57.64 |
| Belize | | | | | | | |
| Manufacturing | 9.6 | 9 | 8.5 | 8.2 | n/a | n/a | n/a |
| Agriculture | 11.1 | 9.6 | 9.3 | 9.2 | n/a | n/a | n/a |
| Services | 51.55 | 53.2 | 53.8 | 52.8 | n/a | n/a | n/a |
| Dominica | | | | | | | |
| Manufacturing | 8.76 | 7.43 | 7.74 | 8 | 8.31 | 8.09 | 7.83 |
| Agriculture | 18.1 | 17.51 | 17.74 | 18.28 | 18.72 | 17.97 | 17.64 |
| Services | 54.44 | 54.41 | 51.44 | 51.11 | 52.24 | 53.41 | 62.8 |
| Grenada | | | | | | | |
| Manufacturing | 6.51 | 6.36 | 5.71 | 5.06 | 5.25 | 5.47 | 5.85 |
| Agriculture | 7.61 | 9.46 | 8.87 | 7.77 | 4.72 | 6.04 | 8.55 |
| Services | 60.89 | 58.49 | 60.25 | 59.7 | 64.79 | 65.95 | 79.25 |
| Guyana | | | | | | | |
| Manufacturing | 2.64 | 2.7 | 2.86 | 2.69 | 2.63 | 3.07 | 3.03 |
| Agriculture | 30 | 29.94 | 30.88 | 32.11 | 31.55 | 28.95 | 29.31 |
| Services | 22.21 | 23.02 | 23.06 | 23.87 | 23.96 | 27.5 | 28.52 |
| Haiti | | | | | | | |
| Manufacturing | 8.14 | 7.7 | 8.29 | 7.79 | 7.76 | 7.78 | 7.65 |
| Agriculture | 28.6 | 27.61 | 27.57 | 25.28 | 27.48 | 25.3 | 25.28 |
| Services | 47.43 | 48.17 | 48.29 | 48.21 | 48.09 | 44.85 | 44.3 |
| Jamaica | | | | | | | |
| Manufacturing | 14.2 | 14.1 | 13.9 | 13.4 | 13.7 | 13.3 | 12.7 |
| Agriculture | 6.4 | 6.7 | 6.1 | 6.3 | 5.7 | 5.2 | 5.7 |
| Services | 57.6 | 57.9 | 58.7 | 58.8 | 59.1 | 59.7 | 59.3 |
| Montserrat | | | | | | | |
| Manufacturing | 0.75 | 0.71 | 0.69 | 0.66 | 0.91 | 0.76 | 0.91 |
| Agriculture | 1.19 | 1.49 | 1.51 | 1.18 | 1.04 | 1.15 | 1.18 |
| Services | 51.96 | 56.82 | 55.72 | 55.9 | 56.15 | 49.63 | 67 |

| CARICOM MEMBER STATES SECTOR % CONTRIBUTION TO GDP (Current Prices) | | | | | | | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
| St. Kitts & Nevis | | | | | | | |
| Manufacturing | 10.4 | 10.4 | 9.27 | 10.44 | 9.96 | 9.68 | 9.08 |
| Agriculture | 2.74 | 3.14 | 3.36 | 3.08 | 3.09 | 3.08 | 2.61 |
| Services | 67.02 | 67.25 | 67.05 | 67.29 | 69.32 | 71.22 | 74.54 |
| St. Lucia | | | | | | | |
| Manufacturing | 4.87 | 4.61 | 4.67 | 5.03 | 5.23 | 5.93 | 6.21 |
| Agriculture | 7.07 | 6.22 | 5.92 | 5.1 | 5.15 | 3.93 | 4 |
| Services | 70.28 | 70.53 | 71.23 | 72.47 | 72.38 | 73.76 | 63.14 |
| St. Vincent and Grenadines | | | | | | | |
| Manufacturing | 6.04 | 6.82 | 6.67 | 5.82 | 5.85 | 6.02 | 5.76 |
| Agriculture | 10.82 | 9.62 | 9.85 | 8.75 | 8.18 | 8.23 | 7.7 |
| Services | 62.55 | 61.76 | 61.6 | 63.93 | 67.82 | 66.78 | 68.31 |
| Trinidad and Tobago | | | | | | | |
| Manufacturing | 7.06 | 7.41 | 8 | 6.9 | 6.6 | 6.2 | 5.3 |
| Agriculture | 1.36 | 1.29 | 1.4 | 0.9 | 0.8 | 0.5 | 0.4 |
| Services | 51.4 | 52.73 | 49.5 | 42.1 | 40.7 | 38.3 | 36.9 |

Sources: Central Bank of Barbados Annual Statistical Digest 2007; Central Bank of Bahamas; Statistical Department; Central Bank of Haiti; Statistical Department

ANNEX D

Categories of Business Persons Eligible for Temporary Entry Under the Canada-Peru FTA

| PROFESSIONALS | TECHNICANS |
|--|---|
| Managers in Health/Education, and Social Services occupations and related occupations including: | Civil engineering technologists and Technicians |
| Managers in Health/Education, and Social Services & Community Services | Electrical and Electronics Engineering Technologists and Technicians |
| Physicians/Dentists/Optometrists/Chiropractors/Other Health Professions | Mechanical Engineering and Technologists and Technicians |
| Pharmacists, Dietitians & Nutritionists | Industrial Engineering and Manufacturing Technologists and Technicians |
| Therapy & Assessment Professionals | Construction Inspectors and Estimators |
| Nurse Supervisors & Registered Nurses | Engineering Inspectors, Testers and Regulatory Officers |
| Psychologists/Social Workers | Supervisors in the following: Machinists and Related Occupations; Printing and Related Occupations; Mining and Quarrying; Oil and Gas Drilling and Services; Mineral and Metal Processing; Petroleum, Gas and Chemical Processing and Utilities; Food, Beverage and Tobacco Processing; Plastic and Rubber Products Manufacturing; Forest Products Processing; and Textile Processing |
| University Professors & Assistants | Contractors and Supervisors in the following: Electrical Trades and Telecommunications Occupations; Pipefitting Trades; Metal Forming, Shaping and Erecting Trades; Carpentry Trades; Mechanic Trades; Heavy Construction Equipment Crews; and other Construction Trades, Installers, Repairers and Servicers |
| College & Other Vocational Instructors | Electricians |
| Secondary/Elementary School Teachers & Counsellors | Plumbers |
| All Professional occupations related to cultural industries as defined in Article 2207 (Exceptions - Definitions) including: | Industrial Instrument Technicians and Mechanics |
| <ul style="list-style-type: none"> Managers in Libraries, Archives, Museums and Art Galleries | Aircraft Instrument, Electrical and Avionics Mechanics, Technicians and Inspectors |
| <ul style="list-style-type: none"> Managers in publishing, motion pictures, broadcasting and performing arts | Underground Production and Development Miners |
| <ul style="list-style-type: none"> Creative & Performing Arts | Oil and Gas Well Drillers, Services and Testers |
| <ul style="list-style-type: none"> Recreation, Sports and Fitness program and Service Directors | Graphic Designers and Illustrators |
| Managers in Telecommunication Carriers | Interior Designers |
| Managers in Postal and Courier Services | Chefs |
| Managers in Manufacturing | Computer and Information System Technicians |
| Managers in Utilities | International Selling and Purchasing Agents |
| Managers in Construction and Transportation | |
| Judges, Lawyers and Notaries except foreign legal consultants | |

**ANNEX E
EPA EXCLUSION LIST**

| HS6 | Description |
|-----|-------------|
|-----|-------------|

| | |
|---------|---|
| | |
| 0105.11 | Live Fowls Of The Species Gallus Domesticus, Weighing <= 185 G (Excl. Turkeys And Guinea Fowls) |
| 0105.12 | Live Domestic Turkeys, Weighing <= 185 G |
| 0105.19 | Live Domestic Ducks, Geese And Guinea Fowls, Weighing <= 185 G |
| 0105.92 | Live Fowls Of The Species Gallus Domesticus, Weighing > 185 G But <= 2 Kg |
| 0105.93 | Live Fowls Of The Species Gallus Domesticus, Weighing > 2 Kg |
| 0105.99 | Live Domestic Ducks, Geese, Turkeys And Guinea Fowls, Weighing > 185 G |
| 0201.10 | Carcases Or Half-Carcases Of Bovine Animals, Fresh Or Chilled |
| 0201.20 | Fresh Or Chilled Bovine Cuts, With Bone In (Excl. Carcases And 1/2 Carcases) |
| 0201.30 | Fresh Or Chilled Bovine Meat, Boneless |
| 0202.10 | Frozen Bovine Carcases And Halfcarcases |
| 0202.20 | Frozen Bovine Cuts, With Bone In (Excl. Carcases And Halfcarcases) |
| 0202.30 | Frozen, Boneless Meat Of Bovine Animals |
| 0203.11 | Fresh Or Chilled Carcases And Half-Carcases Of Swine |
| 0203.12 | Fresh Or Chilled Hams, Shoulders And Cuts Thereof Of Swine, With Bone In |
| 0203.19 | Fresh Or Chilled Meat Of Swine (Excl. Carcases And Half-Carcases, And Hams, Shoulders And Cuts Thereof, With Bone In) |
| 0203.21 | Frozen Carcases And Half-Carcases Of Swine |
| 0203.22 | Frozen Hams, Shoulders And Cuts Thereof Of Swine, Boneless |
| 0203.29 | Frozen Meat Of Swine (Excl. Carcases And Half-Carcases, And Hams, Shoulders And Cuts Thereof, Boneless) |
| 0204.10 | Fresh Or Chilled Lamb Carcases And Half-Carcases |
| 0204.21 | Fresh Or Chilled Sheep Carcases And Half-Carcases (Excl. Lambs) |
| 0204.22 | Fresh Or Chilled Cuts Of Sheep, With Bone In (Excl. Carcases And Half-Carcases) |
| 0204.23 | Fresh Or Chilled Boneless Cuts Of Sheep |
| 0204.30 | Frozen Lamb Carcases And Half-Carcases |
| 0204.41 | Frozen Sheep Carcases And Half-Carcases (Excl. Lambs) |
| 0204.42 | Frozen Cuts Of Sheep, With Bone In (Excl. Carcases And Half-Carcases) |
| 0204.43 | Frozen Boneless Cuts Of Sheep |
| 0204.50 | Fresh, Chilled Or Frozen Meat Of Goats |
| 0206.10 | Fresh Or Chilled Edible Offal Of Bovine Animals |
| 0206.30 | Fresh Or Chilled Edible Offal Of Swine |
| 0206.41 | Frozen Edible Livers Of Swine |
| 0207.11 | Fresh Or Chilled Fowls Of The Species Gallus Domesticus, Not Cut In Pieces |
| 0207.12 | Frozen Fowls Of The Species Gallus Domesticus, Not Cut In Pieces |
| 0207.13 | Fresh Or Chilled Cuts And Edible Offal Of Fowls Of The Species Gallus Domesticus |
| 0207.14 | Frozen Cuts And Edible Offal Of Fowls Of The Species Gallus Domesticus |
| 0207.24 | Fresh Or Chilled Turkeys Of The Species Domesticus, Not Cut In Pieces |
| 0207.25 | Frozen Turkeys Of The Species Domesticus, Not Cut Into Pieces |
| 0207.26 | Fresh Or Chilled Cuts And Edible Offal Of Turkeys Of The Species Domesticus |
| 0207.27 | Frozen Cuts And Edible Offal Of Turkeys Of The Species Domesticus |
| 0207.32 | Fresh Or Chilled Ducks, Geese And Guinea Fowls Of The Species Domesticus, Not Cut Into Pieces |
| 0207.33 | Frozen Ducks, Geese And Guinea Fowls Of The Species Domesticus, Not Cut Into Pieces |
| 0207.34 | Fresh Or Chilled Edible Fatty Livers Of Ducks Or Geese Of The Species Domesticus |
| 0207.35 | Fresh Or Chilled Cuts And Edible Offal Of Ducks, Geese Or Guinea Fowls Of The Species Domesticus (Excl. Fatty Livers) |
| 0207.36 | Frozen Cuts And Edible Offal Of Ducks, Geese Or Guinea Fowls Of The Species Domesticus |
| 0209.00 | Pig Fat, Free Of Lean Meat, And Poultry Fat, Not Rendered Or Otherwise Extracted, Fresh, Chilled, Frozen, Salted, In Brine, Dried Or Smoked |
| 0210.11 | Hams, Shoulders And Cuts Thereof Of Swine, Salted, In Brine, Dried Or Smoked, With Bone In |
| 0210.12 | Bellies 'Streaky' And Cuts Thereof Of Swine, Salted, In Brine, Dried Or Smoked |

| | |
|---------|---|
| 0210.19 | Meat Of Swine, Salted, In Brine, Dried Or Smoked (Excl. Hams, Shoulders And Cuts Thereof, With Bone In, And Bellies And Cuts Thereof) |
| 0210.20 | Meat Of Bovine Animals, Salted, In Brine, Dried Or Smoked |
| 0210.91 | Meat And Edible Offal, Salted, In Brine, Dried Or Smoked, And Edible Flours And Meals Of Meat Or Meat Offal, Of Primates |
| 0210.92 | Meat And Edible Offal, Salted, In Brine, Dried Or Smoked, And Edible Flours And Meals Of Meat Or Meat Offal, Of Whales, Dolphins And Purpoises 'Mammals Of The Order Cetacea' And Manatees And Dugongs 'Mammals Of The Order Sirenia' |
| 0210.93 | Meat And Edible Offal, Salted, In Brine, Dried Or Smoked, And Edible Flours And Meals Of Meat Or Meat Offal, Of Reptiles 'E.G. Snakes, Turtles, Alligators' |
| 0210.99 | Meat And Edible Offal, Salted, In Brine, Dried Or Smoked, And Edible Flours And Meals Of Meat Or Meat Offal (Excl. Meat Of Bovine Animals And Swine And Meat And Edible Offal Of Primates, Whales, Dolphins And Purpoises 'Mammals Of The Order Cetacea', Manat |
| 0302.11 | Fresh Or Chilled Trout 'Salmo Trutta, Oncorhynchus Mykiss, Oncorhynchus Clarki, Oncorhynchus Aguabonita, Oncorhynchus Gilae, Oncorhynchus Apache And Oncorhynchus Chrysogaster' |
| 0302.12 | Fresh Or Chilled Pacific Salmon 'Oncorhynchus Nerka, Oncorhynchus Gorboscha, Oncorhynchus Keta, Oncorhynchus Tschawytscha, Oncorhynchus Kisutch, Oncorhynchus Masou And Oncorhynchus Rhodurus', Atlantic Salmon 'Salmo Salar' And Danube Salmon 'Hucho Hucho' |
| 0302.19 | Fresh Or Chilled Salmonidae (Excl. Trout 'Salmo Trutta, Oncorhynchus Mykiss, Oncorhynchus Clarki, Oncorhynchus Aguabonita, Oncorhynchus Gilae, Oncorhynchus Apache And Oncorhynchus Chrysogaster', Pacific Salmon 'Oncorhynchus Nerka, Oncorhynchus Gorboscha, |
| 0302.21 | Fresh Or Chilled Lesser Or Greenland Halibut 'Reinhardtius Hippoglossoides, Atlantic Halibut 'Hippoglossus Hippoglossus' And Pacific Halibut 'Hippoglossus Stenolepsis' |
| 0302.22 | Fresh Or Chilled Plaice 'Pleuronectes Platessa' |
| 0302.23 | Fresh Or Chilled Sole 'Solea Spp.' |
| 0302.29 | Fresh Or Chilled Flat Fish 'Pleuronectidae, Bothidae, Cynoglossidae, Soleidae, Scopthalmidae And Catharidae' (Excl. Halibut 'Reinhardtius Hippoglossoides, Hippoglossus Hippoglossus And Hippoglossus Stenolepsis', Plaice 'Pleuronectes Platessa' And Sole 'S |
| 0302.31 | Fresh Or Chilled Albacore Or Longfinned Tunas 'Thunnus Alalunga' |
| 0302.32 | Fresh Or Chilled Yellowfin Tunas 'Thunnus Albacares' |
| 0302.33 | Fresh Or Chilled Skipjack Or Stripe-Bellied Bonito |
| 0302.34 | Fresh Or Chilled Bigeye Tunas 'Thunnus Obesus' |
| 0302.35 | Fresh Or Chilled Bluefin Tunas 'Thunnus Thynnus' |
| 0302.36 | Fresh Or Chilled Southern Bluefin Tunas 'Thunnus Maccoyii' |
| 0302.39 | Fresh Or Chilled Tunas Of The Genus 'Thunnus' (Excl. Thunnus Alalunga, Thunnus Albacares, Thunnus Obesus, Thunnus Thynnus And Thunnus Maccoyii) |
| 0302.40 | Fresh Or Chilled Herrings 'Clupea Harengus, Clupea Pallasii' |
| 0302.50 | Fresh Or Chilled Cod 'Gadus Morhua, Gadus Ogac, Gadus Macrocephalus' |
| 0302.61 | Fresh Or Chilled Sardines 'Sardina Pilchardus, Sardinops Spp.', Sardinella 'Sardinella Spp.', Brisling Or Sprats 'Sprattus Sprattus' |
| 0302.62 | Fresh Or Chilled Haddock 'Melanogrammus Aeglefinus' |
| 0302.63 | Fresh Or Chilled Coalfish 'Pollachius Virens' |
| 0302.64 | Fresh Or Chilled Mackerel 'Scomber Scombrus, Scomber Australasicus, Scomber Japonicus' |
| 0302.65 | Fresh Or Chilled Dogfish And Other Sharks |
| 0302.66 | Fresh Or Chilled Eels 'Anguilla Spp.' |
| 0302.69 | Fresh Or Chilled Freshwater And Saltwater Fish (Excl. Salmonidae, Flat Fish, Tunas, Skipjack Or Stripe-Bellied Bonito, Herrings, Cod, Sardines, Sardinella, Brisling Or Sprats, Haddock, Coalfish, Mackerel, Sharks And Eels) |
| 0302.70 | Fresh Or Chilled Fish Livers And Roes |
| 0303.11 | Frozen Sockeye Salmon [Red Salmon] 'Oncorhynchus Nerka' |
| 0303.19 | Frozen Pacific Salmon 'Oncorhynchus Gorboscha, Oncorhynchus Keta, Oncorhynchus Tschawytscha, Oncorhynchus Kisutch, Oncorhynchus Masou And Oncorhynchus Rhodurus' (Excl. Sockeye Salmon [Red Salmon] 'Oncorhynchus Nerka') |

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| 0303.21 | Frozen Trout 'Salmo Trutta, Oncorhynchus Mykiss, Oncorhynchus Clarki, Oncorhynchus Aguabonita, Oncorhynchus Gilae, Oncorhynchus Apache And Oncorhynchus Chrysogaster' |
| 0303.22 | Frozen Atlantic Salmon 'Salmo Salar' And Danube Salmon 'Hucho Hucho' |
| 0303.29 | Frozen Salmonidae (Excl. Pacific Salmon, Atlantic Salmon, Danube Salmon And Trout) |
| 0303.31 | Frozen Lesser Or Greenland Halibut 'Reinhardtius Hippoglossoides', Atlantic Halibut 'Hippoglossus Hippoglossus' And Pacific Halibut 'Hippoglossus Stenolepis' |
| 0303.32 | Frozen Plaice 'Pleuronectes Platessa' |
| 0303.33 | Frozen Sole 'Solea Spp.' |
| 0303.39 | Frozen Flat Fish 'Pleuronectidae, Bothidae, Cynoglossidae, Soleidae, Scophthalmidae Und Citharidae' (Excl. Halibut, Plaice And Sole) |
| 0303.41 | Frozen Albacore Or Longfinned Tunas 'Thunnus Alalunga' |
| 0303.42 | Frozen Yellowfin Tunas 'Thunnus Albacares' |
| 0303.43 | Frozen Skipjack Or Stripe-Bellied Bonito 'Euthynnus -Katsuwonus- Pelamis' |
| 0303.44 | Frozen Bigeye Tunas 'Thunnus Obesus' |
| 0303.45 | Frozen Bluefin Tunas 'Thunnus Thynnus' |
| 0303.46 | Frozen Southern Bluefin Tunas 'Thunnus Maccoyii' |
| 0303.49 | Frozen Tunas Of The Genus 'Thunnus' (Excl. Thunnus Alalunga, Thunnus Albacares, Thunnus Obesus, Thunnus Thynnus And Thunnus Maccoyii) |
| 0303.50 | Frozen Herrings 'Clupea Harengus, Clupea Pallasii' |
| 0303.71 | Frozen Sardines 'Sardina Pilchardus, Sardinops Spp.', Sardinella 'Sardinella Spp.' And Brisling Or Sprats 'Sprattus Sprattus' |
| 0303.72 | Frozen Haddock 'Melanogrammus Aeglefinus' |
| 0303.76 | Frozen Eels 'Anguilla Spp.' |
| 0303.78 | Frozen Hake 'Merluccius Spp., Urophycis Spp.' |
| 0303.79 | Frozen Freshwater And Saltwater Fish (Excl. Salmonidae, Flat Fish, Tunas, Skipjack Or Stripe-Bellied Bonito, Herrings, Cod, Sardines, Sardinella, Brisling Or Sprats, Haddock, Coalfish, Mackerel, Dogfish And Other Sharks, Eels, Sea Bass And Hake) |
| 0303.80 | Frozen Fish Livers And Roes |
| 0304.10 | Fresh Or Chilled Fillets And Other Fish Meat, Whether Or Not Minced |
| 0304.20 | Frozen Fish Fillets |
| 0304.90 | Frozen Fish Meat, Whether Or Not Minced (Excl. Fillets) |
| 0305.30 | Fish Fillets, Dried, Salted Or In Brine, Not Smoked |
| 0305.49 | Smoked Fish, Incl. Fillets (Excl. Pacific Salmon, Atlantic Salmon, Danube Salmon And Herrings) |
| 0305.59 | Dried Fish, Salted, Not Smoked (Excl. Cod And Other Fillets) |
| 0305.69 | Fish, Salted Or In Brine Only (Excl. Herrings, Cod, Anchovies And Fillets In General) |
| 0306.11 | Frozen Rock Lobster And Other Sea Crawfish 'Palinurus Spp.', 'Panulirus Spp.' And 'Jasus Spp.', Whether In Shell Or Not, Incl. Rock Lobster And Other Sea Crawfish In Shell, Cooked By Steaming Or By Boiling In Water |
| 0306.12 | Frozen Lobsters 'Homarus Spp.', Whether In Shell Or Not, Incl. Lobsters In Shell, Cooked By Steaming Or By Boiling In Water |
| 0306.13 | Frozen Shrimps And Prawns, Whether In Shell Or Not, Incl. Shrimps And Prawns In Shell, Cooked By Steaming Or By Boiling In Water |
| 0306.14 | Frozen Crabs, Whether In Shell Or Not, Incl. Crabs In Shell, Cooked By Steaming Or By Boiling In Water |
| 0306.19 | Frozen Crustaceans, Whether In Shell Or Not, Incl. Crustaceans In Shell, Cooked By Steaming Or By Boiling In Water (Excl. Crawfish, Lobsters, Shrimps, Prawns And Crabs) |
| 0306.21 | Rock Lobster And Other Sea Crawfish 'Palinurus Spp., Panulirus Spp. And Jasus Spp.', Whether In Shell Or Not, Live, Dried, Salted Or In Brine, Incl. In Shell, Cooked By Steaming Or By Boiling In Water |
| 0306.22 | Lobsters 'Homarus Spp.', Whether In Shell Or Not, Live, Dried, Salted Or In Brine, Incl. Lobsters In Shell, Cooked By Steaming Or By Boiling In Water |
| 0306.23 | Shrimps And Prawns, Whether In Shell Or Not, Live, Dried, Salted Or In Brine, Incl. Shrimps And Prawns In Shell, Cooked By Steaming Or By Boiling In Water |
| 0306.24 | Crabs, Whether In Shell Or Not, Live, Dried, Salted Or In Brine, Incl. Crabs In Shell, Cooked By Steaming Or By Boiling In Water |

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| 0306.29 | Crustaceans, Whether In Shell Or Not, Incl. In Shell, Cooked By Steaming Or By Boiling In Water (Excl. Frozen And Crawfish, Lobsters, Shrimps, Prawns And Crabs) |
| 0401.10 | Milk And Cream Of A Fat Content By Weight Of <= 1%, Not Concentrated Nor Containing Added Sugar Or Other Sweetening Matter |
| 0401.20 | Milk And Cream Of A Fat Content By Weight Of > 1% But <= 6%, Not Concentrated Nor Containing Added Sugar Or Other Sweetening Matter |
| 0401.30 | Milk And Cream Of A Fat Content By Weight Of > 6%, Not Concentrated Nor Containing Added Sugar Or Other Sweetening Matter |
| 0402.10 | Milk And Cream In Solid Forms, Of A Fat Content By Weight Of <= 1,5% |
| 0402.21 | Milk And Cream In Solid Forms, Of A Fat Content By Weight Of > 1,5%, Unsweetened |
| 0402.29 | Milk And Cream In Solid Forms, Of A Fat Content By Weight Of > 1,5%, Sweetened |
| 0402.91 | Milk And Cream, Concentrated But Unsweetened (Excl. In Solid Forms) |
| 0402.99 | Milk And Cream, Concentrated And Sweetened (Excl. In Solid Forms) |
| 0403.10 | Yogurt, Whether Or Not Flavoured Or Containing Added Sugar Or Other Sweetening Matter, Fruits, Nuts Or Cocoa |
| 0403.90 | Buttermilk, Curdled Milk And Cream, Kephir And Other Fermented Or Acidified Milk And Cream, Whether Or Not Concentrated Or Flavoured Or Containing Added Sugar Or Other Sweetening Matter, Fruits, Nuts Or Cocoa (Excl. Yogurt) |
| 0405.10 | Butter (Excl. Dehydrated Butter And Ghee) |
| 0405.20 | Dairy Spreads Of A Fat Content, By Weight, Of >= 39% But < 80% |
| 0405.90 | Fats And Oils Derived From Milk, And Dehydrated Butter And Ghee (Excl. Natural Butter, Recombined Butter And Whey Butter) |
| 0406.10 | Fresh Cheese, Incl. Whey Cheese, Not Fermented, And Curd |
| 0406.20 | Grated Or Powdered Cheese |
| 0406.30 | Processed Cheese, Not Grated Or Powdered |
| 0406.40 | Blue-Veined Cheese |
| 0406.90 | Cheese (Excl. Fresh Cheese, Incl. Whey Cheese, Not Fermented, Curd, Processed Cheese, Blue-Veined Cheese, And Grated Or Powdered Cheese) |
| 0407.00 | Birds' Eggs, In Shell, Fresh, Preserved Or Cooked |
| 0408.11 | Dried Egg Yolks, Whether Or Not Sweetened |
| 0408.19 | Egg Yolks, Fresh, Cooked By Steaming Or Boiling In Water, Moulded, Frozen Or Otherwise Preserved, Whether Or Not Sweetened (Excl. Dried) |
| 0408.91 | Dried Birds' Eggs, Not In Shell, Whether Or Not Sweetened (Excl. Egg Yolks) |
| 0408.99 | Birds' Eggs, Not In Shell, Fresh, Cooked By Steaming Or Boiling In Water, Moulded, Frozen Or Otherwise Preserved, Whether Or Not Sweetened (Excl. Dried) |
| 0409.00 | Natural Honey |
| 0702.00 | Tomatoes, Fresh Or Chilled |
| 0703.10 | Fresh Or Chilled Onions And Shallots |
| 0704.10 | Fresh Or Chilled Cauliflowers And Headed Broccoli |
| 0704.90 | Fresh Or Chilled Cabbages, Kohlrabi, Kale And Similar Edible Brassicas (Excl. Cauliflowers, Headed Broccoli And Brussels Sprouts) |
| 0705.11 | Fresh Or Chilled Cabbage Lettuce |
| 0705.19 | Fresh Or Chilled Lettuce (Excl. Cabbage Lettuce) |
| 0706.10 | Fresh Or Chilled Carrots And Turnips |
| 0706.90 | Fresh Or Chilled Salad Beetroot, Salsify, Celeriac, Radishes And Similar Edible Roots (Excl. Carrots And Turnips) |
| 0707.00 | Cucumbers And Gherkins, Fresh Or Chilled |
| 0708.10 | Fresh Or Chilled Peas 'Pisum Sativum', Shelled Or Unshelled |
| 0708.20 | Fresh Or Chilled Beans 'Vigna Spp.', Phaseolus Spp.', Shelled Or Unshelled |
| 0708.90 | Fresh Or Chilled Leguminous Vegetables, Shelled Or Unshelled (Excl. Peas 'Pisum Sativum' And Beans 'Vigna Spp.', Phaseolus Spp.) |
| 0709.60 | Fresh Or Chilled Fruits Of The Genus Capsicum Or Pimenta |
| 0709.70 | Fresh Or Chilled Spinach, New Zealand Spinach And Orache Spinach |

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| 0709.90 | Fresh Or Chilled Vegetables (Excl. Potatoes, Tomatoes, Vegetables Of The Allium Spp., Cabbages Of The Genus Brassica, Lettuces Of The Species Lactuca Sativa And Cichorium, Carrots, Turnips, Salad Beetroot, Salsify, Celeriac, Radishes) |
| 0710.21 | Shelled Or Unshelled Peas 'Pisum Sativum', Uncooked Or Cooked By Steaming Or By Boiling In Water, Frozen |
| 0710.22 | Shelled Or Unshelled Beans 'Vigna Spp., Phaseolus Spp.', Uncooked Or Cooked By Steaming Or By Boiling In Water, Frozen |
| 0710.29 | Leguminous Vegetables, Shelled Or Unshelled, Uncooked Or Cooked By Steaming Or By Boiling In Water, Frozen (Excl. Peas And Beans) |
| 0710.30 | Spinach, New Zealand Spinach And Orache Spinach, Uncooked Or Cooked By Steaming Or By Boiling In Water, Frozen |
| 0713.10 | Dried, Shelled Peas 'Pisum Sativum', Whether Or Not Skinned Or Split |
| 0713.20 | Dried, Shelled Chickpeas 'Garbanzos', Whether Or Not Skinned Or Split |
| 0713.31 | Dried, Shelled Beans Of Species 'Vigna Mungo [L.] Hepper Or Vigna Radiata [L.] Wilczek', Whether Or Not Skinned Or Split |
| 0713.32 | Dried, Shelled Small Red 'Adzuki' Beans 'Phaseolus Or Vigna Angularis', Whether Or Not Skinned Or Split |
| 0713.33 | Dried, Shelled Kidney Beans 'Phaseolus Vulgaris', Whether Or Not Skinned Or Split |
| 0714.10 | Fresh, Chilled, Frozen Or Dried Roots And Tubers Of Manioc 'Cassava', Whether Or Not Sliced Or In The Form Of Pellets |
| 0714.20 | Sweet Potatoes, Fresh, Chilled, Frozen Or Dried, Whether Or Not Sliced Or In The Form Of Pellets |
| 0714.90 | Roots And Tubers Of Arrowroot, Salep, Jerusalem Artichokes And Similar Roots And Tubers With High Starch Or Inulin Content, Fresh, Chilled, Frozen Or Dried, Whether Or Not Sliced Or In The Form Of Pellets And Sago Pith (Excl. Manioc 'Cassava' And Sweet Po |
| 0801.31 | Fresh Or Dried Cashew Nuts, In Shell |
| 0801.32 | Fresh Or Dried Cashew Nuts, Shelled |
| 0803.00 | Bananas, Incl. Plantains, Fresh Or Dried |
| 0804.30 | Fresh Or Dried Pineapples |
| 0804.40 | Fresh Or Dried Avocados |
| 0804.50 | Fresh Or Dried Guavas, Mangoes And Mangosteens |
| 0805.10 | Fresh Or Dried Oranges |
| 0805.20 | Fresh Or Dried Mandarins Incl. Tangerines And Satsumas, Clementines, Wilkings And Similar Citrus Hybrids |
| 0805.40 | Fresh Or Dried Grapefruit |
| 0805.50 | Fresh Or Dried Lemons 'Citrus Limon, Citrus Limonum' And Limes 'Citrus Aurantifolia, Citrus Latifolia' |
| 0805.90 | Fresh Or Dried Citrus Fruit (Excl. Oranges, Lemons 'Citrus Limon, Citrus Limonum', Limes 'Citrus Aurantifolia, Citrus Latifolia', Grapefruit, Mandarins, Incl. Tangerines And Satsumas, Clementines, Wilkings And Similar Citrus Hybrids) |
| 0806.20 | Dried Grapes |
| 0807.11 | Fresh Watermelons |
| 0807.19 | Fresh Melons (Excl. Watermelons) |
| 0807.20 | Fresh Pawpaws 'Papayas' |
| 0901.11 | Coffee (Excl. Roasted And Decaffeinated) |
| 0901.12 | Decaffeinated Coffee (Excl. Roasted) |
| 0901.21 | Roasted Coffee (Excl. Decaffeinated) |
| 0901.22 | Roasted, Decaffeinated Coffee |
| 0901.90 | Coffee Husks And Skins; Coffee Substitutes Containing Coffee In Any Proportion |
| 0904.11 | Pepper Of The Genus Piper, Neither Crushed Nor Ground |
| 0904.12 | Pepper Of The Genus Piper, Crushed Or Ground |
| 0910.10 | Ginger |
| 0910.50 | Curry |
| 1005.90 | Maize (Excl. Seed) |
| 1006.10 | Rice In The Husk, 'Paddy' Or Rough |
| 1006.20 | Husked Or Brown Rice |

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| 1006.30 | Semi-Milled Or Wholly Milled Rice, Whether Or Not Polished Or Glazed |
| 1006.40 | Broken Rice |
| 1007.00 | Grain Sorghum |
| 1101.00 | Wheat Or Meslin Flour |
| 1102.20 | Maize 'Corn' Flour |
| 1106.20 | Flour, Meal And Powder Of Sago Or Of Roots Or Tubers Of Manioc, Arrowroot, Salep, Sweet Potatoes And Similar Roots And Tubers With A High Content Of Starch Or Inulin Of Heading 0714 |
| 1201.00 | Soya Beans, Whether Or Not Broken |
| 1202.10 | Groundnuts In Shell, Not Roasted Or Otherwise Cooked |
| 1202.20 | Shelled Groundnuts, Whether Or Not Broken (Excl. Roasted Or Otherwise Cooked) |
| 1208.10 | Soya Bean Flour And Meal |
| 1501.00 | Pig Fat, Incl. Lard, And Poultry Fat, Rendered Or Otherwise Extracted (Excl. Lard Stearin And Lard Oil) |
| 1507.10 | Crude Soya-Bean Oil, Whether Or Not Degummed |
| 1507.90 | Soya-Bean Oil And Its Fractions, Whether Or Not Refined (Excl. Chemically Modified And Crude) |
| 1509.10 | Virgin Olive Oil And Its Fractions Obtained From The Fruit Of The Olive Tree Solely By Mechanical Or Other Physical Means Under Conditions That Do Not Lead To Deterioration Of The Oil |
| 1509.90 | Olive Oil And Fractions Obtained From The Fruit Of The Olive Tree Solely By Mechanical Or Other Physical Means Under Conditions That Do Not Lead To Deterioration Of The Oil (Excl. Virgin And Chemically Modified) |
| 1510.00 | Other Oils And Their Fractions, Obtained Solely From Olives, Whether Or Not Refined, But Not Chemically Modified, Incl. Blends Of These Oils Or Fractions With Oils Or Fractions Of Heading 1509 |
| 1511.10 | Crude Palm Oil |
| 1511.90 | Palm Oil And Its Fractions, Whether Or Not Refined (Excl. Chemically Modified And Crude) |
| 1512.19 | Sunflower-Seed Or Safflower Oil And Their Fractions, Whether Or Not Refined, But Not Chemically Modified (Excl. Crude) |
| 1517.10 | Margarine (Excl. Liquid) |
| 1517.90 | Edible Mixtures Or Preparations Of Animal Or Vegetable Fats Or Oils And Edible Fractions Of Different Fats Or Oils (Excl. Fats, Oils And Their Fractions, Partly Or Wholly Hydrogenated, Inter-Esterified, Re-Esterified Or Elaidinised, Whether Or Not Refined) |
| 1522.00 | Degras; Residues Resulting From The Treatment Of Fatty Substances Or Animal Or Vegetable Waxes |
| 1601.00 | Sausages And Similar Products, Of Meat, Offal Or Blood; Food Preparations Based On These Products |
| 1602.10 | Homogenised Prepared Meat, Offal Or Blood, Put Up For Retail Sale As Infant Food Or For Dietetic Purposes, In Containers Of <= 250 G |
| 1602.20 | Preparations Of Liver Of Any Animal (Excl. Sausages And Similar Products And Finely Homogenised Preparations Put Up For Retail Sale As Infant Food Or For Dietetic Purposes, In Containers Of A Net Weight Of <= 250 G) |
| 1602.31 | Meat Or Offal Of Turkeys 'Gallus Domesticus', Prepared Or Preserved (Excl. Sausages And Similar Products, And Finely Homogenised Preparations Put Up For Retail Sale As Infant Food Or For Dietetic Purposes, In Containers Of A Net Weight Of <= 250 G, |
| 1602.32 | Meat Or Offal Of Fowls Of The Species 'Gallus Domesticus', Prepared Or Preserved (Excl. Of Meat Or Offal Of Turkeys 'Gallus Domesticus' Or Guinea Fowl, Sausages And Similar Products, Finely Homogenised Preparations Put Up For Retail Sale As Infant Food ... |
| 1602.39 | Prepared Or Preserved Meat Or Meat Offal Of Ducks, Geese And Guinea Fowl Of The Species Domesticus (Excl. Sausages And Similar Products, Finely Homogenised Preparations Put Up For Retail Sale As Infant Food Or For Dietetic Purposes, In Containers Of A Net... |
| 1602.41 | Hams And Cuts Thereof, Prepared Or Preserved |
| 1602.42 | Prepared Or Preserved Shoulders And Cuts Thereof, Of Swine |
| 1602.49 | Prepared Or Preserved Meat And Offal Of Swine, Incl. Mixtures (Excl. Hams, Shoulders And Cuts Thereof, Sausages And Similar Products, Finely Homogenised Preparations Put Up For Retail Sale As Infant Food Or For Dietetic Purpose, In Containers Of A Net Weight.... |
| 1602.50 | Prepared Or Preserved Meat Or Offal Of Bovine Animals (Excl. Sausages And Similar Products, Finely Homogenised Preparations Put Up For Retail Sale As Infant Food Or For Dietetic Purposes, In Containers Of A Net Weight Of <= 250 G, Preparations Of Liver An |

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| 1602.90 | Prepared Or Preserved Meat, Offal Or Blood (Excl. Meat Or Offal Of Poultry, Swine And Bovine Animals, Sausages And Similar Products, Finely Homogenised Preparations Put Up For Retail Sale As Infant Food Or For Dietetic Purposes, In Containers Of A Net Wei |
| 1701.11 | Raw Cane Sugar (Excl. Added Flavouring Or Colouring) |
| 1701.12 | Raw Beet Sugar (Excl. Added Flavouring Or Colouring) |
| 1701.91 | Refined Cane Or Beet Sugar, Containing Added Flavouring Or Colouring, In Solid Form |
| 1701.99 | Cane Or Beet Sugar And Chemically Pure Sucrose, In Solid Form (Excl. Cane And Beet Sugar Containing Added Flavouring Or Colouring And Raw Sugar) |
| 1702.11 | Lactose In Solid Form And Lactose Syrup, Not Containing Added Flavouring Or Colouring Matter, Containing By Weight \geq 99% Lactose, Expressed As Anhydrous Lactose, Calculated On The Dry Matter |
| 1702.19 | Lactose In Solid Form And Lactose Syrup, Not Containing Added Flavouring Or Colouring Matter, Containing By Weight $<$ 99% Lactose, Expressed As Anhydrous Lactose, Calculated On The Dry Matter |
| 1702.20 | Maple Sugar, In Solid Form, And Maple Syrup (Excl. Flavoured Or Coloured) |
| 1702.30 | Glucose In Solid Form And Glucose Syrup, Not Containing Added Flavouring Or Colouring Matter And Not Containing Fructose Or Containing In The Dry State, $<$ 20% By Weight Of Fructose |
| 1702.40 | Glucose In Solid Form And Glucose Syrup, Not Containing Added Flavouring Or Colouring Matter, And Containing In The Dry State \geq 20% And $<$ 50% By Weight Of Fructose (Excl. Invert Sugar) |
| 1702.50 | Chemically Pure Fructose In Solid Form |
| 1702.60 | Fructose In Solid Form And Fructose Syrup, Not Containing Added Flavouring Or Colouring Matter And Containing In The Dry State $>$ 50% By Weight Of Fructose (Excl. Chemically Pure Fructose And Invert Sugar) |
| 1702.90 | Sugars In Solid Form, Incl. Invert Sugar And Chemically Pure Maltose, And Sugar And Sugar Syrup Blends Containing In The Dry State 50% By Weight Of Fructose, Not Flavoured Or Coloured, Artificial Honey, Whether Or Not Mixed With Natural Honey And Caramel (|
| 1703.10 | Cane Molasses Resulting From The Extraction Or Refining Of Sugar |
| 1704.10 | Chewing Gum, Whether Or Not Sugar-Coated |
| 1704.90 | Sugar Confectionery Not Containing Cocoa, Incl. White Chocolate (Excl. Chewing Gum) |
| 1806.10 | Cocoa Powder, Sweetened |
| 1806.20 | Chocolate And Other Food Preparations Containing Cocoa, In Blocks, Slabs Or Bars Weighing $>$ 2 Kg Or In Liquid, Paste, Powder, Granular Or Other Bulk Form, In Containers Or Immediate Packings Of A Content $>$ 2 Kg (Excl. Cocoa Powder) |
| 1806.31 | Chocolate And Other Preparations Containing Cocoa, In Blocks, Slabs Or Bars Of \leq 2 Kg, Filled |
| 1806.32 | Chocolate And Other Preparations Containing Cocoa, In Blocks, Slabs Or Bars Of \leq 2 Kg (Excl. Filled) |
| 1806.90 | Chocolate And Other Preparations Containing Cocoa, In Containers Or Immediate Packings Of \leq 2 Kg (Excl. In Blocks, Slabs Or Bars And Cocoa Powder) |
| 1901.20 | Mixes of doughs of Flour, Groats, Meal, Starch Or Malt Extract, Not Containing Cocoa Or Containing $<$ 40% By Weight Of Cocoa Calculated On A Totally Defatted Basis, N.E.S. And Of Milk, Sour Cream, Whey, Yoghourt, K |
| 1901.90 | Malt Extract; Food Preparations Of Flour, Groats, Meal, Starch Or Malt Extract, Not Containing Cocoa Or Containing $<$ 40% By Weight Of Cocoa Calculated On A Totally Defatted Basis, N.E.S. And Food Preparations Of Milk, Cream, Butter Milk, Sour Milk |
| 1902.11 | Uncooked Pasta, Not Stuffed Or Otherwise Prepared, Containing Eggs |
| 1902.19 | Uncooked Pasta, Not Stuffed Or Otherwise Prepared, Not Containing Eggs |
| 1902.20 | Pasta, Stuffed With Meat Or Other Substances, Whether Or Not Cooked Or Otherwise Prepared |
| 1902.30 | Pasta, Cooked Or Otherwise Prepared (Excl. Stuffed) |
| 1902.40 | Couscous, Whether Or Not Prepared |
| 1904.10 | Prepared Foods Obtained By Swelling Or Roasting Cereals Or Cereal Products, E.G. Corn Flakes |
| 1904.90 | Cereals (Excl. Maize [Corn]) In Grain Or Flake Form Or Other Worked Grains, Pre-Cooked Or Otherwise Prepared, N.E.S. (Excl. Flour, Groats And Meal, Food Preparations Obtained By Swelling Or Roasting Or From Unroasted Cereal Flakes Or From Mixtures Of |
| 1905.10 | Crispbread |
| 1905.20 | Gingerbread And The Like, Whether Or Not Containing Cocoa |

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| 1905.31 | Sweet Biscuits |
| 1905.32 | Waffles And Wafers |
| 1905.40 | Rusks, Toasted Bread And Similar Toasted Products |
| 1905.90 | Bread, Pastry, Cakes, Biscuits And Other Bakers' Wares, Whether Or Not Containing Cocoa; Communion Wafers, Empty Cachets Of A Kind Suitable For Pharmaceutical Use, Sealing Wafers, Rice Paper And Similar Products (Excl. Crispbread, Gingerbread And The Like) |
| 2001.10 | Cucumbers And Gherkins, Prepared Or Preserved By Vinegar Or Acetic Acid |
| 2002.90 | Tomatoes, Prepared Or Preserved Otherwise Than By Vinegar Or Acetic Acid (Excl. Whole Or In Pieces) |
| 2007.10 | Homogenised Preparations Of Jams, Jellies, Marmalades, Fruit Or Nut Purees And Nut Pastes, Obtained By Cooking, Whether Or Not Containing Added Sugar Or Other Sweetening Matter, Put Up For Retail Sale As Infant Food Or For Dietetic Purposes, In Containers |
| 2007.91 | Citrus Fruit Jams, Jellies, Marmalades, Purees Or Pastes, Obtained By Cooking, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Homogenised Preparations Of Subheading 2007.10) |
| 2007.99 | Jams, Jellies, Marmalades, Purees Or Pastes Of Fruit, Obtained By Cooking, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Citrus Fruit And Homogenised Preparations Of Subheading 2007.10) |
| 2008.11 | Groundnuts, Prepared Or Preserved (Excl. Preserved With Sugar) |
| 2008.19 | Nuts And Other Seeds, Incl. Mixtures, Prepared Or Preserved (Excl. Prepared Or Preserved With Vinegar, Preserved With Sugar But Not Laid In Syrup, Jams, Fruit Jellies, Marmalades, Fruit Puree And Pastes, Obtained By Cooking, And Groundnuts) |
| 2008.20 | Pineapples, Prepared Or Preserved, Whether Or Not Containing Added Sugar Or Other Sweetening Matter Or Spirit (Excl. Preserved With Sugar But Not Laid In Syrup, Jams, Fruit Jellies, Marmalades, Fruit Puree And Pastes, Obtained By Cooking) |
| 2008.30 | Citrus Fruit, Prepared Or Preserved, Whether Or Not Containing Added Sugar Or Other Sweetening Matter Or Spirit, N.E.S. |
| 2008.60 | Cherries, Prepared Or Preserved, Whether Or Not Containing Added Sugar Or Other Sweetening Matter Or Spirit (Excl. Preserved With Sugar But Not Laid In Syrup, Jams, Fruit Jellies, Marmalades, Fruit Puree And Pastes, Obtained By Cooking) |
| 2008.70 | Peaches, Incl. Nectarines, Prepared Or Preserved, Whether Or Not Containing Added Sugar Or Other Sweetening Matter Or Spirit (Excl. Preserved With Sugar But Not Laid In Syrup, Jams, Fruit Jellies, Marmalades, Fruit Puree And Pastes, Obtained By Cooking) |
| 2008.91 | Palm Hearts, Prepared Or Preserved, Whether Or Not Containing Added Sugar Or Other Sweetening Matter Or Spirit (Excl. Prepared Or Preserved With Vinegar) |
| 2008.92 | Mixtures Of Fruits, Nuts And Other Edible Parts Of Plants, Prepared Or Preserved, Whether Or Not Containing Added Sugar Or Other Sweetening Matter Or Spirit (Excl. Mixtures Of Nuts, Groundnuts And Other ...) |
| 2008.99 | Fruit And Other Edible Parts Of Plants, Prepared Or Preserved, Whether Or Not Containing Added Sugar Or Other Sweetening Matter Or Spirit (Excl. Prepared Or Preserved With Vinegar, Preserved With Sugar But Not Laid In Syrup, Jams, Fruit Jellies, Marmalade) |
| 2009.11 | Frozen Orange Juice, Unfermented, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.12 | Orange Juice, Unfermented, Brix Value <= 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit And Frozen) |
| 2009.19 | Orange Juice, Unfermented, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit, Frozen, And Of A Brix Value <= 20 At 20°C) |
| 2009.21 | Grapefruit Juice, Unfermented, Brix Value <= 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.29 | Grapefruit Juice, Unfermented, Brix Value > 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.31 | Single Citrus Fruit Juice, Unfermented, Brix Value <= 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit, Mixtures, Orange Juice And Grapefruit Juice) |
| 2009.39 | Single Citrus Fruit Juice, Unfermented, Brix Value > 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit, Mixtures, Orange Juice And Grapefruit Juice) |
| 2009.41 | Pineapple Juice, Unfermented, Brix Value <= 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.49 | Pineapple Juice, Unfermented, Brix Value > 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |

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| 2009.50 | Tomato Juice, Unfermented, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.61 | Grape Juice, Incl. Grape Must, Unfermented, Brix Value <= 30 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.69 | Grape Juice, Incl. Grape Must, Unfermented, Brix Value > 30 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.71 | Apple Juice, Unfermented, Brix Value <= 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.79 | Apple Juice, Unfermented, Brix Value > 20 At 20°C, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2009.80 | Juice Of Fruit Or Vegetables, Unfermented, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit, Mixtures, And Juice Of Citrus Fruit, Pineapples, Tomatoes, Grapes, Incl. Grape Must And Apples) |
| 2009.90 | Mixtures Of Fruit Juices, Incl. Grape Must, And Vegetable Juices, Unfermented, Whether Or Not Containing Added Sugar Or Other Sweetening Matter (Excl. Containing Spirit) |
| 2103.20 | Tomato Ketchup And Other Tomato Sauces |
| 2103.90 | Preparations For Sauces And Prepared Sauces; Mixed Condiments And Seasonings (Excl. Soya Sauce, Tomato Ketchup And Other Tomato Sauces, Mustard, And Mustard Flour And Meal) |
| 2104.10 | Soups And Broths And Preparations Thereof |
| 2105.00 | Ice Cream And Other Edible Ice, Whether Or Not Containing Cocoa |
| 2106.90 | Food Preparations, N.E.S. |
| 2201.10 | Mineral Waters And Aerated Waters, Not Containing Added Sugar, Other Sweetening Matter Or Flavoured |
| 2201.90 | Ordinary Natural Water, Not Containing Added Sugar, Other Sweetening Matter Or Flavoured; Ice And Snow (Excl. Mineral Waters And Aerated Waters, Sea Water, Distilled Water, Conductivity Water Or Water Of Similar Purity) |
| 2202.10 | Waters, Incl. Mineral And Aerated, With Added Sugar, Sweetener Or Flavour, For Direct Consumption As A Beverage |
| 2202.90 | Non-Alcoholic Beverages (Excl. Water, Fruit Or Vegetable Juices And Milk) |
| 2203.00 | Beer Made From Malt |
| 2204.10 | Sparkling Wine Of Fresh Grapes |
| 2204.21 | Wine Of Fresh Grapes, Incl. Fortified Wines, And Grape Must Whose Fermentation Has Been Arrested By The Addition Of Alcohol, In Containers Of <= 2 L (Excl. Sparkling Wine) |
| 2204.29 | Wine Of Fresh Grapes, Incl. Fortified Wines, And Grape Must Whose Fermentation Has Been Arrested By The Addition Of Alcohol, In Containers Of > 2 L (Excl. Sparkling Wine) |
| 2205.10 | Vermouth And Other Wine Of Fresh Grapes, Flavoured With Plants Or Aromatic Substances, In Containers Of <= 2 L |
| 2205.90 | Vermouth And Other Wine Of Fresh Grapes, Flavoured With Plants Or Aromatic Substances, In Containers Of > 2 L |
| 2206.00 | Cider, Perry, Mead And Other Fermented Beverages (Excl. Beer, Wine Of Fresh Grapes, Grape Must, Vermouth And Other Wine Of Fresh Grapes, Flavoured With Plants Or Aromatic Substances) |
| 2207.10 | Undenatured Ethyl Alcohol, Of Actual Alcoholic Strength Of >= 80% |
| 2207.20 | Denatured Ethyl Alcohol And Other Spirits Of Any Strength |
| 2208.20 | Spirits Obtained By Distilling Grape Wine Or Grape Marc |
| 2208.30 | Whiskies |
| 2208.40 | Rum And Tafia |
| 2208.50 | Gin And Geneva |
| 2208.60 | Vodka |
| 2208.70 | Liqueurs And Cordials |
| 2208.90 | Ethyl Alcohol Of An Alcoholic Strength Of < 80% Vol, Not Denatured; Spirits And Other Spirituous Beverages (Excl. Compound Alcoholic Preparations Of A Kind Used For The Manufacture Of Beverages, Spirits Obtained By Distilling Grape Wine Or Grape Marc...) |
| 2309.90 | Preparations Of A Kind Used In Animal Feeding (Excl. Dog Or Cat Food Put Up For Retail Sale) |
| 2402.10 | Cigars, Cheroots And Cigarillos Containing Tobacco |

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| 2402.20 | Cigarettes, Containing Tobacco |
| 2402.90 | Cigars, Cheroots, Cigarillos And Cigarettes Consisting Wholly Of Tobacco Substitutes |
| 2403.10 | Smoking Tobacco, Whether Or Not Containing Tobacco Substitutes In Any Proportion |
| 2403.91 | Tobacco, 'Homogenised' Or 'Reconstituted' From Finely-Chopped Tobacco Leaves, Tobacco Refuse Or Tobacco Dust |
| 2403.99 | Chewing Tobacco, Snuff And Other Manufactured Tobacco And Manufactured Tobacco Substitutes, And Tobacco Powder, Tobacco Extracts And Essences (Excl. Cigars, Cheroots, Cigarillos And Cigarettes, Smoking Tobacco Whether Or Not Containing Tobacco Substitutes) |
| 2804.40 | Oxygen |
| 2811.21 | Carbon Dioxide |
| 2901.29 | Hydrocarbons, Acyclic, Unsaturated (Excl. Ethylene, Propene 'Propylene', Butene 'Butylene' And Isomers Thereof And Buta-1,3-Diene And Isoprene) |
| 3208.10 | Paints And Varnishes, Incl. Enamels And Lacquers, Based On Polyesters, Dispersed Or Dissolved In A Non-Aqueous Medium; Solutions Based On Polyesters In Volatile Organic Solvents, Containing > 50% Solvent By Weight |
| 3208.20 | Paints And Varnishes, Incl. Enamels And Lacquers, Based On Acrylic Or Vinyl Polymers, Dispersed Or Dissolved In A Non-Aqueous Medium; Solutions Based On Acrylic Or Vinyl Polymers In Volatile Organic Solvents, Containing > 50% Solvent By Weight |
| 3208.90 | Paints And Varnishes Based, Incl. Enamels And Lacquers, On Synthetic Polymers Or Chemically Modified Natural Polymers, Dispersed Or Dissolved In A Non-Aqueous Medium, And Solutions Of Products Of Subheading 3901 To 3913 In Volatile Organic Solvents, Conta |
| 3209.10 | Paints And Varnishes, Incl. Enamels And Lacquers, Based On Acrylic Or Vinyl Polymers, Dispersed Or Dissolved In An Aqueous Medium |
| 3209.90 | Paints And Varnishes, Incl. Enamels And Lacquers, Based On Synthetic Or Chemically Modified Natural Polymers, Dispersed Or Dissolved In An Aqueous Medium (Excl. Those Based On Acrylic Or Vinyl Polymers) |
| 3210.00 | Paints And Varnishes, Incl. Enamels, Lacquers And Distempers (Excl. Those Based On Synthetic Polymers Or Chemically Modified Natural Polymers); Prepared Water Pigments Of A Kind Used For Finishing Leather |
| 3301.29 | Essential Oils, Whether Or Not Terpeneless, Incl. Concretes And Absolutes (Excl. Those Of Citrus Fruit, Geranium, Jasmine, Lavender, Lavandine, Mint And Vetiver) |
| 3301.90 | Extracted Oleoresins; Concentrates Of Essential Oils In Fats, Fixed Oils, Waxes And The Like, Obtained By Enfleurage Or Maceration; Terpenic By-Products Of The Deterpenation Of Essential Oils; Aromatic Aqueous Distillates And Aqueous Solutions Of Essential.... |
| 3303.00 | Perfumes And Toilet Waters (Excl. Aftershave Lotions, Personal Deodorants And Hair Lotions) |
| 3304.10 | Lip Make-Up Preparations |
| 3304.20 | Eye Make-Up Preparations |
| 3304.30 | Manicure Or Pedicure Preparations |
| 3304.91 | Make-Up Or Skin Care Powders, Incl. Baby Powders, Whether Or Not Compressed (Excl. Medicaments) |
| 3304.99 | Beauty Or Make-Up Preparations And Preparations For The Care Of The Skin (Other Than Medicaments), Incl. Sunscreen Or Suntan Preparations (Excl. Medicaments, Lip And Eye Make-Up Preparations, Manicure Or Pedicure Preparations And Make-Up Or Skin Care Powder) |
| 3305.10 | Shampoos |
| 3305.20 | Preparations For Permanent Waving Or Straightening |
| 3305.30 | Hair Lacquers |
| 3305.90 | Preparations For Use On The Hair (Excl. Shampoos, Preparations For Permanent Waving Or Straightening And Hair Lacquers) |
| 3306.10 | Dentifrices, Incl. Those Used By Dental Practitioners |
| 3306.90 | Preparations For Oral Or Dental Hygiene, Incl. Denture Fixative Pastes And Powders (Excl. Dentifrices And Yarn Used To Clean Between The Teeth 'Dental Floss') |
| 3307.10 | Shaving Preparations, Incl. Pre-Shave And After-Shave Products |
| 3307.20 | Personal Deodorants And Antiperspirants |
| 3307.30 | Perfumed Bath Salts And Other Bath And Shower Preparations |
| 3307.41 | 'Agarbatti' And Other Odoriferous Preparations Which Operate By Burning |

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| 3307.49 | Preparations For Perfuming Or Deodorising Rooms, Incl. Odoriferous Preparations Used During Religious Rites (Excl. Agarbatti And Other Odoriferous Preparations Which Operate By Burning) |
| 3307.90 | Depilatories And Other Perfumery, Toilet Or Cosmetic Preparations, N.E.S. |
| 3401.11 | Soap And Organic Surface-Active Products And Preparations, In The Form Of Bars, Cakes, Moulded Pieces Or Shapes, And Paper, Wadding, Felt And Nonwovens, Impregnated, Coated Or Covered With Soap Or Detergent, For Toilet Use, Incl. Medicated Products |
| 3401.19 | Soap And Organic Surface-Active Products And Preparations, In The Form Of Bars, Cakes, Moulded Pieces Or Shapes, And Paper, Wadding, Felt And Nonwovens, Impregnated, Coated Or Covered With Soap Or Detergent (Excl. Those For Toilet Use, Incl. Medicated Pro.... |
| 3401.20 | Soap In The Form Of Flakes, Granules, Powder, Paste Or In Aqueous Solution |
| 3401.30 | Organic Surface-Active Products And Preparations For Washing The Skin, In The Form Of Liquid Or Cream And Put Up For Retail Sale, Whether Or Not Containing Soap |
| 3402.11 | Anionic Organic Surface-Active Agents, Whether Or Not Put Up For Retail Sale (Excl. Soap) |
| 3402.12 | Cationic Organic Surface-Active Agents, Whether Or Not Put Up For Retail Sale (Excl. Soap) |
| 3402.13 | Non-Ionic Organic Surface-Active Agents, Whether Or Not Put Up For Retail Sale (Excl. Soap) |
| 3402.19 | Organic Surface-Active Agents, Whether Or Not Put Up For Retail Sale (Excl. Anionic, Cationic Or Non-Ionic Agents And Soap) |
| 3402.20 | Surface-Active Preparations, Washing Preparations, Auxiliary Washing Preparations And Cleaning Preparations Put Up For Retail Sale (Excl. Organic Surface-Active Agents, Soap And Organic Surface-Active Preparations In The Form Of Bars, Cakes, Moulded Piece |
| 3402.90 | Surface-Active Preparations, Washing Preparations, Incl. Auxiliary Washing Preparations And Cleaning Preparations (Excl. Those Put Up For Retail Sale, Organic Surface-Active Agents, Soap And Organic Surface-Active Preparations In The Form Of Bars, Cakes, |
| 3406.00 | Candles And The Like |
| 3808.10 | Insecticides Put Up For Retail Sale Or As Preparations Or Articles |
| 3808.40 | Disinfectants Put Up For Retail Sale Or As Preparations Or Articles |
| 3906.90 | Acrylic Polymers, In Primary Forms (Excl. Poly'Methyl Methacrylate') |
| 3907.50 | Alkyd Resins, In Primary Forms |
| 3925.20 | Doors, Windows And Their Frames And Thresholds For Doors, Of Plastics |
| 3926.90 | Articles Of Plastics And Articles Of Other Materials Of Heading 3901 To 3914, N.E.S |
| 4016.93 | Gaskets, Washers And Other Seals, Of Vulcanised Rubber (Excl. Hard Rubber And Those Of Cellular Rubber) |
| 4412.13 | Plywood Consisting Solely Of Sheets Of Wood <= 6 Mm Thick, With At Least One Outer Ply Of Tropical Wood Specified In Subheading Note 1 To This Chapter (Excl. Sheets Of Compressed Wood, Hollow-Core Composite Panels, Inlaid Wood And Sheets..... |
| 4418.10 | Windows, Frenchwindows And Their Frames, Of Wood |
| 4418.20 | Doors And Their Frames And Thresholds, Of Wood |
| 4418.30 | Parquet Panels Of Wood (Excl. Blocks, Strips And Friezes For Parquet Flooring, Not Assembled) |
| 4602.10 | Basketwork, Wickerwork And Other Articles, Made Directly To Shape From Plaiting Materials Or Made-Up From Goods Of Heading 4601, And Articles Of Loofah (Excl. Wall Coverings Of Heading 4814; Twine, Cord And Rope; Footware And Headgear And Parts Thereof; |
| 4602.90 | Basketwork, Wickerwork And Other Articles, Made Directly To Shape From Non-Vegetable Plaiting Materials Or Made-Up From Goods Of Non-Vegetable Plaiting Materials Of Heading 4601 (Excl. Wall Coverings Of Heading 4814; Twine, Cord And Rope.... |
| 4817.10 | Envelopes Of Paper Or Paperboard (Excl. Letter Cards) |
| 4817.20 | Letter Cards, Plain Postcards And Correspondence Cards, Of Paper Or Paperboard (Excl. Those With Imprinted Postage Stamps) |
| 4817.30 | Boxes, Pouches, Wallets And Writing Compendiums, Of Paper Or Paperboard, Containing An Assortment Of Paper Stationery |
| 4818.10 | Toilet Paper In Rolls Of A Width Of <= 36 Cm |
| 4818.20 | Handkerchiefs, Cleansing Or Facial Tissues And Towels, Of Paper Pulp, Paper, Cellulose Wadding Or Webs Of Cellulose Fibres |
| 4818.30 | Tablecloths And Serviettes Of Paper Pulp, Paper, Cellulose Wadding Or Webs Of Cellulose Fibres |

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| 4818.40 | Sanitary Towels And Tampons, Napkins And Napkin For Babies And Similar Sanitary Articles, Of Paper Pulp, Paper, Cellulose Wadding Or Webs Of Cellulose Fibres |
| 4819.10 | Cartons, Boxes And Cases, Of Corrugated Paper Or Paperboard |
| 4820.10 | Registers, Account Books, Note Books, Order Books, Receipt Books, Letter Pads, Memorandum Pads, Diaries And Similar Articles, Of Paper Or Paperboard |
| 4820.20 | Exercise Books Of Paper Or Paperboard |
| 4820.30 | Binders (Other Than Book Covers), Folders And File Covers, Of Paper Or Paperboard |
| 5601.21 | Wadding Of Cotton And Articles Thereof (Excl. Sanitary Towels And Tampons, Napkins And Napkin Liners For Babies And Similar Sanitary Articles, Wadding And Articles Thereof Impregnated Or Coated With Pharmaceutical Substances Or Put Up For Retail Sale For |
| 5601.22 | Wadding Of Man-Made Fibres And Articles Thereof (Excl. Sanitary Towels And Tampons, Napkins And Napkin Liners For Babies And Similar Sanitary Articles, Wadding And Articles Thereof Impregnated Or Coated With Pharmaceutical Substances Or Put Up For Retail |
| 5601.29 | Wadding Of Textile Materials And Articles Thereof (Excl. Of Cotton Or Man-Made Fibres; Sanitary Towels And Tampons, Napkins And Napkin Liners For Babies And Similar Sanitary Articles, Wadding And Articles Thereof, Impregnated Or Covered With Medicated Sub |
| 6108.11 | Women'S Or Girls' Slips And Petticoats Of Man-Made Fibres, Knitted Or Crocheted (Excl. T-Shirts And Vests) |
| 6108.21 | Women'S Or Girls' Briefs And Panties Of Cotton, Knitted Or Crocheted |
| 6109.10 | T-Shirts, Singlets And Other Vests Of Cotton, Knitted Or Crocheted |
| 6110.20 | Jerseys, Pullovers, Cardigans, Waistcoats And Similar Articles, Of Cotton, Knitted Or Crocheted (Excl. Wadded Waistcoats) |
| 6115.19 | Panty Hose And Tights Of Textile Materials, Knitted Or Crocheted (Excl. Of Synthetic Fibres And Hosiery For Babies) |
| 6115.92 | Full-Length Or Knee-Length Stockings, Socks And Other Hosiery, Incl. Stockings For Varicose Veins And Footwear Without Applied Soles, Of Cotton, Knitted Or Crocheted (Excl. Panty Hose And Tights, Women'S Full-Length Or Knee-Length Stockings.... |
| 6203.19 | Men'S Or Boys' Suits Of Textile Materials (Excl. Of Wool, Fine Animal Hair Or Synthetic Fibres, Knitted Or Crocheted, Track Suits, Ski Suits And Swimwear) |
| 6203.21 | Men'S Or Boys' Ensembles Of Wool Or Fine Animal Hair (Excl. Knitted Or Crocheted, Ski Ensembles And Swimwear) |
| 6203.22 | Men'S Or Boys' Ensembles Of Cotton (Excl. Knitted Or Crocheted, Ski Ensembles And Swimwear) |
| 6203.31 | Men'S Or Boys' Jackets And Blazers Of Wool Or Fine Animal Hair (Excl. Knitted Or Crocheted, And Wind-Jackets And Similar Articles) |
| 6203.42 | Men'S Or Boys' Trousers, Bib And Brace Overalls, Breeches And Shorts, Of Cotton (Excl. Knitted Or Crocheted, Underpants And Swimwear) |
| 6203.49 | Men'S Or Boys' Trousers, Bib And Brace Overalls, Breeches And Shorts Of Textile Materials (Excl. Of Wool, Fine Animal Hair, Cotton Or Synthetic Fibres, Knitted Or Crocheted, Underpants And Swimwear) |
| 6204.22 | Women'S Or Girls' Ensembles Of Cotton (Excl. Knitted Or Crocheted, Ski Overalls And Swimwear) |
| 6204.42 | Women'S Or Girls' Dresses Of Cotton (Excl. Knitted Or Crocheted And Petticoats) |
| 6204.43 | Women'S Or Girls' Dresses Of Synthetic Fibres (Excl. Knitted Or Crocheted And Petticoats) |
| 6204.44 | Women'S Or Girls' Dresses Of Artificial Fibres (Excl. Knitted Or Crocheted And Petticoats) |
| 6204.49 | Women'S Or Girls' Dresses Of Textile Materials (Excl. Of Wool, Fine Animal Hair, Cotton Or Man-Made Fibres, Knitted Or Crocheted And Petticoats) |
| 6204.52 | Women'S Or Girls' Skirts And Divided Skirts Of Cotton (Excl. Knitted Or Crocheted And Petticoats) |
| 6204.53 | Women'S Or Girls' Skirts And Divided Skirts Of Synthetic Fibres (Excl. Knitted Or Crocheted And Petticoats) |
| 6204.59 | Women'S Or Girls' Skirts And Divided Skirts Of Textile Materials (Excl. Of Wool, Fine Animal Hair, Cotton Or Synthetic Fibres, Knitted Or Crocheted And Petticoats) |
| 6204.61 | Women'S Or Girls' Trousers, Bib And Brace Overalls, Breeches And Shorts Of Wool Or Fine Animal Hair (Excl. Knitted Or Crocheted, Panties And Swimwear) |
| 6204.62 | Women'S Or Girls' Trousers, Bib And Brace Overalls, Breeches And Shorts Of Cotton (Excl. Knitted Or Crocheted, Panties And Swimwear) |

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| 6204.69 | Women'S Or Girls' Trousers, Bib And Brace Overalls, Breeches And Shorts Of Textile Materials (Excl. Of Wool, Fine Animal Hair, Cotton Or Synthetic Fibres, Knitted Or Crocheted, Panties And Swimwear) |
| 6205.20 | Men'S Or Boys' Shirts Of Cotton (Excl. Knitted Or Crocheted, Nightshirts, Singlets And Other Vests) |
| 6205.30 | Men'S Or Boys' Shirts Of Man-Made Fibres (Excl. Knitted Or Crocheted, Nightshirts, Singlets And Other Vests) |
| 6206.30 | Women'S Or Girls' Blouses, Shirts And Shirt-Blouses Of Cotton (Excl. Knitted Or Crocheted And Vests) |
| 6206.40 | Women'S Or Girls' Blouses, Shirts And Shirt-Blouses Of Man-Made Fibres (Excl. Knitted Or Crocheted And Vests) |
| 6206.90 | Women'S Or Girls' Blouses, Shirts And Shirt-Blouses Of Textile Materials (Excl. Of Silk, Silk Waste, Wool, Fine Animal Hair, Cotton Or Man-Made Fibres, Knitted Or Crocheted And Vests) |
| 6302.31 | Bed-Linen Of Cotton (Excl. Printed, Knitted Or Crocheted) |
| 6302.39 | Bed-Linen Of Textile Materials (Excl. Of Cotton And Man-Made Fibres, Printed, Knitted Or Crocheted) |
| 6302.40 | Table Linen, Knitted Or Crocheted |
| 6302.51 | Table Linen Of Cotton (Excl. Knitted Or Crocheted) |
| 6303.11 | Curtains, Incl. Drapes, And Interior Blinds, Curtain Or Bed Valances Of Cotton, Knitted Or Crocheted (Excl. Awnings And Sunblinds) |
| 6303.12 | Curtains, Incl. Drapes, And Interior Blinds, Curtain Or Bed Valances Of Synthetic Fibres, Knitted Or Crocheted (Excl. Awnings And Sunblinds) |
| 6303.19 | Curtains, Incl. Drapes, And Interior Blinds, Curtain Or Bed Valances, Knitted Or Crocheted (Excl. Of Cotton Or Synthetic Fibres, Awnings And Sunblinds) |
| 6303.91 | Curtains, Incl. Drapes, And Interior Blinds, Curtain Or Bed Valances Of Cotton (Excl. Knitted Or Crocheted, Awnings And Sunblinds) |
| 6303.99 | Curtains, Incl. Drapes, And Interior Blinds, Curtain Or Bed Valances Of Textile Materials (Excl. Of Cotton And Synthetic Fibres, Knitted Or Crocheted, Awnings And Sunblinds) |
| 6910.10 | Ceramic Sinks, Wash Basins, Wash Basin Pedestals, Baths, Bidets, Water Closet Pans, Flushing Cisterns, Urinals And Similar Sanitary Fixtures Of Porcelain Or China (Excl. Soap Dishes, Sponge Holders, Tooth-Brush Holders, Towel Hooks And Toilet Paper Holder) |
| 7113.19 | Articles Of Jewellery And Parts Thereof, Of Precious Metal Other Than Silver, Whether Or Not Plated Or Clad With Precious Metal (Excl. Articles > 100 Years Old) |
| 7213.10 | Bars And Rods, Hot-Rolled, In Irregularly Wound Coils Of Iron Or Non-Alloy Steel, With Indentations, Ribs, Grooves Or Other Deformations Produced During The Rolling Process |
| 7213.20 | Bars And Rods, Hot-Rolled, In Irregularly Wound Coils, Of Non-Alloy Free-Cutting Steel (Excl. Bars And Rods Containing Indentations, Ribs, Grooves Or Other Deformations Produced During The Rolling Process) |
| 7213.91 | Bars And Rods, Hot-Rolled, In Irregularly Wound Coils, Of Iron Or Non-Alloy Steel, Of Circular Cross-Section Measuring < 14 Mm In Diameter (Excl. Bars And Rods Of Free-Cutting Steel, And Bars And Rods With Indentations, Ribs, Grooves Or Other Deformations) |
| 7213.99 | Bars And Rods, Hot-Rolled, In Irregularly Wound Coils, Of Iron Or Non-Alloy Steel (Excl. Products Of Circular Cross-Section Measuring < 14 Mm In Diameter, Bars And Rods Of Free-Cutting Steel, And Bars And Rods With Indentations, Ribs, Grooves Or Other Def) |
| 7214.10 | Bars And Rods, Of Iron Or Non-Alloy Steel, Not Further Worked Than Forged (Excl. In Irregularly Wound Coils) |
| 7214.20 | Bars And Rods, Of Iron Or Non-Alloy Steel, With Indentations, Ribs, Groves Or Other Deformations Produced During The Rolling Process |
| 7214.91 | Bars And Rods, Of Iron Or Non-Alloy Steel, Not Further Worked Than Hot-Rolled, Hot-Drawn Or Hot-Extruded, Of Rectangular 'Other Than Square' Cross-Section (Excl. Containing Indentations, Ribs, Grooves Or Other Deformations Produced During The Rolling Proc) |
| 7214.99 | Bars And Rods, Of Iron Or Non-Alloy Steel, Only Hot-Rolled, Only Hot-Drawn Or Only Hot-Extruded (Excl. Of Rectangular [Other Than Square] Cross-Section And Those Containing Indentations, Ribs, Grooves Or Other Deformations Produced During The Rolling Process) |
| 7217.10 | Wire Of Iron Or Non-Alloy Steel, In Coils, Not Plated Or Coated, Whether Or Not Polished (Excl. Bars And Rods) |

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| 7217.20 | Wire Of Iron Or Non-Alloy Steel, In Coils, Plated Or Coated With Zinc (Excl. Bars And Rods) |
| 7217.30 | Wire Of Iron Or Non-Alloy Steel, In Coils, Plated Or Coated With Base Metals (Excl. Plated Or Coated With Zinc, And Bars And Rods) |
| 7217.90 | Wire Of Iron Or Non-Alloy Steel, In Coils, Plated Or Coated (Excl. Plated Or Coated With Base Metals, And Bars And Rods) |
| 7227.10 | Bars And Rods Of High-Speed Steel, Hot-Rolled, In Irregularly Wound Coils |
| 7227.20 | Bars And Rods Of Silico-Manganese Steel, Hot-Rolled, In Irregularly Wound Coils |
| 7227.90 | Bars And Rods Of Alloy Steel Other Than Stainless, Hot-Rolled, In Irregularly Wound Coils (Excl. Products Of High-Speed Steel Or Silicon-Electrical Steel) |
| 7306.30 | Tubes, Pipes And Hollow Profiles, Welded, Having A Circular Cross-Section, Of Iron Or Non-Alloy Steel (Excl. Of Cast Iron, Products Having Internal And External Circular Cross-Sections And An External Diameter Of > 406,4 Mm, Or Line Pipe Of A Kind Used Fo |
| 7306.90 | Tubes, Pipes And Hollow Profiles 'E.G., Open Seam, Riveted Or Similarly Closed', Of Iron Or Steel (Excl. Of Cast Iron, Seamless Or Welded Tubes And Pipes And Tubes And Pipes Having Internal And External Circular Cross-Sections And An External Diameter Of |
| 7312.10 | Stranded Wire, Ropes And Cables, Of Iron Or Steel (Excl. Electrically Insulated Products And Twisted Fencing Wire And Barbed Wire) |
| 7317.00 | Nails, Tacks, Drawing Pins, Corrugated Nails, Staples And Similar Articles Of Iron Or Steel, Whether Or Not With Heads Of Other Material (Excl. Such Articles With Heads Of Copper And Staples In Strips) |
| | Other |
| | Los Demas |
| 7320.90 | Springs And Leaves For Springs, Of Iron Or Steel, Incl. Flat Spiral Springs (Excl. Helical Springs, Spiral Springs, Leaf-Springs And Leaves Therefor, Clock And Watch Springs, Spring Washers And Other Lock Washers And Shock Absorbers And Torque Rod..... |
| 7321.11 | Appliances For Baking, Frying, Grilling And Cooking And Plate Warmers, For Domestic Use, Of Iron Or Steel, For Gas Fuel Or For Both Gas And Other Fuels (Excl. Large Cooking Appliances) |
| 7610.10 | Doors, Windows And Their Frames And Thresholds For Door, Of Aluminium (Excl. Door Furniture) |
| 8414.51 | Table, Floor, Wall, Window, Ceiling Or Roof Fans, With A Self-Contained Electric Motor Of An Output <= 125 W |
| 8418.10 | Combined Refrigerators-Freezers, With Separate External Doors |
| 8418.21 | Household Refrigerators, Compression-Type |
| 8418.30 | Freezers Of The Chest Type, Of A Capacity <= 800 L |
| 8418.50 | Refrigerated Or Freezing Chests, Cabinets, Display Counters, Show-Cases And Similar, Refrigerating Or Freezing Furniture With A Refrigerating Unit Or Evaporator (Excl. Combined Refrigerator-Freezers With Separate External Doors, Household Refrigerators An |
| 8419.19 | Instantaneous Or Storage Water Heaters, Non-Electric (Excl. Instantaneous Gas Water Heaters And Boilers Or Water Heaters For Central Heating) |
| 8450.11 | Fully-Automatic Household Or Laundry-Type Washing Machines, Of A Dry Linen Capacity <= 6 Kg |
| 8506.10 | Manganese Dioxide Cells And Batteries (Excl. Spent) |
| 8506.80 | Primary Cells And Primary Batteries, Electric (Excl. Spent, And Those Of Silver Oxide, Mercuric Oxide, Manganese Dioxide, Lithium And Air-Zinc) |
| 8507.30 | Nickel-Cadmium Accumulators (Excl. Spent) |
| 8507.80 | Electric Accumulators (Excl. Spent And Lead-Acid, Nickel-Cadmium Or Nickel-Iron Accumulators) |
| 8539.22 | Filament Lamps Of A Power <= 200 W And For A Voltage > 100 V (Excl. Tungsten Halogen Filament Lamps And Ultra-Violet Or Infra-Red Lamps) |
| 8539.29 | Filament Lamps, Electric (Excl. Tungsten Halogen Lamps, Lamps Of A Power <= 200 W And For A Voltage > 100 V And Ultra-Violet Or Infra-Red Lamps) |
| 8539.39 | Discharge Lamps (Excl. Flourescent, Hot Cathode Lamps, Mercury Or Sodium Vapour Lamps, Metal Halide Lamps And Ultra-Violet Lamps) |
| 9401.50 | Seats Of Cane, Osier, Bamboo Or Similar Materials |
| 9401.61 | Upholstered Seats, With Wooden Frames (Excl. Convertible Into Beds) |

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| 9401.69 | Seats, With Wooden Frames (Excl. Upholstered) |
| 9401.71 | Upholstered Seats, With Metal Frames (Excl. Seats For Aircraft Or Motor Vehicles, Swivel Seats With Variable Height Adjustments And Medical, Dental Or Surgical Furniture) |
| 9401.79 | Seats, With Metal Frames (Excl. Upholstered, Swivel Seats With Variable Height Adjustments And Medical, Dental Or Surgical Furniture) |
| 9401.80 | Seats, N.E.S. |
| 9401.90 | Parts Of Seats, N.E.S. |
| 9403.10 | Metal Furniture For Offices (Excl. Seats) |
| 9403.20 | Metal Furniture (Excl. For Offices, Seats And Medical, Surgical, Dental Or Veterinary Furniture) |
| 9403.30 | Wooden Furniture For Offices (Excl. Seats) |
| 9403.40 | Wooden Furniture For Kitchens (Excl. Seats) |
| 9403.50 | Wooden Furniture For Bedrooms (Excl. Seats) |
| 9403.60 | Wooden Furniture (Excl. For Offices, Kitchens And Bedrooms, And Seats) |
| 9403.70 | Furniture Of Plastic (Excl. Medical, Dental, Surgical Or Veterinary, And Seats) |
| 9403.80 | Furniture Of Cane, Osier, Bamboo Or Similar Materials (Excl. Of Metal, Wood And Plastics) |
| 9403.90 | Parts Of Furniture, N.E.S. (Excl. Seats) |
| 9404.10 | Mattress Supports For Bed Frames (Excl. Spring Interiors For Seats) |
| 9404.21 | Mattresses Of Cellular Rubber Or Plastics, Whether Or Not Covered |
| 9404.29 | Mattresses, Fitted With Springs Or Stuffed Or Internally Filled With Any Material (Excl. Cellular Rubber Or Plastics, Pneumatic Or Water Mattresses And Pillows) |
| 9404.90 | Articles Of Bedding And Similar Furnishing, Fitted With Springs Or Stuffed Or Internally Filled With Any Material Or Of Cellular Rubber Or Plastics (Excl. Mattress Supports, Mattresses, Sleeping Bags, Pneumatic Or Water Mattresses And Pillows, Blankets An |
| 9405.10 | Chandeliers And Other Electric Ceiling Or Wall Lighting Fittings (Excl. For Lighting Public Open Spaces Or Thoroughfares) |
| 9405.20 | Electric Table, Desk, Bedside Or Floor-Standing Lamps |
| 9405.40 | Electric Lamps And Lighting Fittings, N.E.S. |

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