

**BILL ESSENTIALS**

**THE CARIFORUM (Caribbean Community and Dominican Republic) European Community Economic Partnership Agreement Bill, 2013**

**Background**

The CARIFORUM (Caribbean Community and Dominican Republic) European Community Economic Partnership Agreement Bill, 2013, was first introduced into the House of Representatives on Friday December 9, 2011 in the name of the then Minister of Trade and Industry, the Hon. Stephen Cadiz, MP. The Bill lapsed upon the prorogation of the Second Session of the Tenth Parliament on Tuesday June 26, 2012. The CARIFORUM EPA Bill, 2013, was reintroduced and read a first time in the House of Representatives on May 20, 2013, by Sen. the Hon. Vasant Bharath, Minister of Trade, Industry and Investment.

**Purpose**

The Bill seeks to provide for the implementation of the Economic Partnership Agreement (“the Agreement”) between Member States comprising the CARIFORUM grouping (the Caribbean Community and Dominican Republic) and the European Community, to effect consequential amendments to the Customs Act, Chap. 78:01, and for related matters.

**Importance of the CARIFORUM Economic Partnership Agreement**

The CARIFORUM Economic Partnership Agreement is a trade partnership aimed at developing sustainable development through the promotion of regional integration and the gradual integration of the CARIFORUM countries into the world economy. It supports increased investment and provides for capacity building measures.<sup>1</sup>

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<sup>1</sup> Information Paper. CARIFORUM-EU Economic Partnership Agreement: An overview.  
[http://ec.europa.eu/development/icenter/repository/cariforum\\_eu\\_epa\\_information\\_paper\\_overview.pdf](http://ec.europa.eu/development/icenter/repository/cariforum_eu_epa_information_paper_overview.pdf)

**Key features of the proposed legislation:**

- ✓ Section 2 of the Bill provides for the commencement of Articles 16, 20, 27, 31, 67, 68, 72, 81 to 83, 146, 148, 150, 165 to 182, 197 to 201, 237, 238, Annex III, Appendix I to Annex III, Appendix II to Annex III, Annex IVe, Annex IVf and Annex VI of the Agreement on such dates as are fixed by Proclamation.

**The Bill:**

- ✓ allows for the provisions of the Agreement to have the force of law, subject to section 2 of the Bill;
- ✓ provides for judicial notice to be taken of the provisions of the Agreement and any amendments made to the Bill as if they were contained in the Act;
- ✓ empowers the Minister to make regulations under the Act subject to negative resolution of Parliament;
- ✓ provides for the amendment of the Customs Act, Chapter 78:01 by inserting a new section, 6B which incorporates and describes the preferential treatment established by the Agreement, and specifies the goods to which the reduced import tariff rates apply.

**Enactment of similar legislation by CARIFORUM Members**

- ❖ Only 5 CARIFORUM States have ratified the Agreement: Antigua and Barbuda, Barbados, Belize, Dominican Republic and Guyana<sup>2</sup>
- ❖ In the case of Guyana, the ratification of the Agreement was done by way of resolution debated and passed in the Parliament<sup>3</sup>.
- ❖ Jamaica has also started to advance the implementation of the Agreement through the development of a policy for incrementally reducing tariffs according to the requirements of the Agreement.<sup>4</sup>

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<sup>2</sup> <http://www.normangirvan.info/wp-content/uploads/2012/12/NAR-Development-Content-of-CF-EPA-Nov-12.pdf>

<sup>3</sup> <http://www.parliament.gov.gy/index.php/parliamentary-business/resolutions>

- ❖ At a regional level, *the Economic Partnership Agreement (EPA) Implementation Unit* based in the Caribbean Community (CARICOM) Secretariat was set up to facilitate the implementation of the Caribbean Forum of African, Caribbean and Pacific (CARIFORUM)-European Union (EU) EPA, signed by fourteen CARIFORUM States in October 2008 and by the fifteenth CARIFORUM State, Haiti, in December 2009. The Agreement has been provisionally applied since 29 December 2008.<sup>5</sup>

In addition, the Agreement requires the establishment of five institutions established to facilitate implementation of the Agreement. They are as follows:

- i. **The Joint CARIFORUM-EU Council**
- ii. **The CARIFORUM-EU Trade and Development Committee**
- iii. **The Special Committee on Customs Cooperation and Trade Facilitation**
- iv. **The CARIFORUM-EU Parliamentary Committee**
- v. **The CARIFORUM-EU Consultative Committee**

**The Joint Council and the Trade and Development Committee** are to be assisted in the performance of their duties by the Special Committee on Customs Cooperation and Trade Facilitation and by other Special Committees, which may be established.<sup>6</sup>

- ❖ **CARIFORUM-EU Parliamentary Committee** held its second meeting on April 13, 2013 in Port-of-Spain, Trinidad and Tobago. As set out in Article 231 of the Economic Partnership Agreement (EPA) between the CARIFORUM States and the European Community and its Member States the role of this Committee is to monitor and review the implementation of the Agreement, and to be a forum for members of the European Parliament and the CARIFORUM States Legislatures to meet and exchange views.<sup>7</sup>

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<sup>4</sup> [http://www.tax-news.com/news/Jamaica\\_Begins\\_Tariff\\_Cuts\\_Under\\_EU\\_EPA\\_59231.html](http://www.tax-news.com/news/Jamaica_Begins_Tariff_Cuts_Under_EU_EPA_59231.html)

<sup>5</sup> [http://www.caricom.org/jsp/community\\_organs/epa\\_unit/epa\\_unit\\_about.jsp](http://www.caricom.org/jsp/community_organs/epa_unit/epa_unit_about.jsp)

<sup>6</sup> [http://www.caricom.org/jsp/community\\_organs/epa\\_unit/epa\\_institutional\\_provisions.jsp](http://www.caricom.org/jsp/community_organs/epa_unit/epa_institutional_provisions.jsp)

<sup>7</sup> [http://www.caricom.org/jsp/community\\_organs/epa\\_unit/PR71\\_2013.pdf](http://www.caricom.org/jsp/community_organs/epa_unit/PR71_2013.pdf)

- ❖ In March 2013, the Second Meeting of Legislative Drafters of Member States was held in Trinidad and Tobago. The agenda of this meeting was deliberation on draft model Bills under the EPA.<sup>8</sup>

**Considerations:**

- ✓ The other six (6) ACP regional groupings are all still in negotiations (some have ratified interim Economic Partnership Agreements) and are yet to pass national legislation.

Please take the opportunity to access the Bill via the link provided <http://www.ttparliament.org/legislations/b2013h11.pdf> and feel free to submit your comments and concerns to the Parliament via our website.

**Main references:**

1. Overview of the EPA.  
[http://trade.ec.europa.eu/doclib/docs/2009/september/tradoc\\_144912.pdf](http://trade.ec.europa.eu/doclib/docs/2009/september/tradoc_144912.pdf)
2. Overview of the CARIFORUM/EU EPA Process.  
<http://www.tradeind.gov.tt/Agreements/TradeAgreements/EconomicPartnershipAgreementEPA/EconomicPartnershipAgreementEPAOverview.aspx>
3. The CARIFORUM/EU Economic Partnership Agreement: An Executive Summary.  
<http://www.tradeind.gov.tt/Portals/0/Documents/EPA/EPA2/EPA%20Summary.pdf>

***Parliament Secretariat  
Parliament of the Republic of Trinidad and Tobago  
Levels G-7, Tower D,  
Port of Spain International Waterfront Centre  
#1A Wrightson Road, Port of Spain***

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<sup>8</sup> [http://www.caricom.org/jsp/community\\_organs/epa\\_unit/PR43\\_2013.pdf](http://www.caricom.org/jsp/community_organs/epa_unit/PR43_2013.pdf)

***TRINIDAD***

**May 30, 2013**