



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

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

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

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

**HAVE AGREED** as follows:

**ARTICLE I**

**AMENDMENT OF ARTICLE 83**

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

**"Article 83**

**Operation of the Common External Tariff**

- 1. Any alteration or suspension of the Common External Tariff on any item shall be decided by COTED.**
- 2. A Member State may apply to COTED for authorisation to suspend the applicable Common External Tariff on an item and, in place thereof, apply a higher or a lower tariff.**
- 3. In its consideration of an application to suspend the Common External Tariff on an item, COTED shall, where applicable, take into account whether:**
  - (a) the product is not being produced in the Community;**
  - (b) the quantity of the product being produced in the Community does not satisfy the demand of the Community;**

- (c) the quality of the product being produced in the Community is below the Community standard or a standard the use of which is authorised by COTED;**
  - (d) there is a critical shortfall in government revenue being experienced by that Member State;**
  - (e) there are rising cost of living issues to be urgently addressed by that Member State;**
  - (f) there is need to support an industry in that Member State;**
  - (g) the product is of strategic importance to the economic development of that Member State; and**
  - (h) the suspension of the Common External Tariff on the item is required for the support of the protection and conservation of the environment.**
- 4. During any period between the meetings of COTED, the Secretary-General may, on behalf of COTED, authorise a Member State to suspend the applicable Common External Tariff on an item provided that the decision is based on sub-paragraph (a), (b) or (c) of paragraph 3. Any exercise of such authority by the Secretary-General shall be reported to the next meeting of COTED.**
- 5. An application to suspend the applicable Common External Tariff on an item must be supported by information as prescribed by COTED, from time to time.**
- 6. Any authorisation to suspend the application of the Common External Tariff on an item shall be subject to such terms and conditions as COTED, or the Secretary-General acting pursuant to paragraph 4, may decide.**

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

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

**9. For the purposes of this Article:**

**(a) "suspension" means that a Member State is exempted from applying the agreed Common External Tariff on an item for a period of time and may instead apply a higher or lower tariff as authorised;**

**(b) "alteration" means a change to the agreed rate of the Common External Tariff on an item by an increase or a decrease in the rate and which changed rate is applicable to all Member States.**

## **ARTICLE II**

### **SIGNATURE AND PROVISIONAL APPLICATION**

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



Signed by  
for the Government of Grenada on the            day of  
at

Signed by  
for the Government of the Co-operative Republic of Guyana on the            day of  
at

Signed by  
for the Government of the Republic of Haiti on the            day of  
at

Signed by  
for the Government of Jamaica on the            day of  
at

Signed by  
for the Government of the Federation of St. Kitts and Nevis on the            day of  
at

Signed by  
for the Government of Saint Lucia on the            day of  
at

*Protocol to Amend Article 83 of the Revised Treaty*

Signed by

for the Government of St. Vincent and the Grenadines on the        day of

at

Signed by

for the Government of the Republic of Suriname on the        day of

at

Signed by

for the Government of the Republic of Trinidad and Tobago on the        day of

at