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;

(h) the suspension of the Common External Tariff on the item is required for the support of the protection and conservation of the environment.

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

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

6. Any authorisation to suspend the application of the Common External Tariff on an item shall be subject to such terms and conditions as COTED, or the Secretary-General acting pursuant to paragraph 4, may decide.
7. Each Member State shall, for the purpose of administering the Common External Tariff, appoint a competent authority which shall be notified to COTED.

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

9. For the purposes of this Article:

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

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

ARTICLE II

SIGNATURE AND PROVISIONAL APPLICATION

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

ENTRY INTO FORCE

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

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

DONE at the day of

Signed by
for the Government of Antigua and Barbuda on the day of
at

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

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

Signed by
for the Government of the Commonwealth of Dominica on the day of
at
Protocol to Amend Article 83 of the Revised Treaty

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