

CHAPTER TEN GENERAL AND FINAL PROVISIONS

ARTICLE 225

Security Exceptions

Nothing in this Treaty shall be construed:

- (a) as requiring any Member State to furnish information, the disclosure of which it considers contrary to its essential security interests;*
- (b) as preventing any Member State from taking any action which it considers necessary for the protection of its essential security interests:*
 - (i) relating to the supply of services carried out directly or indirectly for the purpose of provisioning a military establishment;*
 - (ii) in time of war or other emergency in international relations; or*
- (c) as preventing any Member State from taking any action in pursuance of its obligations for the maintenance of international peace and security.*

ARTICLE 226

General Exceptions

1. Nothing in this Chapter shall be construed as preventing the adoption or enforcement by any Member State of measures:

- (a) to protect public morals or to maintain public order and safety;*
- (b) to protect human, animal or plant life or health;*
- (c) necessary to secure compliance with laws or regulations relating to customs enforcement, or to the classification, grading or marketing of goods, or to the operation of monopolies by means of state enterprises or enterprises given exclusive or special privileges;*
- (d) necessary to protect intellectual property or to prevent deceptive practices;*
- (e) relating to gold or silver;*
- (f) relating to the products of prison labour;*
- (g) relating to child labour;*
- (h) imposed for the protection of national treasures of artistic, historic or archaeological value;*

114.

(i) necessary to prevent or relieve critical food shortages in any exporting Member State;

(j) relating to the conservation of natural resources or the preservation of the environment;

(k) to secure compliance with laws or regulations which are not inconsistent with the provisions of this Treaty including those relating to:

(i) the prevention of deceptive and fraudulent practices, and the effects of a default on contracts;

(ii) the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts; and

(l) to give effect to international obligations including treaties on the avoidance of double taxation,

but only if such measures do not constitute arbitrary or unjustifiable discrimination between Member States where like conditions prevail, or a disguised restriction on trade within the Community.

2. Measures taken by the Member States pursuant to paragraph 1 shall be notified to COTED.

3. The Community Council shall take appropriate measures to co-ordinate applicable legislation, regulations and administrative practices established in accordance with Article 44.

ARTICLE 227

Notification

Where in this Treaty provision is made for notification to an Organ of the Community, such notification shall be effected through the Secretariat.

ARTICLE 228

Legal Capacity of the Community

1. The Community shall have full juridical personality.
2. Every Member State shall in its territory accord to the Community the most extensive legal capacity accorded to legal persons under its laws including the capacity to acquire and dispose of movable and immovable property and to sue and be sued in its own name. In any legal proceedings, the Community shall be represented by the Secretariat.
3. The Community may also conclude agreements with States and International Organisations.
4. The Member States agree to take such action as is necessary to give effect in their territories to the provisions of this Article and shall promptly inform the Secretariat of such action.

ARTICLE 229

Privileges and Immunities of the Community

1. The Headquarters Agreement concluded between the Caribbean Community and Common Market and the Government of Guyana on 23 January 1976 shall continue to govern relations between the Community and the host country.
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2. The Protocol on Privileges and Immunities concluded by the Member States in connection with the Caribbean Community and Common Market shall govern relations between the Community and such Member States.

ARTICLE 230

Negotiation and Conclusion of Agreements

1. Conference may designate any Organ or Body of the Community to negotiate agreements for the achievement of the objectives of the Community.
2. Conference may delegate to the Secretary-General the conclusion of agreements, particularly technical assistance agreements, on behalf of the Community.
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ARTICLE 231

Associate Membership

Conference may admit any Caribbean State or Territory to associate membership of the Community on such terms and conditions as Conference thinks fit.

ARTICLE 232

Signature

This Treaty shall be open for signature on the 5th day of July 2001 by the States mentioned in paragraph 1 of Article 3.

ARTICLE 233

Ratification

This Treaty and any amendments thereto shall be subject to ratification by signatory States in accordance with their respective constitutional procedures. Instruments of ratification shall be deposited with the Secretariat which shall transmit certified copies to the signatory States.

ARTICLE 234

Entry Into Force

This Treaty shall enter into force on the deposit of the last instrument of ratification by the States mentioned in paragraph 1 of Article 3

ARTICLE 235

Registration

This Treaty and any amendments thereto shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations

ARTICLE 236

Amendments

1. This Treaty may be amended by the unanimous decision of the Parties.
2. An amendment shall enter into force one month after the date on which the last instrument of ratification is deposited with the Secretariat.

ARTICLE 237

Reservations

Reservations may be entered to this Treaty with the consent of the signatory States.

ARTICLE 238

Accession

1. After the entry into force of this Treaty a State or Territory of the Caribbean may, if Conference so determines, accede to this Treaty.
2. Accession shall be on such terms and conditions as Conference decides and shall take effect one month following the deposit of the instrument of accession with the Secretariat.

ARTICLE 239**Undertaking**

The Member States undertake to elaborate a Protocol relating, *inter alia*, to:

- (a) electronic commerce;
- (b) government procurement
- (c) treatment of goods produced in free zones and similar jurisdictions;
- (d) free circulation of goods in the CSME, and
- (e) rights contingent on establishment, provision of services and movement of capital in the Community.

ARTICLE 240**Saving**

1. Decisions of competent Organs taken under this Treaty shall be subject to the relevant constitutional procedures of the Member States before creating legally binding rights and obligations for nationals of such States.
2. The Member States undertake to act expeditiously to give effect to decisions of competent Organs and Bodies in their municipal law.
3. COTED shall monitor and keep under review the implementation of the provisions of this Article and shall convene a review conference of Member States within five years from the entry into force of this Treaty.

IN WITNESS WHEREOF, the undersigned Heads of Government have appended their signatures to this Treaty.

DONE at

this day of 2001 in a single copy which shall be deposited with the Secretary-General of the Community by whom certified copies will be communicated to all the signatories.

Signed by

for the Government of Antigua and Barbuda on the day of 2001

at

Signed by

118.

for the Government of Barbados on the day of 2001

at

Signed by

for the Government of Belize on the day of 2001

at

Signed by

for the Government of the Commonwealth of Dominica on the day of 2001 at

Signed by

for the Government of Grenada on the day of 2001

at

Signed by

for the Government of the Co-operative Republic of Guyana on the day of 2001 at

Signed by

for the Government of Jamaica on the day of 2001

at

Signed by

for the Government of Montserrat on the day of 2001

at

119.

*Signed by
for the Government of St. Kitts and Nevis on the day of 2001
at*

*Signed by
for the Government of Saint Lucia on the day of 2001
at*

*Signed by
for the Government of St. Vincent and the Grenadines on the day of
2001 at*

*Signed by
for the Government of The Republic of Suriname on the day of
2001 at*

*Signed by
for the Government of The Republic of Trinidad and Tobago on the
day of 2001 at*

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