

PREAMBLE

The States Parties to the Treaty Establishing the Caribbean Community and Common Market signed at Chaguaramas on 4 July 1973,

Recalling the Declaration of Grand Anse and other decisions of the Conference of Heads of Government, in particular the commitment to deepening regional economic integration through the establishment of the CARICOM Single Market and Economy (CSME) in order to achieve sustained economic development based on international competitiveness, co-ordinated economic and foreign policies, functional co-operation and enhanced trade and economic relations with third States;

Recognising that globalisation and liberalisation have important implications for international competitiveness;

Determined to enhance the effectiveness of the decision-making and implementation processes of the Community;

Desirous of restructuring the Organs and Institutions of the Caribbean Community and Common Market and redefining their functional relationships so as to enhance the participation of their peoples, and in particular the social partners, in the integration movement;

Conscious of the need to promote in the Community the highest level of efficiency in the production of goods and services especially with a view to maximising foreign exchange earnings on the basis of international competitiveness, attaining food security, achieving structural diversification and improving the standard of living of their peoples;

Aware that optimal production by economic enterprises in the Community requires the structured integration of production in the Region, and particularly, the unrestricted movement of capital, labour and technology;

Resolved to establish conditions which would facilitate access by their nationals to the collective resources of the Region on a non-discriminatory basis;

Convinced that market-driven industrial development in the production of goods and services is essential for the economic and social development of the peoples of the Community;

Cognisant that a fully integrated and liberalised internal market will create favourable conditions for sustained, market-led production of goods and services on an internationally competitive basis;

Desirous further of establishing and maintaining a sound and stable macro-economic environment that is conducive to investment, including cross-border investments, and the competitive production of goods and services in the Community;

Believing that differences in resource endowment and in the levels of economic development of Member States, may affect the implementation of the Community Industrial Policy;

Recognising also the potential of micro, small, and medium enterprise development to contribute to the expansion and viability of national economies of the Community and the importance of large enterprises for achieving economies of scale in the production process;

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Mindful that co-operation and joint action in developing trade relations with third States and in establishing appropriate regulatory and administrative procedures and services are essential for the development of the international and intraregional trade of Member States;

Determined further to effect a fundamental transformation of the agricultural sector of the Community by diversifying agricultural production, intensifying agro-industrial development, expanding agri-business, strengthening the linkages between the agricultural sector and other sectors of the CSME and generally conducting agricultural production on a market-oriented, internationally competitive and environmentally sound basis;

Acknowledging the vital importance of land, air and maritime transportation for maintaining economic, social and cultural linkages as well as facilitating emergency assistance among the Member States of the Community;

Recognising further the importance of the establishment and structured development of transport links with third States for the accelerated and sustained development of the CSME;

Conscious also of the importance of promoting adequate air and maritime transport services for the continued viability of the tourism industry and of reducing the vulnerability of the CARICOM Region resulting from its reliance on extra-regional carriers;

Convinced also that a viable transport policy for the Community will make a significant contribution in satisfying the demands for the intra-regional movement of people and

products in the CSME;

Acknowledging further that some Member States, particularly the Less Developed Countries, are entering the CSME at a disadvantage by reason of the size, structure and vulnerability of their economies; and

Believing further that the persistence of disadvantage, however arising, may impact adversely on the economic and social cohesion in the Community;

Conscious further that disadvantaged countries, regions and sectors will require a transitional period to facilitate adjustment to competition in the CSME;

Committed to establish effective measures, programmes and mechanisms to assist disadvantaged countries, regions and sectors of the Community;

Mindful further that the benefits expected from the establishment of the CSME are not frustrated by anti-competitive business conduct whose object or effect is to prevent, restrict, or distort competition;

Convinced further that the application and convergence of national competition policies and the cooperation of competition authorities in the Community will promote the objectives of the CSME;

Affirming that the employment of internationally accepted modes of disputes settlement in the Community will facilitate achievement of the objectives of the Treaty;

Considering that an efficient, transparent, and authoritative system of disputes settlement in the Community will enhance the economic, social and other forms of activity in the CSME leading to confidence in the investment climate and further economic growth and development in the CSME;

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Affirming also that the original jurisdiction of the Caribbean Court of Justice is essential for the successful operation of the CSME;

Recalling further the Charter of Civil Society adopted by the Conference of Heads of Government on 19 February 1997 reaffirming the human rights of their peoples,

Have agreed as follows:

ARTICLE 1

Use of Terms

In this Treaty, unless the context otherwise requires:

“Agreement” means the Agreement Establishing the Caribbean Court of Justice;

“anti-competitive business conduct” has the meaning assigned to it in Article 173;

“Budget Committee” means the Body of the Community established by paragraph 1 of Article 18;

“business” means any activity carried on for gain or reward or in the course of which goods or services are produced, manufactured or supplied as the case may be;

“Commission” means the Competition Commission established by Article 167;

“Committee of Central Bank Governors” means the Body of the Community referred to in paragraph 2 of Article 18;

“Community” means the Caribbean Community established by Article 2 and includes the CSME established by the provisions of this Treaty;

“Community Council of Ministers” or “the Community Council” means the Organ of the Community so named in paragraph 1(b) of Article 10;

“Community origin” means origin which complies with the Rules of Origin set out in Article 78;

“Community treatment” means the access accorded to goods which are of Community origin to the markets of Member States without the application of import duties or quantitative restrictions;

“competent authority” means the authority legally authorised to perform a function and for the purpose of Chapter Five means the Minister of Government so designated by a Member State;

“Conference of Heads of Government” or “the Conference” means the Organ so named in paragraph 1(a) of Article 10;

“Contracting Party” means a party to the Agreement;

“Council for Human and Social Development” or “COHSOD” means the Organ

of the Community so named in paragraph 2 of Article 10;

"Council for Finance and Planning" or "COFAP" means the Organ of the Community so named in paragraph 2(a) of Article 10;

"Council for Foreign and Community Relations" or "COFCOR" means the Organ

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so named in paragraph 2(c) of Article 10;

"Council for Trade and Economic Development" or "COTED" means the Organ of the Community so named in paragraph 2(b) of Article 10;

"Court" means the Caribbean Court of Justice established by the Agreement;

"the CSME" means the regime established by the provisions of this Treaty replacing Chapters Three through Seven of the Annex to the Treaty Establishing the Caribbean Community and Common Market signed at Chaguaramas on 4 July 1973;

"disadvantaged countries" means:

(a) the Less Developed Countries within the meaning of Article 4; or

(b) Member States that may require special support measures of a transitional or temporary nature by reason of:

(i) impairment of resources resulting from natural disasters; or

(ii) the adverse impact of the operation of the CSME on their economies; or

(iii) temporary low levels of economic development; or

(iv) being a Highly-Indebted Poor Country designated as such by the competent inter-governmental organisation;

"disadvantaged regions" means:

(a) regions within Member States experiencing economic dislocation from the operation of the CSME; or

(b) regions that may require special support measures of a transitional or temporary nature by reason of:

(i) impairment of resources resulting from natural disasters; or

(ii) temporary low levels of economic development;

"disadvantaged sectors" means:

(a) sectors of the economies of Member States in which economic enterprises experience dislocation from the operation of the CSME; or

(b) sectors that may require special support measures of a transitional or temporary nature by reason of natural disasters, whereby the loss in the sector causes social and economic disorder;

"dispute" means a dispute within the meaning of Article 183;

"economic enterprises" means economic enterprises within the meaning of paragraph 5(b) of Article 32;

"enterprise" means any person or type of organisation, other than a non-profit

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organisation, involved in the production of or the trade in goods, or the provision of services;

"goods" means all kinds of property other than real property, money, securities or choses in action;

"import duties" means any tax or surtax of customs and any other charges of equivalent effect whether fiscal, monetary or exchange, which are levied on imports except those notified under Article 85 and other charges which fall within that Article;

"Legal Affairs Committee" means the Body established by paragraph 1 of Article 18;

"Member State" means a Member State of the Community excluding an Associate Member within the meaning of Article 231;

"Ministerial Councils" means COFAP, COFCOR, COHSOD and COTED;

"national" means a national within the meaning of paragraph 5(a) of Article 32;

"President" means the President of the Court;

"recommended practice" means any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application

of which is regionally or generally recognised in the international community as desirable for the efficient delivery of transport services;

“rules of competition” includes the rules set out in sub-paragraph (a)(i) of paragraph 1 of Article 166 and Articles 176, 177, 178 and 179;

“Secretariat” means the Secretariat of the Community referred to in Article 23;

“Secretary-General” means the Secretary-General of the Community;

“services” means services provided against remuneration other than wages in an approved sector and “the provision of services” means the supply of services:
(a) from the territory of one Member State into the territory of another Member State;

(b) in the territory of one Member State to a service consumer of another Member State;

(c) by a service supplier of one Member State through commercial presence in the territory of another Member State; and

(d) by a service supplier of one Member State through the presence of natural persons of a Member State in the territory of another Member State;

“standard” means any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is regionally or generally recognised in the international community as necessary for the efficient delivery of transport services;

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“subsidies” includes the subsidies set out in Schedule V and shall apply only in relation to goods;

“trade” includes any business, industry, profession or occupation relating to the supply or acquisition of goods or services;

“WTO Agreement” means the Agreement establishing the World Trade Organisation done at Marrakesh on 15 April 1994.