

CARIFORUM-UK Council.

5. The CARIFORUM-UK Consultative Committee may

make recommendations to the Joint CARIFORUM-UK Council and the CARIFORUM-UK Trade and Development Committee.

## PART VI

### GENERAL AND FINAL PROVISIONS

#### *Article 232A*

##### **Incorporation of decisions adopted by joint institutions under the CARIFORUM-EU EPA**

1. Unless the Parties agree otherwise, any decisions adopted by the Joint CARIFORUM-EU Council, the CARIFORUM-EU Trade and Development Committee, and any special committees or bodies established by or under the CARIFORUM-EU EPA, before the CARIFORUM-EU EPA ceased to apply to the United Kingdom shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted, *mutatis mutandis*, by the Joint CARIFORUM-UK Council, CARIFORUM-UK Trade and Development Committee, and any special committees or bodies the Parties establish by or under this Agreement.
2. Nothing in paragraph 1 prevents the Joint CARIFORUM-UK Council, the CARIFORUM-UK Trade and Development Committee, the Special Committee on Customs Cooperation and Trade Facilitation, and any special committees or bodies established by or under this Agreement, from making decisions which are different to, revoke or supersede the decisions that are deemed to have been adopted by it under that paragraph.

#### *Article 233*

##### **Definition of the Parties and fulfilment of obligations**

1. Contracting Parties of this Agreement are Antigua and Barbuda, the Commonwealth of The Bahamas, Barbados, Belize, the Commonwealth of Dominica, the Dominican Republic, Grenada, the Republic of Guyana, the Republic of Haiti, Jamaica, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, the Republic of Suriname, and the Republic of Trinidad and Tobago, herein referred to as the 'CARIFORUM States', on the one part, and the United Kingdom of Great Britain and Northern Ireland, on the other part.
2. For the purposes of this Agreement, the CARIFORUM States agree to act collectively.
3. For the purposes of this Agreement, the term 'Party' shall refer to the CARIFORUM States acting collectively or the United Kingdom as the case may be. The term 'Parties' shall refer to the CARIFORUM States acting collectively and the United Kingdom.
4. Where individual action is provided for or required to exercise the rights or comply with the obligations under this Agreement reference is made to the 'Signatory CARIFORUM States'.
5. The Parties or the Signatory CARIFORUM States as the case may be shall adopt any general or specific measures required for them to fulfil their obligations under this

Agreement and shall ensure that they comply with the objectives laid down in this Agreement.

#### *Article 234*

##### **Coordinators and exchange of information**

1. In order to facilitate communication and to ensure the effective implementation of the Agreement the United Kingdom, the CARIFORUM States collectively and each Signatory CARIFORUM State shall designate a Coordinator upon the provisional application of this Agreement. The designation of Coordinators is without prejudice to the specific designation of competent authorities under specific provisions of this Agreement.
2. On request of either Party, the Coordinator of the other Party or of a Signatory CARIFORUM State shall indicate the office or official responsible for any matter pertaining to the implementation of this Agreement and provide the required support to facilitate communication with the requesting Party.
3. On request of either Party, and to the extent legally possible, each Party and the Signatory CARIFORUM States through their coordinators shall provide information and reply promptly to any question relating to an actual or proposed measure that might affect trade between the Parties. The Parties agree to channel their exchanges of information through the CARIFORUM Coordinator to the maximum extent possible.

#### *Article 235*

##### **Transparency**

1. Each Party and Signatory CARIFORUM State shall ensure that any laws, regulations, procedures and administrative rulings of general application as well as any international commitments relating to any trade matter covered by this Agreement are promptly published or made publicly available and brought to the attention of the other Party.
2. Without prejudice to specific transparency provisions in this Agreement, the information referred to under this Article shall be considered to have been provided when the information has been made available by appropriate notification to the WTO or when the information has been made available on the official, publicly and fee-free accessible website of the Party or of the Signatory CARIFORUM State concerned.
3. Nothing in this Agreement shall require any Party or Signatory CARIFORUM States to provide confidential information, the disclosure of which would impede law

enforcement, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of particular enterprises, public or private, except to the extent that it may be necessary to be disclosed in the context of a dispute settlement proceeding under Part III of this Agreement. Where such disclosure is considered necessary by a panel established under Article 207, the panel shall ensure that confidentiality is fully protected.

#### *Article 236*

##### **Dialogue on finance issues**

The Parties and the Signatory CARIFORUM States agree to foster dialogue, transparency and to share best practices in the area of tax policy and administration.

#### *Article 237*

##### **Collaboration in the fight against illegal financial activities**

The United Kingdom and the Signatory CARIFORUM States are committed to prevent and fight against illegal, fraudulent and corrupt activities, money laundering and terrorist financing and shall take the necessary legislative and administrative measures to comply with international standards, including those laid down in the United Nations Convention against Corruption, the United Nations Convention on Transnational Organised Crime and its Protocols and the United Nations Convention for the Suppression of Terrorist Financing. The United Kingdom and the Signatory CARIFORUM States agree to exchange information and cooperate in these areas.

#### *Article 238*

##### **Regional preference**

1. Nothing in this Agreement shall oblige a Signatory CARIFORUM State to extend to the United Kingdom any more favourable treatment which that Signatory CARIFORUM State applies as part of the respective regional integration processes amongst the CARIFORUM States.

2. Any more favourable treatment and advantage that may be granted under this Agreement by any Signatory CARIFORUM State to the United Kingdom shall also be enjoyed by each Signatory CARIFORUM State.

#### *Article 239*

##### **Balance of payments difficulties**

1. Where any Signatory CARIFORUM States or the United Kingdom is in serious balance of payments and external financial difficulties, or under threat thereof, it may adopt or maintain restrictive measures with regard to trade in goods, services and establishment.

2. The Signatory CARIFORUM States and the United Kingdom shall endeavour to avoid the application of the restrictive measures referred to in paragraph 1.

3. Any restrictive measure adopted or maintained under this Article shall be non-discriminatory and of limited duration and shall not go beyond what is necessary to remedy the balance of payments and external financial situation. They shall be in accordance with the conditions established in the WTO Agreements and consistent with the Articles of Agreement of the International Monetary Fund, as applicable.

4. Any Signatory CARIFORUM States or the United Kingdom maintaining or having adopted restrictive measures, or any changes thereto, shall promptly notify them to the other Party and present, as soon as possible, a time schedule for their removal.

5. Consultation shall be held promptly within the CARIFORUM-UK Trade and Development Committee. Such consultations shall assess the balance of payments situation of the concerned Signatory CARIFORUM States or the United Kingdom and the restrictions adopted or maintained under this Article, taking into account, *inter alia*, such factors as:

- (a) the nature and extent of the balance of payments and the external financial difficulties;
- (b) the external economic and trading environment;
- (c) alternative corrective measures which may be available.

The consultations shall address the compliance of any restrictive measures with paragraphs 3 and 4. All findings of statistical and other facts presented by the International Monetary Fund relating to foreign exchange, monetary reserves and balance of payments shall be accepted and conclusions shall be based on the assessment by the Fund of the balance of payments and the external financial situation of the concerned CARIFORUM State or the United Kingdom.

#### *Article 240*

##### **Relation with political dialogue, consultations and appropriate measures**

Nothing in this Agreement shall be construed so as to prevent the adoption by the United Kingdom or a Signatory CARIFORUM State of any measures, including trade-related measures under this Agreement, deemed appropriate, as provided for under the Joint Declaration on Political Dialogue, Consultations and Appropriate Measures and according to the procedures set by that Joint Declaration.

#### *Article 241*

##### **Relations with the WTO Agreement**

The Parties agree that nothing in this Agreement requires them or the Signatory CARIFORUM States to act in a manner inconsistent with their WTO obligations.

#### *Article 242*

##### **Entry into force**

1. This Agreement shall enter into force on the later of the date on which the CARIFORUM-EU EPA ceases to apply to the United Kingdom or the first day of the month following that in which the Parties have notified each other of the completion of the procedures necessary for

this purpose, or from such other date as the Parties agree.

2. Instruments of ratification, acceptance or approval shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland which is hereby designated the depositary of this Agreement<sup>1</sup>.

3. Pending entry into force of the Agreement, the United Kingdom and the Signatory CARIFORUM States shall agree to provisionally apply the Agreement, in full or in part. This may be effected by provisional application pursuant to the laws of a signatory or by ratification of the Agreement. Provisional application shall be notified to the depositary. The Agreement shall be applied provisionally from the date on which the CARIFORUM-EU EPA ceases to apply to the United Kingdom; or otherwise if the United Kingdom and the Signatory CARIFORUM States so agree, ten (10) days after the latter of the receipt of notification of provisional application from the United Kingdom or from all the Signatory CARIFORUM States; or from such other date as the United Kingdom and the Signatory CARIFORUM States agree.

4. Notwithstanding paragraph 3, the United Kingdom and Signatory CARIFORUM States may take steps to apply the Agreement, before provisional application, to the extent feasible.

#### *Article 243*

##### **Duration**

1. This Agreement shall be valid indefinitely.
2. Either Party or Signatory CARIFORUM State may give written notice to the others of its intention to denounce this Agreement.
3. Denunciation shall take effect six months after notification.

#### *Article 244*

##### **Territorial application**

This Agreement shall apply, on the one hand, to the United Kingdom and the territories for whose international relations the United Kingdom is responsible to the extent that and under the conditions which the CARIFORUM-EU EPA applied immediately before it ceased to apply to the United Kingdom and, on the other hand, to the territories of the Signatory CARIFORUM States. References in this Agreement to 'territory' shall be understood in this sense, unless explicitly stated otherwise.

#### *Article 245*

##### **Revision clause**

1. The Parties agree to consider extending this Agreement with the aim of broadening and supplementing its scope in accordance with their respective legislation, by amending it or concluding agreements on specific sectors or activities in the light of the experience gained during its implementation. The Parties may also consider revising this Agreement to

bring Overseas Countries and Territories associated with the United Kingdom within the scope of this Agreement.

2. As regards the implementation of this Agreement, either Party may make suggestions oriented towards adjusting trade related cooperation, taking into account the experience acquired during the implementation thereof.

#### *Article 246*

##### **Accession**

1. Any Caribbean State may accede to this Agreement subject to such terms and conditions as may be agreed between such country and the United Kingdom and the Signatory CARIFORUM States and following approval in accordance with the applicable legal procedures of the United Kingdom and the Signatory CARIFORUM States and the acceding country.

2. The instrument of accession shall be deposited with the depositary.

#### *Article 247*

##### **Authentic texts**

This Agreement is drawn up in duplicate in the Dutch, English, French and Spanish languages, each of these texts being equally authentic.

#### *Article 248*

##### **Annexes**

The Annexes, Protocols and footnotes shall form an integral part of this Agreement. Appendix 1 to Annex III is drawn up only in English.

<sup>1</sup> Treaty Section, FCO Legal Directorate, Foreign and Commonwealth Office, WH.2.143, King Charles Street, London SW1A 2AH, United Kingdom.

Done at CASTRIES, SAINT LUCIA on the 22 MARCH 2019.

For Antigua and Barbuda

For the Commonwealth of the Bahamas

For Barbados

**CHERYL SANDRA V HUSBANDS**

For Belize

**DUANE BELISLE**

For the Commonwealth of Dominica

**IAN DOUGLAS**

Por la República Dominicana

**HUGO GUILIANI CURY (04 APRIL 2019, LONDON)**

For Grenada

**OLIVER JOSEPH**

For the Republic of Guyana  
**DAVID HALES**

Pour la République d'Haïti

For Jamaica  
**KAMINA JOHNSON-SMITH**

For Saint Christopher and Nevis  
**LINDSAY GRANT**

For Saint Lucia  
**BRADLEY FELIX**

For Saint Vincent and the Grenadines  
**SANDY PETERS-PHILLIPS**

Voor de Republiek Suriname

For the Republic of Trinidad and Tobago  
**ORVILLE D LONDON (1 APRIL 2019, LONDON)**

For the United Kingdom of Great Britain and Northern Ireland  
**GEORGE HOLLINGBERY**