

SCHEDULE I

**1.1 LIST OF CONDITIONS TO BE COMPLIED WITH AS
PROVIDED UNDER ARTICLE 84 OF THE REVISED
TREATY AND THE RULES REGARDING
COMMUNITY ORIGIN**

Caribbean Community Secretariat

13 May 2006

THE TREATY ESTABLISHING THE CARIBBEAN COMMUNITY



ARTICLE 84

1.1.1.1 Community Rules of Origin

1. Subject to the provisions of this Article, goods that have been consigned from one Member State to a consignee in another Member State shall be treated as being of Community origin, where the goods:
 - a. have been wholly produced within the Community; or
 - b. have been produced within the Community wholly or partly from materials imported from outside the Community or from materials of undetermined origin by a process which effects a substantial transformation characterised:
 - i. by the goods being classified in a tariff heading different from that in which any of those materials is classified; or
 - ii. in the case of the goods set out in the List in Schedule I to this Treaty (hereinafter referred to as “the List”), only by satisfying the conditions therefor specified.
2. Goods that have been consigned from one Member State to a consignee in another Member State for repair, renovation or improvement shall, on their return to the Member State from which they were exported, be treated for the purpose of re-importation only, in like manner as goods which are of Community origin, provided that the goods are reconsigned directly to that Member State from which they were exported and the value of materials imported from outside the Community or of undetermined origin which have been used in the process of repair, renovation or improvement does not exceed:
 - a. in the case where the goods have undergone the process of repair, renovation or improvement in a More Developed Country, 65 per cent of the cost of repair, renovation or improvement;
 - b. in the case where the goods have undergone the process of repair, renovation or improvement in a Less Developed Country, 80 per cent of the cost of repair, renovation or improvement.
3. Where there is an interruption or inadequacy of supplies of regional materials and the manufacturer of goods, for which the qualifying condition for Community origin is that of “wholly produced” or “produced from regional

materials”, is unable by reason of circumstances beyond his control to obtain supplies of the regional materials, he shall so inform the competent authority.

4. The Competent Authority shall:
 - a. after receipt of information from the manufacturer, cause investigations to be made into the matter, and if he is satisfied that the representation from the manufacturer is justified, submit to the Secretary-General in the prescribed instrument an application for a certificate provided for in this Article;
 - b. at the time of making the application, inform the other Member States of the inability of the manufacturer to obtain the supplies of the required materials from within the Community with respect to quantities and specifications of the materials sought and the period during which the materials are required.
5. The Secretary-General shall, on receipt of the application from the Competent Authority:
 - a. forthwith make the relevant enquiries by the quickest possible means from the competent authorities in the other Member States as to their ability to supply the materials required by the manufacturer; and
 - b. request a reply to the enquiry from each competent authority within seven calendar days of the despatch of his enquiry.
6. A Competent Authority shall reply to the enquiry referred to in paragraph 5 within the time specified.
7. Where the Secretary-General, on the basis of his investigations, is satisfied that the application received from the competent authority justifies favourable consideration, he shall, notwithstanding that he may not have received a reply to his enquiry from one or more Member States, within fourteen calendar days after the receipt of the application from the competent authority, issue, on behalf of the COTED, a certificate to the competent authority authorising the use of like materials from outside the Community, subject to such conditions as he may think fit to impose.
8. The Secretary-General shall inform the Member States of the issue of his certificate, including any conditions attaching thereto and that notwithstanding anything to the contrary in the provisions of this Article, goods manufactured from like materials imported from outside the Community shall be deemed to be of Community origin.
9. A Member State may treat as of Community origin any imports consigned from another Member State, provided that the like imports consigned from any other Member State are accorded the same treatment. Member States concerned shall promptly inform the COTED of any trading arrangements concluded

pursuant to this paragraph and the COTED may, as it thinks fit, recommend to the Member States concerned the adoption of alternative trading arrangements.

10. The provisions of Schedule I shall apply to and have effect for the purposes of this Article. The COTED shall keep the Schedule and, in particular, the List under continuous review, and may amend the Schedule in order to ensure the achievement of the objectives of the Community.
11. The issue of a certificate in accordance with paragraph 7 shall be reported by the Secretary-General to the COTED at the Meeting of the COTED next following the date of issue thereof.

SCHEDULE I

LIST OF CONDITIONS TO BE COMPLIED WITH AS PROVIDED UNDER ARTICLE 84 OF THE ANNEX TO THE TREATY AND THE RULES REGARDING COMMUNITY ORIGIN

This Schedule consists of –

- (a) the List comprising goods referred to in sub-paragraph (b) (ii) of paragraph 1 of Article 84 of the Treaty;
- (b) the Rules regarding Community origin.

(a) THE LIST

The application of the List is governed by the following general notes:

- (i) In this List, where a tariff heading is preceded by the word “ex”, only those products of that heading specified in the column headed “Product” are referred to. Descriptions of finished products and of materials are to be interpreted according to the relative Section and Chapter Notes of the Harmonised Commodity Description and Coding System (HS) and the General Rules for the Interpretation of the Harmonised System.
- (ii) Four figure references of the type “04.02”, “17.04”, etc., are references to the headings of the Harmonised Commodity Description and Coding System (HS).
- (iii) Where the condition to be complied with for any product does not prescribe the use of regional materials, it shall always be understood that materials imported from outside the Community or of undetermined origin may be used. If such materials are used in a more advanced state of processing than that specified in the List, the finished product shall be ineligible for Community treatment.