TRADE AND INVESTMENT FRAMEWORK AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE CARIBBEAN COMMUNITY

The Government of the United States of America ("United States") and the Caribbean Community ("CARICOM"), individually a "Party" and collectively the "Parties":

1. Desiring to enhance the bonds of friendship and the spirit of cooperation between the Parties;

2. Desiring to promote international trade and investment and to strengthen economic relations between the Parties;

3. Recognizing the objectives and commitments of the Summit of the Americas process, and seeking to contribute to and provide an impetus toward hemispheric integration;

4. Recognizing the importance of fostering an open and predictable environment for international trade and investment;

5. Recognizing the importance of increased trade and investment to the small economies of Member States of CARICOM, as well as the Parties' respective levels of development and growth, and the geographic dispersal and differences in the levels of development of CARICOM Member States;

6. Recognizing the benefits to each Party resulting from increased international trade and investment, and that investment restrictions and trade barriers can reduce these benefits;

7. Recognizing the essential role of private investment, both domestic and foreign, in furthering growth, creating jobs, expanding trade, improving technology, and enhancing economic development;

8. Recognizing that foreign direct investment confers positive benefits to each Party;

9. Desiring to encourage and facilitate relationships between enterprises and private sector groups in the United States and the Member States of CARICOM;

10. Recognizing the desirability of resolving trade and investment problems as expeditiously as possible by mutual agreement;

11. Recognizing the increased importance of trade in services between the Parties and the importance of further strengthening the services sector in their economies and in their bilateral relations;

12. Taking into account the desirability of reducing non-tariff trade barriers to facilitate greater access to their markets;

13. Recognizing the importance of providing adequate and effective protection and enforcement of intellectual property rights;

14. Recognizing the importance of promoting innovation and the dissemination of technology for increasing competitiveness, job creation, economic development and trade;

15. Recognizing the importance to the United States and the Member States of CARICOM of respecting, promoting and realizing in their laws and practices the fundamental labor rights as enumerated in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow- Up (1998); and of ensuring the effective enforcement of their respective labor laws;

16. Recognizing the importance to the United States and the Member States of CARICOM of protecting and preserving the environment in accordance with their respective laws, and desiring to ensure that trade and environmental policies promote sustainable development;

17. Seeking to promote transparency and to eliminate bribery and corruption in international trade and investment;

18. Desiring that this Agreement reinforce the multilateral trading system;

19. Taking into account the participation of the United States and most Member States of CARICOM in the World Trade Organization (WTO) and affirming that this Agreement is without prejudice to their rights and obligations under the agreements, understandings, and other instruments related to or concluded under the auspices of the WTO;

20. Taking into account the commitment of the Parties to the objectives and successful completion and implementation of the multilateral trade negotiations under the WTO Doha Development Agenda,

21. Recognizing the arrangements already in place under the "Revised Treaty of Chaguaramas Establishing the Caribbean Community including the CARICOM Single Market and Economy" and the "Revised Treaty of Basseterre Establishing the Organization of Eastern Caribbean States Economic Union";

22. Recognizing the arrangements already in place under the Caribbean Basin Initiative (CBI);

23. Considering that it would be in their mutual interest to maintain and build upon the bilateral mechanism between the Parties for encouraging the liberalization of trade and investment between them; and

24. Recalling the "Agreement Between the United States of America and the Caribbean Community Concerning a United States-CARICOM Council on Trade and Investment," done at Washington on July 22, 1991;

HAVE AGREED as follows:

Article ONE.

The Parties affirm their desire to promote the long-term development, expansion, and diversification of trade in products and services. They also affirm their desire to promote an attractive investment climate.

Article TWO.

The Parties shall maintain a United States-CARICOM Council on Trade and Investment ("the Council"), which shall be composed of representatives of each Party. The United States' side shall be chaired by the Office of the United States Trade Representative ("USTR") and may be assisted by officials of other government entities. The CARICOM side shall be chaired by a nominee of the Chairman of the Caribbean Community and may be assisted by officials of government and regional entities. The Council shall meet at such times, in such places, and by such means as the Parties may agree. The Council shall endeavor to meet no less than once a year. The Parties will consult on the agenda for meetings. The Council may establish and assign responsibilities to ad hoc Working Groups to facilitate its work. Such groups shall report to the Council at such times as the Council may determine.

Article THREE.

The Council shall:

(a) monitor trade and investment relations between the Parties;

(b) identify and facilitate opportunities for expanding trade in products and services and investment, and identify relevant issues, such as the protection of intellectual property rights, worker rights, and the environment, that may be appropriate for negotiation in an appropriate forum;

(c) consider specific trade and investment matters of interest to the Parties;

(d) identify and work to remove impediments to trade and investment between the Parties;

(e) consult with the private sector and civil society, where appropriate, on matters related to the work of the Council;

(f) facilitate expanded linkages between their respective private sectors; and

(g) seek to resolve amicably any issues related to this Agreement that might arise.

The Council shall adopt the initial action agenda of trade and investment issues set forth as an Annex to this Agreement. The Council may consider other mutually agreed issues of interest to the Parties.

Article FOUR.

A Party may refer a specific trade or investment matter to the Council by delivering a written request to the other Party that includes a description of the matter concerned. The Council shall take up the matter within 90 days after the request is delivered unless the requesting Party agrees to a later date. Each Party shall endeavor to provide an opportunity for the Council to consider a matter before taking actions that could adversely affect trade or investment interests of the other Party.

Article FIVE.

This Agreement shall be without prejudice to the laws, or to the rights and obligations under any other agreement, of either the United States or the Member States of CARICOM.

Article SIX.

This Agreement shall enter into force on signature.

Article SEVEN.

The designated points of contact for the exchange of communications pertaining to this Agreement shall be the Secretary-General of CARICOM and the Office of the United States Trade Representative.

Article EIGHT.

Any Party may withdraw from this Agreement by providing written notice of withdrawal to the other Party. The withdrawal shall take effect on a date the Parties agree or, if the Parties cannot agree, 180 days after the date on which the notice of withdrawal is delivered to the designated point of contact for the other Party.

Article NINE.

This Agreement may be amended at any time by written mutual consent of the Parties.

Article TEN.

Upon entry into force, this Agreement shall supersede the Agreement Between the Government of the United States of America and the Caribbean Community ("CARICOM") Concerning a United States-CARICOM Council on Trade and Investment done at Washington on July 22, 1991.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective authorities, have signed this Agreement.

DONE at Port of Spain, Trinidad and Tobago, this 28th day of May 2013, in duplicate, in the English language.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

VICE PRESIDENT OF THE UNITED STATES OF AMERICA

FOR THE CARIBBEAN COMMUNITY:

CHAIRMAN OF THE CONFERENCE OF HEADS OF GOVERNMENT

ANNEX. INITIAL ACTION AGENDA

In relation to the Trade and Investment Framework Agreement Between the Government of the United States of America and the Caribbean Community, the United States and CARICOM confirm that they are prepared to reinvigorate and continue their discussion of trade and investment issues through discussion by the Council of an initial action agenda composed of the following:

- Matters relating to the WTO, including cooperation toward the successful completion of the multilateral trade negotiations under the Doha Development Agenda;

- Matters relating to the bilateral trade and investment arrangements between the United States and CARICOM;

- Cooperation on trade and investment in relation to matters arising out of mutually agreed regional and multilateral environmental agreements;

- Potential support for regional integration initiatives and activities that enhance production, innovation, and trade competitiveness of the CARICOM Single Market and Economy;

- Cooperation to promote and respect fundamental labor rights, social protection, and workforce development;

- Facilitation of trade and investment opportunities, including:

(a) investment liberalization, including investment restrictions and measures affecting investment-related transfers, trade-related investment measures and other measures and policies that encourage, distort or inhibit domestic, private or foreign direct investment;

(b) the review of investment aspects of tax treaties;

(c) market access barriers affecting both agricultural and industrial products;

(d) development of the services sector and trade in services;

(e) trade facilitation and standards, including customs procedures and technical barriers to trade;

(f) sanitary and phytosanitary measures;

(g) the trade-related aspects of intellectual property rights;

(h) promotion of innovation and the dissemination of technology for increasing competitiveness, job creation, economic development, and trade;

(i) identification of areas for trade capacity building to advance this action agenda;

(j) joint activities to promote trade and investment between the United States and CARICOM; and

(k) cooperation, including in the Americas Competitiveness Forum, to promote the development of relationships among relevant national and regional bodies, including private sector and educational bodies.