

Cariforum – EPA (Antigua and Barbuda, The Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Saint Kitts and Nevis, Surinam, Trinidad, Tobago, and the Dominican Republic)*

Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, of the other part ([OJ L 289, 30.10.2008](#))

Article 20 – Special Provisions on Administrative Cooperation

1. The Parties agree that administrative cooperation is essential for the implementation and the control of the preferential treatment granted under this Title and underline their commitment to combat irregularities and fraud in customs and related matters.

2. Where a Party or a Signatory CARIFORUM State has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud, the Party or Signatory CARIFORUM State concerned may temporarily suspend the relevant preferential treatment of the product(s) concerned in accordance with this Article.

3. For the purpose of this Article a failure to provide administrative cooperation shall mean, inter alia:

(a) a repeated failure to respect the obligations to verify the originating status of the product(s) concerned;

(b) a repeated refusal or undue delay in carrying out and/or communicating the results of subsequent verification of the proof of origin;

(c) a repeated refusal or undue delay in obtaining authorisation to conduct administrative cooperation missions to verify the authenticity of documents or accuracy of information relevant to the granting of the preferential treatment in question. For the purpose of this Article a finding of irregularities or fraud may be made, inter alia, where there is a rapid increase, without satisfactory explanation, in imports of goods exceeding the usual level of production and export capacity of the other Party, that is linked to objective information concerning irregularities or fraud.

4. The application of a temporary suspension shall be subject to the following conditions:

(a) The Party or Signatory CARIFORUM State which has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud shall without undue delay notify the CARIFORUM-EC Trade and Development Committee of its finding together with the objective information and enter into consultations within the CARIFORUM-EC Trade and Development Committee, on the basis of all relevant information and objective findings, with a view to reaching a solution acceptable to both Parties.

(b) Where the Parties have entered into consultations within the CARIFORUM-EC Trade and Development Committee as above and have failed to agree on an acceptable solution within three months following the notification, the Party or Signatory CARIFORUM State concerned may temporarily suspend the relevant preferential treatment of the product(s) concerned. A temporary suspension shall be notified to the CARIFORUM-EC Trade and Development Committee without undue delay.

(c) Temporary suspensions under this Article shall be limited to that necessary to protect the financial interests of the Party or Signatory CARIFORUM State concerned. They shall not exceed a period of

* Date of entry into force unknown (pending notification) or not yet in force.

six months, which may be renewed. Temporary suspensions shall be notified immediately after their adoption to the CARIFORUM-EC Trade and Development Committee. They shall be subject to periodic consultations within the CARIFORUM-EC Trade and Development Committee in particular with a view to their termination as soon as the conditions for their application no longer exist.

5. At the same time as the notification to the CARIFORUM-EC Trade and Development Committee under paragraph 4(a), the Party or Signatory CARIFORUM State concerned should publish a notice to importers in its official journal. The notice to importers should indicate for the product concerned that there is a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud.

Article 20 bis

In furtherance of the efforts of the Parties to find an acceptable solution to the matters referred to in Article 20(2), the Party or 30.10.2008 EN Official Journal of the European Union L 289/I/11 (1) For this calculation official data by the WTO on leading exporters in world merchandise trade (excluding intra-EU trade) shall be used. Signatory CARIFORUM State against which a finding has been notified to the CARIFORUM-EC Trade and Development Committee may also seek recourse to a Mediator, in accordance with the provisions of Article 205(2)-205(5). The Mediator's opinion shall be notified within the period of three months referred to in Article 20(4)(b).