

CARIBBEAN BASIN ECONOMIC RECOVERY ACT

GUIDE

A - BASIC INFORMATION:
1) Member implementing the PTA: United States
2) Date PTA entered into force: 1 January 1984. Caribbean Basin Economic Recovery Act (CBERA) https://www.gpo.gov/fdsys/pkg/STATUTE-97/pdf/STATUTE-97-Pg369.pdf Presidential Proclamation 5133, dated 30 November 1983 https://www.gpo.gov/fdsys/pkg/STATUTE-98/pdf/STATUTE-98-Pg3527.pdf
3) Date of last renewal of the PTA (where applicable): The Trade Preferences Extension Act of 2015 (29 June 2015) extended duty-free benefit programs for Haiti for an additional five years from its expiration on 30 September 2020, to 30 September 2025. Link: https://www.congress.gov/114/plaws/publ27/PLAW-114publ27.pdf
4) Date of notification to the GATT/WTO and symbol of GATT/WTO documents: Date of notification: 31 October 1983 GATT document: L/5573 WT/L/950 dated 5 May 2015 extended the waiver through 31 December 2019.
5) Date of expiration of PTA: See answer to number 3.
6) Enactment of PTA, Related Legislation and Publication of PTA modifications: Caribbean Basin Economic Recovery Act, Enacted 5 August 1983 Public Law 98-67 Link: https://www.gpo.gov/fdsys/pkg/STATUTE-97/pdf/STATUTE-97-Pg369.pdf
7) Authority(ies) granting the beneficial treatment: President of the United States (link: http://www.whitehouse.gov)
8) National authorities in charge of PTA management: Office of the US Trade Representative (link: http://www.ustr.gov)
B - REFERENCES TO INFORMATION ABOUT:
I. BENEFICIARIES
(a) Number and List of Beneficiaries: The CBERA has three elements. Presently, 17 countries and territories are receiving the preferential treatment available to all beneficiaries under the CBERA. These countries and territories are: Antigua and Barbuda, Aruba, The Bahamas, Barbados, Belize, British Virgin Islands, Curaçao, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, and Trinidad and Tobago. In addition, 8 countries are receiving benefits (mainly relating to textiles and petroleum) under the Caribbean Basin Trade Partnership Act (CBTPA). These countries are: Barbados, Belize, Curaçao, Guyana, Haiti, Jamaica, St. Lucia, and Trinidad and Tobago. Finally, Haiti-only textile benefits are provided under HOPE, HOPE II, and HELP. Each of the additional programs was created by amending the base CBERA law.
(b) Eligibility: CBERA identified 20 countries and dependent territories as eligible to receive CBERA benefits: Antigua and Barbuda, Barbados, Belize, British Virgin Islands, Costa Rica,

Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Montserrat, Netherlands Antilles, Panama; St. Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, and Trinidad and Tobago. The Bahamas was designated on 14 March 1985. On 11 April 1986, Aruba was designated as a beneficiary country effective 1 January 1986, upon becoming independent of the Netherlands Antilles. Guyana was designated effective 24 November 1988, and Nicaragua was designated as a beneficiary country effective 13 November 1990. Anguilla, Cayman Islands, Suriname, and Turks and Caicos Islands have also been identified by Congress as potentially eligible for benefits.

Seven countries are no longer eligible for benefits due to the passage of free trade agreements with the United States: Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. CBERA eligibility was also affected by changing political arrangements between former possessions of the Netherlands. As a result, Curaçao and Sint Maarten, which had previously been eligible for CBERA and CBTPA benefits as part of the Netherlands Antilles, became eligible in their own rights. Bonaire, Saba, and Sint Eustatius became part of the Kingdom of the Netherlands and as such were no longer eligible for CBERA and CBTPA benefits.

(c) *Restrictions to Eligibility:*

19 USC 2702

Link: <https://www.gpo.gov/fdsys/pkg/USCODE-2014-title19/pdf/USCODE-2014-title19-chap15-sec2702.pdf>

(d) *Modification to Beneficiaries List:*

19 USC 2702

Link: <https://www.gpo.gov/fdsys/pkg/USCODE-2014-title19/pdf/USCODE-2014-title19-chap15-sec2702.pdf>

II. SCOPE OF PRODUCTS (IN ACCORDANCE WITH THE NOTIFYING MEMBER'S CLASSIFICATION OF PRODUCTS)

(a) *Number (tariff lines) and list of eligible products:*

Approximately 5,700 HTS 8-digit tariff lines. Products designated by the code "E" or "E*" in the "Special" column of the HTSUS are eligible for duty-free treatment under the CBERA, provided they meet the applicable rule of origin. For more information, see 19 USC 2703. The HTSUS is available here:

<https://hts.usitc.gov/current>

(b) *Ineligible products:*

19 USC 2703. Prior to enactment of the United States-Caribbean Basin Trade Partnership Act (CBTPA) in 2000, the products excluded from duty free treatment were: textile and apparel articles which are subject to textile agreements; certain footwear which were not eligible for duty free entry under the US Generalized System of Preferences in 1983; prepared tuna in airtight containers; petroleum and petroleum products; watches and watch parts if such products contain any material from countries not accorded MFN treatment; and certain leather products (handbags, luggage, flat goods, work gloves, and leather wearing apparel). Many of these excluded products became eligible for preferential treatment under CBTPA, Title II of the Trade and Development Act of 2000, which amended the CBERA. The Trade Act of 2002, the Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act of 2006, the HOPE II Act of 2008, and the Honest Expenditure Limitation Program (HELP) Act of 2011 further amended the CBERA.

Link: <https://www.gpo.gov/fdsys/pkg/USCODE-2014-title19/pdf/USCODE-2014-title19-chap15-sec2703.pdf>

(c) *Modification to Eligible Products List:*

19 USC 2703

Link: <https://www.gpo.gov/fdsys/pkg/USCODE-2014-title19/pdf/USCODE-2014-title19-chap15-sec2703.pdf>

III. PTA TREATMENT
<p><i>(a) Tariff Treatment:</i> Products eligible for preferential treatment may enter duty-free, or under reduced duty rates.</p> <p>19 USC 2703(a)(1) and 2703(h) Link: https://www.gpo.gov/fdsys/pkg/USCODE-2014-title19/pdf/USCODE-2014-title19-chap15-sec2703.pdf</p>
<p><i>(b) Exceptions:</i> Nearly all products eligible for preferential treatment enter duty-free. Certain leather handbags, luggage, flat goods, (such as wallets or portfolios) work gloves and leather wearing apparel are eligible to enter under reduced rates of duty.</p>
<p><i>(c) Different Preferential Treatment:</i> Please see above.</p>
<p><i>(d) Request for Preferential Treatment:</i> U.S. law does not contain procedures for countries to request preferential treatment under the Caribbean Basin Economic Recovery Act. 19 USC 2702(b) contains a list of specific countries that are eligible to receive benefits. The United States granted preferential treatment to countries following consultations with individual countries.</p>
IV. RULES OF ORIGIN (INCLUDING REQUISITES AND RESTRICTIONS)
<p>Please see 19 USC 2703 and General Note 7 of the HTSUS. The HTSUS is available here: https://hts.usitc.gov/current</p>
V. PREFERENTIAL DATA
<p>See WT/L/928, dated 11 July 2014, for general trade data. For more detailed data, see: http://dataweb.usitc.gov/ (user has to register online and will be provided with a login and password free of charge).</p> <p>Data relating to the CBERA can also be accessed from the WTO's Database on Preferential Trade Arrangements, from here.</p>