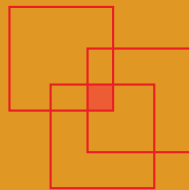




International  
Labour  
Organization

Office for the  
Caribbean



A Guide for Caribbean Trade Unionists on the  
CARIFORUM-European Community  
Economic Partnership Agreement

## FOREWORD

The recent financial and economic crisis has demonstrated beyond any doubt that national and regional economies are intimately connected with the global economy through trade (movement of goods), investment (movement of capital) and delivery of services (movement of people).

The policies and agreements that regulate trade and investment have a great impact on the world of work. They affect employment in quantitative terms, quality of jobs and opportunities for creating sustainable enterprises. Consequently, those who seek to promote decent work have no choice but to be actively engaged in discussions about trade and development policies. The capacity of key labour market actors – i.e. workers' and employers' organizations – to participate meaningfully in such discussions therefore becomes a critical issue.

In the Caribbean, the call to "... ensure that decent work is adequately addressed in regional and bilateral trade agreements" was made at the International Labour Organization's (ILO) Tripartite Caribbean Employment Forum (Barbados, October 2006), long before the CARIFORUM Economic Partnership Agreement (EPA) with the European Community (EC) was initialled on 16 December 2007. In the months leading up to the signing of the EPA by the majority of CARIFORUM States on 15 October 2008, Caribbean employers' and workers' organizations intensified their reflection on concerns that had arisen during those negotiations. They sought to define their positions and a course of action that would enable them to maximize the benefits of the EPA and prepare for future trade agreements.

At the 11th ILO Round Table for Caribbean Employers' Organizations (Grenada, April 2008), sponsored by the ILO's Bureau for Employers' Activities (ACT/EMP), representatives of the Caribbean Employers' Confederation expressed concern about the "... risk of the economic and trade issues debate overshadowing the social and labour topics..." although they were "intricately intertwined". National employers' organizations were urged to "... become more familiar with national legislative and policy documents under review", with regional agreements relating to the CARICOM Single Market and Economy (CSME) and international instruments such as the EPA.

In response to the labour movement's concerns about the potential effects and consequences of the EPA, the Bureau for Workers' Activities (ACTRAV) of the International Labour Office and the ILO's Subregional Office for the Caribbean, in collaboration with the Caribbean Congress of Labour (CCL), convened the Round Table for Caribbean Workers' Organizations in Barbados in June 2008 on the theme *"Globalization, Regional Integration,*

*and the Economic Partnership Agreement: The Social and Labour Dimensions”.*

In the outcome document, the CCL Declaration and Plan of Action on Regional Integration and the EPA and their Social and Labour Dimensions, labour representatives from the English- and Dutch-speaking Caribbean called for: “... meetings with workers and employers to make them aware of the implications of the measures contained in the EPA; and to develop with the technical assistance of the ILO and other regional and international institutions, materials on the EPA and other external trade agreements for the purpose of awareness-raising”. They also requested the ILO’s support for “...Caribbean social partners for capacity building, research and education in the area of external trade agreements”.

In response to the call from the Round Tables, the ILO partnered with the Office of Trade Negotiations (OTN) of the CARICOM Secretariat to deliver training on trade negotiations to representatives of employers’ and workers’ organizations in all the CARICOM Member States. The training workshops were held in Trinidad and Tobago in September 2009, in Grenada in December 2009 and in the Bahamas in February 2010. Financial and technical support for the workshops was obtained from the ILO’s Bureau of Workers’ Activities (ACTRAV), the Bureau for Employers’ Activities (ACT/EMP) and the Policy Integration Department (INTEGRATION). Resource persons were also provided by the OTN, the CARICOM Development Fund and the Offices of the European Commission based in Barbados and Trinidad and Tobago.

In those training workshops, the ILO also made a commitment to establish a website with relevant information, including training materials and other informational booklets on the EPA for employers and workers. The website can be consulted at [www.ilocarib.org.tt/trade/](http://www.ilocarib.org.tt/trade/)

I take the opportunity to thank all the partners, resource persons, and participants who have contributed to the website and these booklets, and express the hope that these resources will assist the employers and trade unionists in the Caribbean to strengthen their role as partners in development, including in the negotiation, implementation, and monitoring of trade agreements.

Ana Teresa Romero, Ph.D.  
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July 2010

# TABLE OF CONTENTS

<b>FOREWORD</b>	<b>i</b>
<b>I INTRODUCTION TO THE ECONOMIC PARTNERSHIP AGREEMENT</b>	<b>1</b>
• What is the Economic Partnership Agreement or the EPA?	2
• When was the EPA signed?	2
• Who are the Parties to the EPA?	2
• What are the objectives of the EPA?	2
• What are the building blocks for achieving these aims?	3
• Why was the EPA necessary?	4
• Was there another main reason?	5
• What are the main differences between the EPA and earlier arrangements?	5
• Why did the Caribbean negotiate with Europe on their own?	8
• How are workers expected to benefit from the EPA?	8
<b>II KEY PROVISIONS</b>	<b>9</b>
<b>TRADE IN GOODS AND SERVICES</b>	<b>10</b>
• How is the EPA expected to improve trade between the Caribbean and Europe?	10
• Does this not mean that European goods can also enter the Caribbean and so compete with local products?	11
• How was this possible?	12
• In the areas which have to be liberalized, what is to prevent a sudden surge of European goods taking over the market?	12
• But if or when Europe enters into other agreements with other countries, would this not be to our detriment?	12
• What is the Most Favoured Nation (MFN) Clause?	12
• What about trade in services?	13
• What has CARIFORUM liberalized?	13
• Does the EPA include measures to promote investment?	15

<b>DEVELOPMENT COOPERATION</b>	<b>15</b>
• How is development cooperation intended to work?	15
• What are the priorities for development cooperation in the EPA?	15
• How will development cooperation be funded?	16
• How can funding be accessed?	16
 <b>SOCIAL ASPECTS</b>	 <b>17</b>
• Are there any other provisions specifically applicable to workers?	17
 <b>III MONITORING OF THE EPA</b>	 <b>19</b>
• What is the life span of the EPA?	20
• Can the EPA be revised?	20
• How should monitoring of the implementation be conducted?	20
• How can workers play a role in monitoring?	20
• What is to happen if things do not work out as intended?	21
• How exactly would disputes be settled?	22
• What role can workers play?	22
• What else ought workers to do?	22



# Introduction to the Economic Partnership Agreement



## What is the Economic Partnership Agreement or EPA?

The Economic Partnership Agreement (EPA) is a trade and development agreement signed between the CARIFORUM States (Caribbean Community (CARICOM) Member States and the Dominican Republic) and the European Community (EC)\* and its Member States.

## When was the EPA signed?

The EPA was signed by the EC and the majority of the CARIFORUM Member States on 15 October 2008. It was created through an intense, three-year negotiating process which culminated on 16 December 2007.

## Who are the Parties to the EPA?

The Parties to the EPA are the 15 States of CARIFORUM (14 CARICOM Member States and the Dominican Republic) and the European Community and its 27 Member States. The EC itself is also a Party to the Agreement while CARIFORUM is not since CARICOM did not sign on behalf of the CARIFORUM.

### CARIFORUM - 15 Member States

Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Dominican Republic, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname, Trinidad and Tobago.

### EUROPEAN COMMUNITY - 27 Member States

Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

## What are the objectives of the EPA?

The EPA has been referred to as a trade partnership for sustainable development. While it is designed to enhance trade between Europe and CARIFORUM by reducing trade barriers, the EPA also has developmental components.

\* The EPA was signed before the entry into force of the Treaty of Lisbon on 1 December 2009. The Treaty states that "the (European) Union shall replace and succeed the European Community" hence the use of the term 'European Community' with specific reference to the provisions of, and Parties to, the EPA.

These include improving CARIFORUM's capacity to trade competitively as well as offering several avenues for development cooperation.

The objectives of the EPA are set out in Article 1 of the Agreement. In summary, the EPA is expected to:

- contribute to the reduction and eventual eradication of poverty;
- promote regional integration, economic cooperation and good governance;
- promote the integration of the CARIFORUM States into the world economy;
- improve the CARIFORUM States' capacity in trade policy and trade-related issues;
- support the conditions for increasing investment and private sector initiative and enhancing supply capacity, competitiveness and economic growth; and
- strengthen the existing relations between the Parties to the EPA.

The Parties to the EPA are committed to achieve these results in ways which, in the words of the EPA, “take into account the human, cultural, economic, social, health and environmental best interests of their respective populations and of future generations”.

### **What are the building blocks for achieving these aims?**

One important means is the promotion of regional integration in the Caribbean. This would provide a larger market for Caribbean producers and would allow businesses to pool their resources. The EPA, however, insists that it is for the Caribbean countries to determine how fast and in what ways they want to proceed along the route of deeper integration.

Another important means is through development cooperation between the Caribbean and Europe, which takes both financial and non-financial forms and includes technical assistance.

The EPA is also intended to help the Caribbean improve its capacity to trade. In trade terms, the EPA takes the form of a free-trade area between the EC and CARIFORUM. The aim is to integrate and encourage regional cooperation not just between the EC and CARIFORUM, but between the CARIFORUM countries themselves. This would assist in stimulating the integration of CARIFORUM States into the world economy.



## Why was the EPA necessary?

There were several reasons why Caribbean countries entered into the negotiations for an EPA. One of the main reasons was to ensure that they could continue to enjoy certain trade benefits from Europe. For example, some of their products sold in Europe would be exempt from, or pay lower customs duties than the same product coming from another country. Such preferential treatment was important if Caribbean industries were to compete successfully in the European market. These benefits originated in the old colonial relationship which some Caribbean countries, (as well as some countries in Africa and in the Pacific), had with their former rulers, and were continued under various agreements, such as the Lomé Conventions and the Cotonou Partnership Agreement of 2000.

These benefits were threatened by the rules of the World Trade Organization (WTO), formed in 1995, which introduced the principle of non-discrimination in world trade. This required that developed countries - such as the countries of Europe - give equal treatment to all countries, unless an exception could be seen as acceptable to the WTO. The only relevant exception for the Caribbean was the conclusion of an agreement between the Caribbean countries and the European countries which met certain criteria laid down by the WTO. The EPA is therefore compatible with WTO rules, by allowing “progressive liberalization” to a group of countries which otherwise might not have been able to compete effectively in world trade. The EPA allows for special and differential treatment to countries within the Agreement.



### Was there another main reason?

Yes, there was. Caribbean countries aspired to develop their economies so that in addition to exporting goods or commodities, they could also engage in trade in services. This would allow their citizens to sell their intellectual skills and to be engaged in higher value jobs. Hence, unlike their counterparts in Africa or in the Pacific, the Caribbean opted for what is known as a full EPA, covering both goods and services.

### What are the main differences between the EPA and earlier arrangements?

**Reciprocal trade.** The major difference between the EPA and earlier agreements is the application of the principle of reciprocity. Previous agreements provided for one-way access from the Caribbean into the markets of Europe. Now Europe will have some access to the markets of the Caribbean as well.

### Trade in Services, Investment and Intellectual Property Protection.

The EPA includes, for the first time, commitments of access for service providers and investors in goods and services, whereas previous trading arrangements dealt with trade in goods only. It also makes allowances for investment and intellectual property protection, again on a reciprocal basis and responds to the specific nature of Caribbean economies.



## THE CARIFORUM-EC EPA AT A GLANCE

### Part I: Trade Partnership for Sustainable Development

### Part II: Trade and Trade-Related Matters

#### Title I: Trade in Goods

Chapter 1: Customs Duties

Chapter 2: Trade Defence Instruments

Chapter 3: Non-Tariff Measures

Chapter 4: Customs and Trade Facilitation

Chapter 5: Agriculture and Fisheries

Chapter 6: Technical Barriers to Trade

Chapter 7: Sanitary and Phytosanitary Measures

#### Title II: Investment, Trade in Services and E-Commerce

Chapter 1: General Provisions

Chapter 2: Commercial Presence

Chapter 3: Cross-Border Supply of Services

Chapter 4: Temporary Presence of Natural  
Persons for Business Purpose

Chapter 5: Regulatory Framework

Chapter 6: Electronic Commerce

Chapter 7: Cooperation

#### Title III: Current Payments and Capital Movement

#### Title IV: Trade-Related Issues

Chapter 1: Competition

Chapter 2: Innovation and Intellectual Property

Chapter 3: Public Procurement

Chapter 4: Environment

Chapter 5: Social Aspects

Chapter 6: Protection of Personal Data

### Part III: Dispute Avoidance and Settlement

Chapter 1: Consultations and Mediation

Chapter 2: Dispute Settlement Procedures

### Part IV: General Exceptions

### Part V: Institutional Provisions

### Part VI: General and Final Provisions

## THE CARIFORUM-EC EPA AT A GLANCE

### Annexes

- Annex I: Export Duties
- Annex II: Customs Duties on Products Originating in CARIFORUM States
- Annex III: Customs Duties on Products Originating in the EC Party
- Annex IV: Lists of Commitments on Investment and Trade in Services
- Annex IV A: List of Commitments on Commercial Presence
- Annex IV B: List of Commitments on Cross-Border Supply of Services
- Annex IV C: Reservations on Key Personnel and Graduate Trainees
- Annex IV D: Reservations on Contractual Services Suppliers and Independent Professionals
- Annex IV E: List of Commitments on Investment (Commercial Presence) in Economic Activities other than Services Sectors
- Annex IV F: List of Commitments in Services Sectors
- Annex V: Enquiry Points
- Annex VI: Covered Procurements
- Annex VII: Means of Publication

### Protocols

- Protocol I: Concerning the Definition of the Concept of “Originating Products” and Methods of Administrative Cooperation
- Protocol II: On Mutual Administrative Assistance in Customs Matters
- Protocol III: On Cultural Cooperation

**Regional preference clause.** The EPA's regional preference clause requires that CARIFORUM countries not give to the EC, access to goods and services that they do not provide to each other. For example, CARICOM countries can also have access to markets in the Dominican Republic.

### **Why did the Caribbean negotiate with Europe on their own?**

The first phase of the negotiations was conducted on what is known as an all ACP (African, Caribbean and Pacific) basis. However, because the various regions had different interests and aspirations, and because the Caribbean countries wanted to negotiate on matters which were of vital interest to the region – such as trade in services, the Caribbean was determined that it should negotiate on its own with the EC.

### **How are workers expected to benefit from the EPA?**

Workers are expected to benefit in several ways. As citizens, workers will benefit from the commitment enshrined in the EPA to the principles of good governance. This includes transparent decision-making which must be conducted in a spirit of participation and dialogue. As employees, workers will also benefit when businesses in which they are employed become much more competitive and achieve gains from trade in goods, and services liberalization in EC markets. These gains would rebound to workers in the form of more secure and better paying jobs, and more productive work.

The EPA also recommitments the partner governments – both in Europe and the Caribbean – to promote decent work.

The Preamble of the EPA cites the need to “promote economic and social progress for their people in a manner consistent with sustainable development by respecting basic labour rights in line with the commitments they have undertaken within the International Labour Organization and by protecting the environment in line with the 2002 Johannesburg Declaration”.

Article 72 requires governments to ensure that investors act in accordance with core labour standards and cites the ILO Declaration on Fundamental Principles and Rights at Work, 1998. Furthermore, under Article 73, the Parties to the EPA agree that they will not encourage foreign direct investment by lowering domestic labour standards.



## Key Provisions



## TRADE IN GOODS AND SERVICES

### **How is the EPA expected to improve trade between the Caribbean and Europe?**

In general, agreements like the EPA are designed to deliver increased access to the markets of participating countries, on better terms than those available to others. This means that Caribbean goods can enter the European market in a privileged position, compared to goods from other sources and so will be able to compete with them from a position of strength. The EPA allows all Caribbean goods to enter the European market duty free (except for temporary conditions attached to rice and sugar) and in unlimited quantities. In other words, as much as can be produced can enter the European market. This applies not only to primary goods or raw materials, but also to manufactured goods. This is especially important, because before the EPA, it was generally the case that the more value added to the product, the higher the rate of duty on entry. Now, all exports to Europe from the Caribbean are duty free.

On the other hand, exports from the Caribbean now enjoy no preferential treatment and have to compete on equal terms with exports from other trading partners of the EC. For example, in December 2009, Europe agreed with non-ACP banana exporters





to reduce the duties applicable on their exports to Europe. This means that Caribbean bananas now face tougher competition on prices in the European market, because they will now have to compete with all banana exporters equally for market access.

The situation with respect to rum is however different since the EC is not in favour of allowing any further preferential treatment for rum. This issue is still under discussion.

### **Does this not mean that European goods can also enter the Caribbean and so compete with local products?**

The WTO rules impose restrictions on the level of protection that countries may apply, or, to put it another way, stipulate the level of liberalization that must be achieved. The Caribbean has succeeded in the EPA in taking those restrictions to the limit and in keeping its liberalization to the lowest possible point. This is one of the key benefits of the EPA trading mechanism. Thus, while Europe has opened its entire market to duty free entry, the Caribbean has, as from 1 January 2008, phased its opening over a 25-year period (up to the year 2033) and even then not for its entire market - some 13.1 per cent of imports representing some 493 items are excluded from phased liberalization. This is meant to give businesses and their employees sufficient time to adjust.



### **How was this possible?**

WTO rules do not insist on full free trade, only that 'substantially all' trade between countries which take part in arrangements like the EPA should be free. This allowed the Caribbean, in relation to some products, to maintain continued protection from competing imports from Europe. For the most part, these products are in the agricultural sector, including meat and fishery products, beverages, and some industrial products like furniture, and iron and steel goods.

### **In the areas which have to be liberalized, what is to prevent a sudden surge of European goods taking over the market?**

Such a possibility would be countered by the application of safeguard measures which are provided for, in the EPA. A Caribbean country that finds itself in this situation can temporarily halt its programme of liberalization, impose higher duties, or impose entry limits on the goods in question for up to four years in the first instance and for a further four years thereafter.

### **But if or when Europe enters into other agreements with other countries, would this not be to our detriment?**

It would depend on the terms of those agreements. If they are better than what we have gained from Europe under the EPA, then Europe would automatically have to give us those better terms.

If they come close to what we have achieved, then our competitive position would be weakened. This is why we have to use the head start we have to put our production processes on a stronger footing. There must also be continuous vigilance and monitoring of the EPA arrangements.

### **What is the Most Favoured Nation (MFN) Clause?**

If CARIFORUM negotiates a trading agreement with a major trading economy and provides better treatment than it has stipulated to the EC in the EPA, then CARIFORUM and the EC are required to enter into consultation to "decide whether the concerned Signatory CARIFORUM State may deny the more favourable treatment contained in the free trade agreement to the EC Party".

A major trading economy is defined as any developed country or any other country accounting for more than one per cent of world trade in the year before the agreement is enforced, or any group of countries

that account for more than 1.5 per cent of world trade in the year before the agreement is enforced.

### **What about trade in services?**

Under the EPA, trade in the services sector in both CARIFORUM and Europe has been opened up for the first time. The EPA allows for more favourable opportunities/market access for the Caribbean's export of services to the EC. For example, CARIFORUM's contractual service suppliers have access in 29 sectors and independent professionals in 11 sectors. Trade in services between CARIFORUM and Europe is carried out through four modes of supply which are outlined in the EPA.

#### **MODES OF SUPPLY WHEN TRADING IN SERVICES**

- Mode 1 – Cross-border supply where neither the consumer nor the provider crosses a border, e.g. supply via telecommunications or mail
- Mode 2 – Consumption abroad where the consumer purchases services while based in a foreign market, e.g. tourism
- Mode 3 – Commercial presence where a company establishes a presence in a foreign market in order to sell services
- Mode 4 – Presence of natural persons when an individual providing services travels temporarily to a foreign market to provide services in that market

### **What has CARIFORUM liberalized?**

CARIFORUM has opened 65-75 per cent of their markets, focusing on sectors with the greatest impact on development, and where investment and transfer of technology are required.

The main sectors that most CARIFORUM States have liberalized under the EPA are:

- Business services (accounting, architecture, engineering, etc)
- Computer and computer-related services
- Research and development
- Environmental services
- Management consultancy

**SERVICES SECTORS LIBERALIZED BY THE EUROPEAN COMMUNITY  
FOR TEMPORARY ENTRY BY CARIFORUM CONTRACTUAL  
SERVICE SUPPLIERS (ARTICLE 83, PARAGRAPH 2)**

1. Accounting and bookkeeping services
2. Advertising services
3. Architectural services
4. Chef de cuisine services
5. Computer and related services
6. Engineering services
7. Entertainment services other than audiovisual services
8. Environmental services
9. Fashion model services
10. Higher education services  
(only privately-funded services)
11. Integrated engineering services
12. Legal advisory services in respect of international  
public law and foreign law (i.e. non-EU law)
13. Maintenance and repair of equipment, including  
transportation equipment, notably in the context of an  
after-sales or after-lease services contract
14. Management consulting services
15. Market research and opinion polling
16. Medical and dental services
17. Midwives services
18. Related scientific and technical consulting services
19. Research and development services
20. Services provided by nurses, physiotherapists and  
paramedical personnel
21. Services related to management consulting
22. Site investigation work
23. Taxation advisory services
24. Technical testing and analysis services
25. Tourist guides services
26. Translation and interpretation services
27. Travel agencies and tour operators' services
28. Urban planning and landscape architecture services
29. Veterinary services

- Maritime transport
- Entertainment
- Tourism

### **Does the EPA include measures to promote investment?**

Yes, it does. The EC and CARIFORUM have made commitments on commercial presence with respect to goods and services. These would guarantee access to and national treatment in each other's market. Limitations are listed in the respective commitments, which can be found in Annex IV A of the EPA.

## **DEVELOPMENT COOPERATION**

### **How is development cooperation intended to work?**

This takes two forms - financial and non-financial. The financial commitment from Europe is contained in a Joint Declaration on Development Cooperation which indicates specified sums of money, as well as other sources of financing. Non-financial development cooperation relates to various forms of technical assistance.

### **What are the priorities for development cooperation in the EPA?**

Development cooperation priorities have been set out in Article 8 of the Agreement. These are supposed to be supplemented by specific areas of cooperation expressed in the substantive Chapters of the EPA. Of particular interest to workers is the technical assistance to be provided to allow the Caribbean to comply with internationally-recognized labour and environmental standards.

The listed areas of priority are:

- build human, legal and institutional capacity in the CARIFORUM States so as to facilitate their ability to comply with the commitments set out in this Agreement;
- strengthen tax administration and improve the collection of tax revenues to increase income from indirect taxation;
- promote private sector and enterprise development, in particular, small economic operators, and enhance the international competitiveness of CARIFORUM firms and diversification of the CARIFORUM economies;

- diversify CARIFORUM exports of goods and services through new investment and the development of new sectors;
- enhance the technological and research capabilities of the CARIFORUM States to develop and comply with internationally-recognized sanitary and phytosanitary measures and technical standards as well as internationally-recognized labour and environmental standards;
- develop CARIFORUM innovation systems, including the development of technological capacity; and
- develop the necessary infrastructure in CARIFORUM States for the conduct of trade.

### **How will development cooperation be funded?**

Through the Joint Declaration on Development Cooperation, financial assistance will be provided under the 10th European Development Fund (EDF) Caribbean Regional Indicative Programme (CRIP). The sum of 165 million euros has been allocated to the Caribbean region. Existing funds from National and Regional Indicative Programmes are still available. The European Union (EU) will also provide 1 billion euros under the WTO Aid for Trade programme, however, this will be allocated to the entire African, Caribbean and Pacific region.

### **How can funding be accessed?**

Technical co-operation funding for the implementation of the EPA is managed by the CARICOM Secretariat. The Secretariat will sometimes publish calls for proposals on its website (<http://www.caricom.org/>). The website also has information on ongoing CARICOM projects.

Trade unions in the CARIFORUM States can also address requests for funding to their national governments.

## SOCIAL ASPECTS

### **Are there any other provisions specifically applicable to workers?**

Yes, there are. The EPA contains a specific Chapter entitled Social Aspects (Articles 191-196). Here, the Parties reaffirmed their commitment to internationally-recognized core labour standards, as defined by the relevant ILO Conventions, and in particular:

- the freedom of association and the right to collective bargaining;
- the abolition of forced labour;
- the elimination of the worst forms of child labour; and
- non-discrimination in respect of employment.

In addition, CARIFORUM and the EC reaffirmed their commitment to the 2006 United Nations Economic and Social Council (ECOSOC) Declaration on Full Employment and Decent Work, promoting the development of trade in a way that leads to full and productive employment and decent work for all, including men, women and young people.





Paragraph 3 of Article 191 recognizes the beneficial effects that core labour standards and decent work can have on economic efficiency, innovation and productivity. Article 192 recognizes the right of States to establish their own social regulations and labour standards, so as to ensure high levels of such standards consistent with internationally-recognized rights set out in Article 191.

Article 193 requires States to maintain the levels of protection in domestic social and labour laws and standards. Article 194 reaffirms the importance of developing social cohesion policies and measures to promote decent work at the regional level in order to address social challenges and to promote the sustainable development of international trade.

Article 195 promotes consultation among Parties and with the CARIFORUM-EC Consultative Committee, and for the establishment of a Committee of Experts to review the application of this Chapter. In addition, it raises the possibility of the ILO providing advice on best practice related to social issues, “the use of effective policy tools for addressing trade-related social challenges, such as labour market adjustment, and the identification of any obstacles that may prevent the effective implementation of core labour standards”.

Article 196 lists some areas of possible cooperation, such as:

- formulating and strengthening labour laws and standards, as well as mechanisms for social dialogue;
- the means of promoting the Decent Work Agenda;
- labour market adjustment policies;
- raising awareness of health and safety responsibilities, workers’ rights and employers’ responsibilities; and
- the enforcement of national labour laws and regulations.



## Monitoring of the EPA

### **What is the life span of the EPA?**

The EPA is of indefinite duration with regular reviews scheduled.

### **Can the EPA be revised?**

There is a clause providing for a review of the entire EPA within five years of implementation. That apart, the EPA provides several opportunities for review or revision. For example:

- tariff schedules can be reviewed in the event of serious difficulties (Article 16);
- rules of origin are to be reviewed within five years of the implementation of the EPA (Article 10);
- the Chapter on Public Procurement will be reviewed every three years (Article 181);
- the entire agreement can be revised based on the experience of implementation or to bring overseas countries and territories associated with the EC into the Agreement (Article 246);
- when new members join the EU (Article 247);
- the Trade and Development Committee is to review periodically the EPA's development cooperation priorities and annually review how the Agreement is being implemented (Article 230); and
- investment provisions could be revised after the review that must be conducted within three years of the entry into force (Article 74).

### **How should monitoring of the implementation be conducted?**

Individual Member States have established EPA Implementation Committees and CARIFORUM will also monitor implementation. Within the ambit of the Agreement, the Trade and Development Committee will be the primary organ to ensure the full implementation of the EPA. In addition, the Parties recognize the importance of assessing and monitoring the implementation of the Agreement on decent work and other areas of sustainable development, including through consultation among the Parties and with the CARIFORUM-EC Consultative Committee (Article 195).

### **How can workers play a role in monitoring?**

Workers' organizations can set up their own monitoring bodies or be supportive of tripartite efforts to monitor the effects of the EPA on employers and workers.

This information should be sent to government agencies involved in implementation, including the allocation of development funding to mitigate the negative impacts.

The United Nations Economic Commission for Latin America and the Caribbean (UNECLAC) has put the monitoring of the impact of implementation of the EPA on its work programme for 2012 – 2013. In this exercise, UNECLAC is committed to cooperation with the ILO as well as with employers' and workers' organizations in the CARIFORUM States.

### **What is to happen if things do not work out as intended?**

There are two aspects to consider. Firstly, as the EPA is being implemented, there may be unforeseen consequences. There are structures in place to deal with this, including institutions and opportunities for monitoring, review and revision. Secondly, one side may find that the other side is not acting in accordance with a stated commitment. If that is the case, the Dispute Settlement mechanism can be activated.



### **How exactly would disputes be settled?**

The EPA is a partnership agreement, and is governed, like all international treaties, by the Vienna Convention on the Law of Treaties which requires parties to act in good faith. If there is a disagreement, the first step is to hold consultations with a view to resolving the dispute. If that does not work, the services of a mediator may be engaged. If mediation does not resolve the matter, then there can be recourse to binding arbitration. The dispute settlement process is a government- to-government matter; a private party which feels aggrieved would have to persuade its government officials to take up the matter.

### **What role can workers play?**

Since treaties are government-to-government agreements, workers must remember their role as citizens of the contracting states. The EPA makes specific reference to participatory decision-making. Workers are therefore entitled to use normal methods to get their views across, as they would do in relation to any matter in which their State is an actor.

In addition, however, the EPA provides a dedicated forum known as the CARIFORUM – EC Consultative Committee where workers’ representatives can be accommodated. The mandate of this Committee covers dialogue on all economic, social and environmental matters arising from the implementation of the EPA. Relevant government officials are required to attend the meetings of this Committee in order to be apprised of its views and recommendations.

### **What else ought workers to do?**

Workers ought to be consistently asking questions about the effect of the EPA on the industries and businesses in which they are engaged, both from a defensive viewpoint, to ensure that there are no unintended consequences, and also from a forward-looking perspective, to identify new avenues for doing business, new products to sell, or to take up opportunities for re-tooling and training. The EPA is especially concerned with innovation and new opportunities. The EPA also insists that sustainable development is to be centred on the human person, who is to be the main beneficiary. Workers have a role to play in making this a reality.



*For further information on the EPA,  
including the full text of the Agreement,  
please visit the website of the*

*Office of Trade Negotiations, CARICOM Secretariat at  
[www.crnw.org](http://www.crnw.org)*

*ILO Decent Work Team and Office for the Caribbean at  
[www.ilocarib.org.tt/trade](http://www.ilocarib.org.tt/trade)*

*or*

*please contact the Ministry responsible for Trade in your country.*





