

ANNEX 1 - ANTIGUA AND BARBUDA

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1 ECONOMIC ENVIRONMENT

1.1 Real Economy

1.1. Antigua and Barbuda is a small vulnerable economy located in the Caribbean. Antigua and Barbuda has a population of approximately 90,000 and a GDP per capita based on purchasing power parity of around US\$16,000. The small size and island location makes the country highly dependent on imports. Merchandise imports accounted for approximately 40% of GDP in 2012, while the share of merchandise exports was only 5% of GDP.

1.2. Antigua and Barbuda has a very narrow economic base with the tourism sector responsible for 60-70% of economic activity, and government and financial services for most of the remaining 30-40%. The lack of diversification and high dependence on imports leaves Antigua and Barbuda extremely vulnerable to exogenous shocks.

1.3. As such, the global financial crisis in 2008 seriously affected Antigua and Barbuda. Real GDP contracted by nearly 11% in 2009, 8.6% in 2010, and over 2% in 2011 (Table 1.1). The financial crisis adversely impacted the tourism source markets, resulting in a significant decline in stay-over tourist arrivals.¹ Additionally, per capita expenditure by tourists declined.² The financial crisis also resulted in the collapse of two banks incorporated in Antigua and Barbuda.

Table 1.1 Basic macroeconomic indicators, 2007-13

	2007	2008	2009	2010	2011	2012	2013
Real sector							
Nominal GDP at market prices (EC\$ million)	3,481	3,638	3,257	3,066	3,043	3,224	3,376
Nominal GDP at basic prices (EC\$ million)	2,939	3,117	2,834	2,628	2,606	2,746	2,855
Real GDP at basic prices (EC\$ million)	2,834	2,878	2,571	2,350	2,301	2,365	2,356
GDP per capita at market prices (EC\$)	40,522	41,572	36,542	33,766	32,901	34,215	35,178
GDP per capita at basic prices (EC\$)	34,217	35,620	31,798	28,943	28,169	29,146	29,749
GDP growth (real, market prices)	9.5	0.1	-12.0	-7.2	-2.0	3.3	2.4
GDP growth (real, basic prices)	7.1	1.5	-10.7	-8.6	-2.1	2.8	1.7
GDP components	(% of GDP)						
Total consumption	88.1	84.3	71.0	76.8	79.5	72.9	75.7
Private consumption	73.1	67.0	51.9	59.4	62.1	55.9	58.8
Government consumption	15.0	17.4	19.2	17.4	17.4	17.1	17.0
Gross fixed capital formation	39.2	39.1	41.0	36.9	29.6	32.3	32.6
Exports of goods and services	48.3	45.1	46.4	46.6	46.1	47.7	46.3
Goods	6.5	4.6	4.9	4.2	4.0	5.0	4.7
Non-factor services	41.8	40.5	41.6	42.3	42.1	42.7	41.5
Imports	72.1	72.3	69.9	58.6	59.8	56.9	51.5
Goods	49.3	50.3	49.7	39.7	40.0	38.2	33.7
Non-factor services	22.8	22.0	20.2	18.9	19.8	18.7	17.8
Gross national savings	9.3	13.3	27.0	22.2	18.9	25.7	22.6
Foreign savings	29.9	25.9	14.0	14.7	10.8	6.6	9.9
Consumer price index (period average)	1.4	5.3	-0.6	3.4	3.5	3.4	..
General government finance							
Current revenue	20.8	20.2	18.3	20.9	19.6	20.1	..
of which, tax revenue	19.8	19.0	17.6	18.8	18.1	18.7	..
of which taxes on international trade	8.6	6.7	6.4	7.9	7.6	7.2	..
of which							..
Consumption tax	2.0	0.5	0.8	1.0	1.1	1.0	..

¹ Tourist arrivals declined by 13.5% in 2009/10 (IMF, 2013).

² Real expenditure per tourist fell by nearly 20% between 1999 and 2011 (IMF, 2013).

	2007	2008	2009	2010	2011	2012	2013
Import duties	2.7	2.7	2.4	2.6	2.6	2.5	..
Customs service charge on imports	2.7	2.3	1.9	0.2	0.0	0.1	..
Current expenditure	21.5	21.1	24.0	22.1	23.5	20.8	..
Current account balance	-0.7	-0.8	-5.7	-1.2	-3.9	-0.8	..
Overall fiscal balance	-5.8	-6.1	-11.0	-1.4	-5.3	-1.4	..
Total public debt	81.5	81.9	96.3	88.4	93.4	88.0	..
Sectoral share							
Agriculture, Livestock and Forestry	0.6	0.6	0.7	0.9	1.0	0.9	0.9
Crops	0.4	0.4	0.5	0.5	0.5	0.5	0.6
Livestock	0.2	0.2	0.2	0.3	0.4	0.3	0.3
Forestry	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Fishing	1.0	0.9	0.8	0.8	0.8	0.8	0.8
Mining & quarrying	1.2	1.1	1.0	0.8	0.7	0.7	0.8
Manufacturing	1.7	1.6	2.1	2.2	2.3	2.1	2.2
Electricity & water	2.1	3.0	2.8	3.7	4.3	3.3	3.3
Construction	13.0	13.7	13.9	9.7	7.4	8.1	9.0
Wholesale & retail trade	14.5	15.4	12.5	12.8	12.2	12.8	12.4
Hotels & restaurants	10.1	9.7	10.2	10.9	11.5	11.2	10.7
Transport, storage and communications	11.9	11.6	11.8	11.0	10.6	11.1	11.0
Transport and storage	7.7	7.3	7.3	7.2	7.1	7.8	7.7
Communications	4.2	4.3	4.4	3.7	3.5	3.3	3.3
Financial intermediation	7.8	7.3	7.8	8.6	9.1	8.5	8.5
Banks	6.3	5.7	6.0	6.7	7.2	6.8	6.8
Insurance	1.5	1.6	1.8	1.8	1.9	1.7	1.7
Real estate, renting and business activities	8.0	8.0	9.0	10.6	11.7	11.8	11.7
Public administration, defence & compulsory social security	7.0	7.0	7.8	7.8	7.8	7.6	7.6
Education	4.1	4.2	4.6	4.4	4.5	4.3	4.3
Health and social work	2.1	2.1	2.4	2.5	2.6	2.5	2.5
Other community, social & personal services	1.2	1.2	1.5	1.6	1.7	1.6	1.6
Activities of private households as employers	0.4	0.3	0.5	0.5	0.5	0.5	0.4

.. Not available.

Source: Central Statistics Office Antigua and Barbuda, and the Eastern Caribbean Central Bank.

1.4. Antigua and Barbuda has been strongly affected by failures in the financial sector, such as the collapse of CL Financial, which owned CLICO and BAICO (Common Report) and the Bank of Antigua in 2009. Furthermore, in 2011 the management of Antigua and Barbuda Investment Bank (ABIB) was taken over by the Eastern Caribbean Central Bank (ECCB) because ABIB was unable to meet the statutory requirements and was facing a liquidity shortage. In offshore banking, the collapse of Stanford International Bank in 2009 had major implications for the Antiguan economy as well as repercussions with respect to its role as an offshore financial centre.

1.5. Non-performing loans of local and foreign banks have been rising since 2009 and loan loss provisioning at local banks is relatively low; additionally, some local banks face a liquidity crunch.

1.6. Against this backdrop, the shortcomings and challenges of commercial bank supervision become apparent; these include infrequent onsite examinations and weak enforcement of corrective measures for non-compliance.

1.7. The authorities realize the need for structural changes in order to restore growth and macroeconomic stability in the medium-term. The authorities are focusing on improving

productivity and diversifying the economy, and achieving fiscal consolidation and debt sustainability, and financial stability.

1.2 Monetary and Exchange Rate Policy

1.8. Antigua and Barbuda is a member of the Eastern Caribbean Currency Union (ECCU). Monetary and exchange rate policy is thus determined by the Monetary Council of the Eastern Caribbean Central Bank (ECCB). The ECCB has been responsible for monetary policy for the whole OECS area since 1976, keeping the EC dollar pegged to the U.S. dollar at a rate of EC\$2.70/US\$1. Movements in the EC dollar real effective exchange rate are related largely to changes in the value of the U.S. dollar vis-à-vis other major currencies.

1.9. During the period under review inflation was subdued, mainly due to weak domestic demand, which was perpetuated by the economic recession. Inflation rose during 2011 on account of high international fuel prices. However, this has since been reversed.

1.3 Fiscal Consolidation and Debt Sustainability

1.10. The global financial crisis and the subsequent recession in Antigua and Barbuda resulted in tax revenue declining by approximately 20%, which caused the fiscal deficit to widen from around 6% of GDP in 2008 to over 11% of GDP in 2009. The stock of public debt rose from around 82% of GDP to over 96% in the same period.

1.11. To address the deterioration in the fiscal position, the authorities implemented certain revenue measures. These included raising petroleum product prices by about 20% as well as introducing a flexible market-based petroleum product pricing mechanism. Additional revenue-enhancing measures to be implemented included: broadening the scope of the VAT; increasing import duties; and introducing an excise tax on alcoholic beverages and tobacco. However, these were not implemented. On the expenditure side, the measures adopted by the Government mainly addressed better prioritization of capital expenditures. These resulted in the fiscal deficit falling to less than 1.5% of GDP in 2012.

1.12. The authorities also initiated a programme of debt restructuring. The maturity of domestic debt was lengthened from an average of 5 years to 20 years, while the interest rate on this debt was reduced from 13% to 8%. The authorities also issued a long-term bond to statutory bodies with step-up interest rates starting at 0 during the first 5 years rising to 5% over the life of the bond. On the external front, the Government was able to negotiate a lengthening of the maturity as well as a small reduction in interest rates on its debt with commercial lenders. The authorities were also successful in restructuring Antigua and Barbuda's debt with bilateral and multilateral lenders. As a result, debt repayments declined considerably while the stock of public debt also fell from over 96% of GDP in 2009 to 88% in 2012.

1.4 Structural Changes

1.4.1 Improving productivity and diversification

1.13. As the public sector is the largest employer in the country and the civil service employment is the benchmark for employment in other sectors of the economy, the authorities recognize that the productivity of public sector workers needs to be improved. The Government is drafting a new Public Service Act, which would provide for the unification of the civil service. It is envisaged that the Act would be in force by June 2015.

1.14. With regard to diversifying the economy, the authorities have identified agriculture as a focus sector, with incentives being provided for fruit and vegetable production. A large poultry project has also been initiated. Other projects that have been initiated include a cancer treatment centre. The authorities also plan to diversify the tourism segment, and are encouraging non-traditional avenues such as sports tourism.

1.4.2 Financial sector reform

1.15. In the aftermath of the global financial crisis and its impact on the financial sector in Antigua and Barbuda; the authorities recognized the need to strengthen the financial sector. To achieve this, the authorities planned to pass legislation which would transform the FSRC into a single regulatory unit for offshore banks and domestic non-banks. The FSRC would apply international best practice and be in line with regional agreements. The authorities also planned to strengthen supervision through increased onsite examinations of domestic banks.

1.16. However, progress in the area of supervision has been slow. The IMF continues to stress the need for more frequent, risk-based consolidated supervision (offshore and domestic banks), as well as a revision of regulations pertaining to asset classification and loan-loss provisioning. The authorities are aware of the need for changes in regulation and the legal framework, but stated that these changes would need to be implemented on an ECCB-wide basis, which would require significant coordination across different countries.

1.4.3 Balance of payments

1.17. Antigua and Barbuda's current account deficit decreased from US\$384 million in 2007 (nearly 30% of GDP) to US\$78 million in 2012 (6.6% of GDP), reflecting a narrowing of the gap between gross domestic investment and gross national savings (Table 1.2). The decline in the current account deficit was almost entirely due to a decline in the trade in merchandise goods balance. Between 2007 and 2012 exports remained steady, on the other hand imports declined by nearly 40%. The fall in imports was brought about by the recession which dampened demand.

1.18. The services surplus improved; however, the change was not as stark as that of the merchandise trade account. The improvement came about mainly due to a turnaround in transportation, which went from payments of over US\$6 million in 2007 to receipts of nearly US\$50 million in 2012.

Table 1.2 Balance of Payments, 2007-13

(US\$ million)

	2007	2008	2009	2010	2011	2012	2013
Current account	-384.1	-347.2	-168.5	-166.5	-120.9	-78.2	-123.7
Goods and services	-349.8	-315.0	-144.3	-154.5	-102.8	-62.3	-103.2
Goods	-587.4	-602.2	-426.5	-406.7	-372.9	-344.7	-382.0
Merchandise	-612.3	-614.3	-427.9	-404.8	-384.1	-355.9	-393.1
Exports	25.1	34.7	39.0	34.7	28.9	28.9	30.2
Imports	-637.4	-649.0	-466.8	-439.5	-413.0	-384.8	-423.3
Repair on goods	0.1	0.1	0.1	0.0	0.0	0.0	0.0
Goods procured in ports by carriers	24.8	12.0	1.3	-1.9	11.2	11.2	11.1
Services	237.6	287.2	282.2	252.1	270.1	282.4	278.8
Transportation	-6.3	42.1	67.6	48.5	42.8	48.8	45.1
Travel	285.0	274.6	250.6	246.2	261.8	266.5	269.1
Insurance services	-35.0	-37.6	-37.8	-26.5	-19.9	-19.2	-20.5
Other business services	-5.8	7.4	0.6	-17.1	-18.9	-18.0	-19.0
Government services	-0.3	0.7	1.2	1.2	4.4	4.3	4.1
Income	-52.5	-60.9	-50.7	-31.4	-43.8	-41.4	-45.8
Compensation of employees	8.3	9.3	8.5	7.7	7.6	7.7	7.8
Investment income	-60.8	-70.1	-59.2	-39.0	-51.3	-49.1	-53.6
Current transfers	18.2	28.6	26.6	19.4	25.6	25.5	25.3
General government	-1.2	6.6	3.6	4.6	6.8	6.8	6.8
Other sectors	19.4	22.1	23.0	14.8	18.8	18.7	18.5
Capital and financial account	392.1	345.4	165.3	187.7	154.2	97.5	123.7
Capital account	11.1	14.8	3.8	20.3	8.4	14.6	9.4
Capital transfers	11.1	14.8	3.8	20.3	8.4	14.6	9.4

	2007	2008	2009	2010	2011	2012	2013
Financial account	381.1	330.6	161.5	167.4	145.9	82.9	114.3
Direct investment	337.0	158.2	80.3	96.3	64.9	70.6	83.6
Portfolio investment	-1.2	10.8	-4.6	-7.5	10.1	6.7	-4.0
Other investments	45.3	161.7	85.8	78.6	70.9	5.6	34.6
Public sector long term	-6.8	1.8	38.6	147.1	29.7	20.8	25.2
Commercial banks	15.4	118.6	33.4	13.6	35.0	-27.4	0.0
Other assets	-45.0	-42.2	-21.2	18.2	-0.4	40.6	13.5
Other liabilities	81.7	83.5	35.0	-100.4	6.6	-28.4	-4.1
Overall balance	0.4	-5.8	-10.1	12.0	11.1	8.0	0.0
Financing	-0.4	5.8	10.1	-12.0	-11.1	-8.0	0.0
Change in government foreign assets	0.8	0.0	0.0	-3.1	-0.1	3.3	0.0
Change in imputed reserves	-1.2	5.8	29.6	-27.7	-11.0	-11.3	0.0
Memorandum							
Current account balance (% of GDP)	-29.9	-25.9	-14.0	-14.7	-10.8	-6.6	-9.9
Nominal effective exchange rate period average	90.2	91.6	96.1	95.8	94.1	94.9	..
Real effective exchange rate	84.7	87.0	90.7	90.9	88.9	90.4	..
Estimated visitor expenditure (EC\$ million)	912.3	901.7	823.8	803.9	841.8	861.3	..
Net imputed international reserves (US\$ million)	-1.2	5.8	29.6	-27.7	-11.0	-11.3	..
Outstanding external public debt (% of GDP)	25.8	19.8	20.0	29.2	32.6	32.6	..
Debt service ratio (% of exports of goods and services)	8.0	10.9	6.9	6.4	6.4	4.1	..

.. Not available.

Source: Data provided by the authorities.

1.19. The capital and financial account surplus showed a marked decline during the review period. The change was brought about primarily by FDI outflows and to a lesser degree by payments pertaining to commercial banks. The overall balance of payments improved from US\$400,000 in 2007 to US\$8 million in 2012.

1.5 Developments in Trade

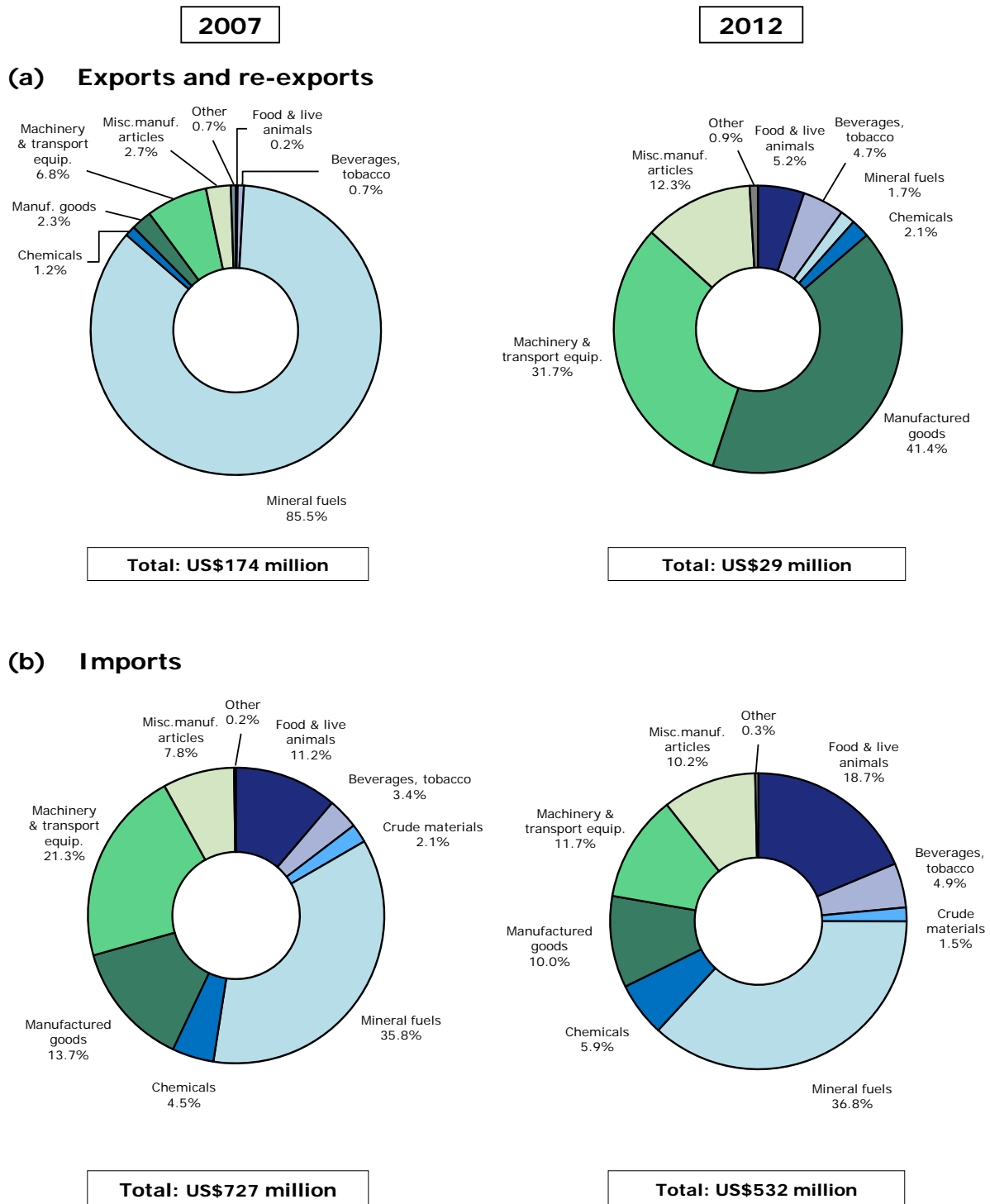
1.20. In 2012, the share of merchandise exports in GDP was 5%, down from 6.5% in 2007. The share of merchandise imports also declined, from nearly 50% of GDP to about 38% over the same period. Exports of non-factor services remained steady at slightly over 40% of GDP, while imports of non-factor services declined from nearly 23% to around 19% of GDP. Consequently, trade in goods and services declined from 120% of GDP in 2007 to about 105% of GDP in 2012.

1.5.1 Composition of trade

1.21. At the same time of its previous Review, Antigua and Barbuda's merchandise exports were dominated by mineral fuels, while their share of total exports was negligible by 2012 (Chart 1.1 and Tables A1.1 and A1.2). In sharp contrast, the shares of manufactured goods, machinery and transport equipment and miscellaneous manufactured articles rose significantly.

1.22. The share in imports of food and live animals rose between 2007 and 2012, while the shares of machinery and transport equipment and manufactured goods declined. Mineral fuels continue to be the largest import category accounting for over 35% of total imports (Chart 1.1 and Table A1.3).

Chart 1.1 Merchandise trade by SITC section, 2007 and 2012



Source: Eastern Caribbean Central Bank online information. Viewed at: <http://www.eccb-centralbank.org/Statistics/index.asp> [12.12.13]; and UNSD Comtrade database.

1.5.2 Direction of trade

1.23. Antigua and Barbuda's main export destination in 2012 was the EU27 followed by the United States and Barbados (Chart 1.2 and Tables A1.4 and A1.5). During the review period, the shares of the United States and Barbados rose slightly; however, the shares of the EU27 and Asia rose

many fold. In contrast, the share of the Netherland Antilles (Antigua and Barbuda's largest export destination in 2007) fell dramatically.

1.24. The United States remains Antigua and Barbuda's largest import supplier accounting for over 50% of total imports, followed by the EU27 and China. During the period under review, the import shares of the United States and the EU27 declined, while those of China, Trinidad and Tobago and Brazil rose (Chart 1.2 and Table A1.6).

Chart 1.2 Merchandise trade, by main origin and destination, 2007 and 2012



Source: Eastern Caribbean Central Bank online information. Viewed at: <http://www.eccb-centralbank.org/Statistics/index.asp> [12.12.13]; and UNSD Comtrade database.

2 TRADE POLICY REGIME: FRAMEWORK AND OBJECTIVES

2.1 General Constitutional and Legal Framework

2.1. Antigua and Barbuda has a parliamentary system of Government. The Cabinet, which is headed by the Prime Minister, is responsible for the general direction and control of the Government and is directly accountable to Parliament.

2.2. Once approved by the Cabinet of Ministers, trade treaties and related agreements may be signed by the Prime Minister or any other minister authorized to sign on behalf of the Government. Cabinet also authorizes ratification of and accession to international agreements. Parliamentary involvement is relevant only for enactment of enabling legislation.

2.3. The Barbuda Council is the principal organ of local government for the island of Barbuda. The Council administers agriculture and forestry issues, public health, medical and sanitary facilities, electricity, water, and other public utilities; constructs, improves, and maintains roads; and raises and collects revenue to meet expenses involved in executing its functions.

2.4. The Constitution supersedes all other laws, and any law that does not conform to it is void to the extent of the inconsistency. Bills are drafted at the request of a government ministry and introduced in either House, with the exception of a finance or money bill, which must always be introduced in the House of Representatives. Usually, a bill will have three readings. A bill that commences in either House must be passed at its third reading, with or without amendments, before moving onto the other House. Bills become law only after receiving the assent of the Governor General and publication in the official *Government Gazette*. This procedure applies to all laws, including trade and trade-related laws.

2.5. English common law is the basis of the legal system in Antigua and Barbuda. Criminal and civil cases are heard in both the magistrate and the high courts. There is also an industrial court, which deals with matters arising from labour and employment disputes. In all cases, there is a right to appeal to the Eastern Caribbean Court of Appeal. Final appeal is to the Judicial Committee of the Privy Council.

2.6. In 2005, Antigua and Barbuda joined other CARICOM States in establishing the Caribbean Court of Justice (CCJ) with independent trade jurisdiction for dealing with the interpretation of the revised Treaty of Chaguaramas. Accession to the appellate jurisdiction of the CCJ would require abolition of appeals to the Privy Council, and an amendment of the Constitution. Although Antigua and Barbuda has signed on to the original (trade) jurisdiction of the Caribbean Court of Justice, it has not yet acceded to the appellate jurisdiction of the court. In this respect, it was agreed by all OECS members that they would accede to the appellate jurisdiction as soon as possible. In Antigua and Barbuda's case this would require a referendum.

2.2 Development and Administration of Trade Policy

2.7. Antigua and Barbuda did not incorporate the Marrakesh Agreement into domestic law as a single piece of legislation. However, certain provisions of the Agreement are part of domestic law and may be invoked by private individuals before local courts.

2.8. The Department for Trade, Industry and Commerce of the Ministry of Finance, the Economy, and Public Administration has primary responsibility for formulating and implementing trade policy. Proposals are submitted by the technical staff to the Minister, upon whose approval they are sent to the Cabinet for consideration and approval. Once approved by the Cabinet, the Department for Trade, Industry and Commerce is responsible for implementation and monitoring. In addition, the Ministry undertakes periodic reviews and assessment of trade policy. To the extent possible, these are conducted in conjunction with the private sector and concerned ministries.

2.9. Other ministries and agencies involved in trade policy formulation and implementation include the Antigua and Barbuda Investment Authority; the Antigua and Barbuda Bureau of Standards; the Ministry of Agriculture, Land, Housing and the Environment; the Ministry of Justice; the Department of Fisheries; and the Registrar of Trademarks, Copyrights and Intellectual Property.

2.10. As a member of the OECS and CARICOM, certain elements of Antigua and Barbuda's trade policy are formulated and implemented at the regional level.

2.3 Foreign Investment Regime

2.11. Antigua and Barbuda has an open, non-restrictive foreign investment policy, with foreign investors receiving national treatment. However, foreign investors seeking to purchase real estate for residential or commercial purposes are required to obtain an alien landholder's licence. Licences are subject to Cabinet approval and require payment of a fee set at approximately 5% of the purchase price of the property. In addition, certain sectors are reserved for domestic investors; these include fishing and fisheries and agriculture.

2.12. There are no restrictions on the repatriation of dividends, and consent for it is granted automatically provided that all applicable taxes have been paid. Domestic borrowing by foreigners is subject to a 3% stamp-tax.

2.13. Under the provisions of the Antigua and Barbuda Investment Authority Act 2006, Antigua and Barbuda offers a number of incentives. These are based on the size of the capital investment and the number of employees that will be employed as a result of the project (Table 2.1).

Table 2.1 Concessions offered under the ABIA

	Category 1	Category 2	Category 3	Category 4	Category 5	Category 6
Capital investment (US\$)	Up to 370,000	Over 370,000 and up to 3.7 million	Over 3.7 million and up to 9.26 million	Over 9.26 million and up to 27.78 million	Over 27.78 million and up to 37 million	Over 37 million
N° of employees	Up to 26	Over 26	Over 51	Over 75	Over 100	Over 150
Property tax	Up to 10%	Up to 20%	Up to 30%	Up to 40%	Up to 50%	Up to 75%
Corporate income tax	Up to 3 years	Up to 5 years	Up to 10 years	Up to 12 years	Up to 15 years	Up to 20 years
Loss carried forward	1 year	2 years	3 years	4 years	5 years	7 years
Stamp duty on land transfers and non-citizen licences	Up to 10% on land and building	Up to 20% on land and building	Up to 30% on land and building	Up to 40% on land and building	Up to 50% on land and building	Up to 75% on land and building
Withholding tax	Up to 3 years	Up to 5 years	Up to 10 years	Up to 12 years	Up to 15 years	Up to 20 years
Building materials, furniture, appliances machinery and vehicles	Yes	Yes	Yes	Yes	Yes	Yes

Source: Antigua and Barbuda Investment Authority. Viewed at: http://www.investantiguabarbuda.org/downloads/ABIA_Concessions_Guide.pdf.

2.14. Antigua and Barbuda passed into law the Citizenship by Investment Act in 2013. However, there appear to be discrepancies with other initiatives already in place such as the Land Use Policy. The authorities are in the process of rectifying these.

2.15. Under the Citizenship by Investment Act, investors are eligible to apply for Antigua and Barbuda citizenship if they invest EC\$1,080,000 in real estate, or make an EC\$675,000 contribution to the National Development Fund. If the investment is in an approved business, the minimum investment is EC\$4 million for individuals or EC\$13.5 million for two or more persons, with each minimum contribution being EC\$1,080,000. Applications for citizenship must be made through an agent and carry a fee of EC\$13,500.

2.16. Under the Small Business Development Act, the Government also provides loan guarantees to businesses. To be eligible, businesses need to employ less than 25 people, not be a subsidiary of a larger company, have less than EC\$3 million in capital investment and sales of less than EC\$2

million and that the business is majority owned by citizens of Antigua and Barbuda. If the business is majority owned by foreigners, then to benefit from the scheme, businesses need to export half their production, have a minimum investment of EC\$500,000, half the employees are citizens of Antigua and Barbuda and 40% of the inputs are procured from Antigua and Barbuda.

2.17. Antigua and Barbuda has double taxation treaties with the United Kingdom, Germany, Canada, and Australia. It also has an investment and double taxation treaty with the United States, and is in the process of negotiating an investment protection and double taxation treaty with the Dominican Republic, which is expected to be in force in 2015.

2.4 International Relations

2.4.1 World Trade Organization

2.18. Antigua and Barbuda is an original WTO Member and extends at least MFN treatment to all its trading partners. Under the GATS, Antigua and Barbuda made initial commitments on tourism; professional services; computer and related services; research and development; recreational services; maritime transport; and financial services (section 4). Antigua and Barbuda presented an offer in the extended WTO negotiations on telecommunications, but did not participate in the extended negotiations on financial services.

2.19. Antigua and Barbuda has supported a request by a number of small developing WTO Members for an extension of time allowed for providing export subsidies until 2018. Antigua and Barbuda sees these subsidies as important to help it integrate more fully into the multilateral system, given the weaknesses associated with its status as a "small and vulnerable economy". In July 2007, the General Council decided to extend the date for the dismantlement of export subsidies to end 2015. On 23 October 2012, the Committee on Subsidies and Countervailing Measures approved the final extension of the transition period until end 2013, for export subsidy programmes of 19 developing countries including Antigua and Barbuda.

2.20. In 2003, Antigua and Barbuda used the WTO dispute settlement mechanism as a complainant, for the first time, in a dispute with the United States. The case, United States – Measures Affecting the Cross-Border Supply of Gambling and Betting Services – concerned various U.S. measures, including federal laws that affected these services. The Panel Report was circulated in November 2004 and the Appellate Body Report in April 2005. In May 2005, the United States informed the DSB of its intention to comply with the DSB's recommendations, indicating that it would require some time to do so. In May 2006, following disagreement between the parties with respect to compliance with the DSB recommendations, they agreed to hold new consultations. In July 2006, Antigua and Barbuda requested the establishment of a panel under Article 21.5 of the DSU. The Panel was constituted in August 2006. On 30 March 2007, the Article 21.5 Panel Report was circulated to Members. The Panel concluded that the United States had failed to comply with the recommendations and rulings of the DSB. At its meeting on 22 May 2007, the DSB adopted the Panel Report.

2.21. On 21 June 2007, Antigua and Barbuda requested authorization from the DSB, pursuant to Article 22.2 of the DSU, to suspend the application to the United States of concessions and related obligations under the GATS and the TRIPS Agreement. On 23 July 2007, the United States (i) objected to the level of suspension of concessions and obligations proposed by Antigua and Barbuda; and (ii) claimed that Antigua and Barbuda's proposal did not follow the principles and procedures set forth in Article 22.3 of the DSU. At its meeting on 24 July 2007, the DSB agreed that the matter had been referred to arbitration as required under Article 22.6 of the DSU. In a decision circulated to Members on 21 December 2007, the Arbitrator determined that the annual level of nullification or impairments of benefits accruing to Antigua and Barbuda was US\$21 million and that Antigua could request authorization from the DSB to suspend obligations under the TRIPS Agreement at a level not exceeding US\$21 million annually.

2.22. At the DSB meeting on 24 April 2012, Dominica read a statement on behalf of Antigua and Barbuda, which stated that the United States was not in compliance with the ruling of the panel, the Appellate Body and the compliance panel. Antigua and Barbuda had formally notified the United States of its desire to seek recourse to the good offices of the Director-General in finding a

mediated solution to this dispute. Antigua and Barbuda requested that this matter remain under the DSB's surveillance.

2.23. At the DSB meeting on 28 January 2013, Antigua and Barbuda requested the DSB to authorize the suspension of concessions and obligations to the United States in respect of intellectual property rights. Pursuant to the request by Antigua and Barbuda under Article 22.7 of the DSU, the DSB agreed to grant authorization to suspend the application to the United States of concessions or other obligations consistent with the Decision by the Arbitrator.

2.24. Antigua and Barbuda has not been a defendant or a third party in any other cases in the WTO.

2.25. During the period under review, Antigua and Barbuda made some notifications to the WTO (Table 2.2).

Table 2.2 Antigua and Barbuda Notifications, 2007-13

WTO Agreement	Description	Most recent notification and date
Implementation of Article VI of GATT 1994 Anti-dumping (Article 16.4 and 16.5)		
	No action taken within the meaning of Article 16.4, and Article 16.5	G/ADP/N/193/ATG, 27 September 2011
Regional Trade Agreements/Services		
	Goods and Services (CARIFORUM-EU Economic Partnership Agreement notified under Article XXIV (8) (b) of the GATT 1994, Article V of the GATS)	WT/REG255/N/1 S/C/N/469, 16 October 2008
Subsidies and Countervailing Measures (SCM) (Article 27.4)		
	Continuation of extension of transition period for the elimination of export subsidies	G/SCM/N/163/ATG, 10 September 2007
SCM Article 25 and GATT XVI.1		
	New and full notification on extension under SCM Article 27.4 of the transition period for the elimination of export subsidies	G/SCM/N/155/ATG G/SCM/N/160/ATG, 22 November 2007
SCM Article 27.4		
	Continuation of extension of transition period for the elimination of export subsidies	G/SCM/N/177/ATG, 21 October 2008
SCM Article 25 and GATT XVI.1 and Article 27.4		
	New and full notification on continuation of extension of the transition period for the elimination of export subsidies	G/SCM/N/186/ATG G/SCM/N/192/ATG, 3 July 2009
SCM Article 27.4		
	Continuation of extension of transition period for the elimination of export subsidies	G/SCM/N/211/ATG, 6 July 2010

WTO Agreement	Description	Most recent notification and date
SCM Article 25 and GATT XVI.1 and Article 27.4		
	New and full notification on continuation of extension of the transition period for the elimination of export subsidies	G/SCM/N/220/ATG G/SCM/N/226/ATG, 25 August 2011
SCM Article 27.4		
	Continuation of extension of transition period for the elimination of export subsidies	G/SCM/N/243/ATG, 28 September 2012
SCM Article 25 and GATT XVI.1 and 27.4		
	New and full notification on continuation of extension of the transition period for the elimination of export subsidies	G/SCM/N/253/ATG G/SCM/N/260/ATG, 31 July 2013

Source: WTO Secretariat.

2.4.2 Preferential agreements and arrangements

2.26. Antigua and Barbuda is one of the 15 member States of the Caribbean Community and Common Market (CARICOM), created by the Treaty of Chaguaramas in 1973. The original Treaty was amended by nine protocols covering various areas, including trade policy, services, consumer protection, competition policy, transport policy, and agricultural policy. The protocols have been consolidated into the Revised Treaty, which forms the legal basis for the establishment of the CARICOM Single Market and Economy (CSME). The Revised Treaty became effective in February 2002. Information on the Revised Treaty was submitted to the WTO Committee on Regional Trade Agreements in July 2003. Antigua and Barbuda is also a founding member of the OECS.

2.27. As a member of CARICOM, Antigua and Barbuda has signed bilateral agreements with the Bolivarian Republic of Venezuela, Colombia, the Dominican Republic, Costa Rica, Cuba, and the European Union.

2.28. The Economic Partnership Agreement (EPA) between the EU and 15 Caribbean States in the CARIFORUM group, including Antigua and Barbuda, was signed in 2008. It replaced the expired preferences under the ACP-EU Cotonou Agreement. In the EPA, the EU committed to removing all tariffs and quotas on CARIFORUM exports immediately, with the exception of sugar and rice, which gained full duty- and quota-free access at the end of 2009. For their part, CARIFORUM States committed to more gradual reductions in their tariffs over a period of up to 25 years. Certain sensitive products are excluded. The agreement also covers trade in services, public procurement, intellectual property rights, and environmental protection.

2.29. Antigua and Barbuda's exports are also granted preferential access to the Canadian market, through CARIBCAN, and to the United States under the U.S. Caribbean Basin Initiative (CBI). Antigua and Barbuda also benefits from the Generalized System of Preferences (GSP) schemes of Australia, Canada, the EC, Japan, New Zealand, and Switzerland.

3 TRADE POLICIES AND PRACTICES BY MEASURE

3.1 Measures Directly Affecting Imports

3.1.1 Procedures

3.1. Customs procedures are governed by the Customs (Control and Management) Act of 2013. Under the provisions of the Act, all imports require a formal entry certificate or warrant. Goods may be cleared by the importers themselves or through a customs broker. In addition to the formal entry certificate, the importer needs to provide an invoice, a bill of lading or airway bill, an import licence when needed, and a certificate of origin for CARICOM goods. SPS documents must also be provided when needed. Importers are required to register with Antigua and Barbuda's Internal Revenue Department, which assigns a number to the importer.

3.2. Under the provisions of the Act, customs decisions may be appealed. In the first instance, the importer may appeal to the comptroller of customs; if a satisfactory solution is not found, the importer has recourse to the Customs Appeal Commission and the High Court.

3.3. In 2008, Antigua and Barbuda implemented the Customs Automated Services (CASE) system developed by Jamaica. The authorities stated that they would be moving to the ASYCUDA World System but, as at January 2014, the system had not been implemented. The authorities stated that customs clearance takes approximately five hours if all documents are in order, and that Customs inspects about 70% of the consignments.

3.1.2 Customs valuation and rules of origin

3.4. Customs valuation is based on the second schedule of the Customs (Control and Management) Act of 2013. The valuation methodology is now consistent with the WTO Customs Valuation Agreement. The transaction value is to be used first for valuation purposes, followed by the transaction value of identical goods, the transaction value of similar goods, the deducted valuation, and computed valuation, in that order. However, the order of application of the last two valuation methods may be switched if both the Comptroller of Customs and the importer agree.

3.5. Antigua and Barbuda has not notified the change in valuation methodology to the WTO.

3.6. Antigua and Barbuda does not maintain any non-preferential rules of origin. For imports from other CARICOM members, it applies CARICOM preferential rules of origin. To comply with these rules, goods are deemed to be from the Common Market if they have been: (a) completely produced within CARICOM; or (b) produced within CARICOM wholly or partly from materials imported from third countries, provided a substantial transformation has taken place within CARICOM. Substantial transformation may be achieved by change of tariff heading, or by complying with the requirements defined specifically for each tariff heading in Part A of the List in Schedule II of the CARICOM Treaty. Under a "safeguard" mechanism, a manufacturer may use materials from outside the region when they are not available in a CARICOM State. However, a waiver must be obtained from the Council for Trade and Economic Development to authorize such imports. Duty-free treatment is accorded only if goods are shipped directly between member States. Additionally, a certificate of origin from the exporting country is required with verification taking place at the importing end.

3.7. Under the CARICOM Treaty's derogation facility to the application of Common Market Rules of Origin, a derogation granted to Antigua and Barbuda for coffee beans in 2004 remains in effect. Antigua and Barbuda, like other CARICOM members, was expected to implement the rules of origin contained in the Amended Schedule I of the revised Treaty of Chaguaramas, based on the 2007 HS from 1 January 2007. This did not happen and the matter remains in Parliament.

3.1.3 Tariffs

3.1.3.1 Structure

3.8. In 2013, the applied MFN tariff in Antigua and Barbuda varied between duty free and 70%. All tariffs are applied on an *ad valorem* basis. The 2013 tariff is based on the HS 2007

nomenclature and comprises 6,686 lines at the ten-digit level, an increase from 6,413 lines in 2006, which was based on the HS02 nomenclature (Table 3.1).

Table 3.1 Structure of the tariff schedule, 2006 and 2013

(%)

		2006	2013
1.	Total number of tariff lines	6,413	6,686
2.	Non- <i>ad valorem</i> tariffs (% of all tariff lines)	0.0	0.0
3.	Non- <i>ad valorem</i> with no AVEs (% of all tariff lines)	0.0	0.0
4.	Lines subject to tariff quotas (% of all tariff lines)	0.0	0.0
5.	Duty-free tariff lines (% of all tariff lines)	10.2	9.5
6.	Dutiable lines tariff average rate (%)	11.9	12.5
7.	Simple average tariff (%)	10.7	11.3
8.	WTO agriculture	16.2	18.1
9.	WTO non-agriculture (including petroleum)	9.7	9.9
10.	Agriculture, hunting, forestry and fishing (ISIC 1)	18.9	22.0
11.	Mining and quarrying (ISIC 2)	3.9	3.4
12.	Manufacturing (ISIC 3)	10.2	10.6
13.	First stage of processing	14	16.6
14.	Semi-processed products	5.8	5.8
15.	Fully processed products	12.4	12.7
16.	Domestic tariff "peaks" (% of all tariff lines) ^a	4.4	5.8
17.	International tariff "peaks" (% of all tariff lines) ^b	28.0	29.9
18.	Overall standard deviation	9.6	10.5
19.	Nuisance applied rates (% of tariff lines) ^c	..	0.0
20.	Bound tariff lines (% of all tariff lines)	97.6	97.1

.. Not available.

a Domestic tariff peaks are defined as those exceeding three times the overall average applied rate.

b International tariff peaks are defined as those exceeding 15%.

c Nuisance rates are greater than 0% but inferior or equal to 2%.

Source: WTO Secretariat calculations, based on data provided by the authorities of Antigua and Barbuda.

3.1.3.2 Tariff bindings

3.9. In the Uruguay Round, Antigua and Barbuda bound all tariff lines except for fish products (Chapter 3 of the HS and a few lines in other chapters); consequently, 97.1% of lines are bound. Tariffs on non-agricultural products were bound at 50%, with a number of exceptions, including motor vehicles. Agricultural products were generally bound at a ceiling of 100%, with an implementation period of six years; exceptions that were bound at higher rates include beer, spirits, margarine, and bananas. The average bound tariff is 62.5%. The bound rate for agricultural products (WTO definition) is 106.4%, while that for non-agricultural goods is 53% (Table 3.2 and Chart 3.2). Applied tariffs exceed bound rates for 11 tariff headings, all corresponding to arms and ammunition, for which the applied rate is 70%, while the bound rate is 50%.

Table 3.2 Summary analysis of the MFN tariff, 2013

Description	No. of lines	Average (%)	MFN		Final bound average (%)
			Range (%)	Coefficient of variation (CV)	
Total	6,686	11.3	0 - 70	0.9	62.5
HS 01-24	1,272	19.4	0 - 45	0.8	107.1
HS 25-97	5,414	9.4	0 - 70	0.9	53.7
By WTO category					
WTO agriculture	1,157	18.1	0 - 45	0.8	106.4

Description	No. of lines	Average (%)	MFN		Final bound average (%)
			Range (%)	Coefficient of variation (CV)	
- Animals and products thereof	150	20.5	0 - 40	0.8	104.2
- Dairy products	24	6.3	0 - 20	1.0	100.0
- Fruit, vegetables and plants	349	23.7	0 - 40	0.7	114.4
- Coffee and tea	29	18.8	5 - 40	0.7	100.0
- Cereals and preparations	126	15.6	0 - 40	0.7	100.0
- Oil seeds, fats and oils and their products	95	16.6	0 - 40	1.0	101.8
- Sugars and confectionary	21	21.9	5 - 40	0.7	100.0
- Beverages, spirits and tobacco	205	18.1	5 - 45	0.4	108.8
- Cotton	6	5.0	5 - 5	0.0	100.0
- Other agricultural products n.e.s.	152	7.7	0 - 40	1.6	98.7
WTO non-agriculture (including petroleum)	5,529	9.9	0 - 70	0.9	53.0
- WTO non-agriculture (excluding petroleum)	5,503	9.9	0 - 70	0.9	52.8
- - Fish and fishery products	193	20.9	0 - 40	0.7	100.0
- - Minerals and metals	1,121	7.5	0 - 30	0.9	51.7
- - Chemicals and photographic supplies	1,010	7.2	0 - 20	0.7	50.7
- - Wood, pulp, paper and furniture	333	9.5	0 - 20	0.7	52.7
- - Textiles	638	7.6	0 - 30	0.8	50.2
- - Clothing	277	19.9	5 - 20	0.1	50.3
- - Leather, rubber, footwear and travel goods	180	9.6	0 - 25	0.8	51.3
- - Non-electric machinery	599	7.0	0 - 30	0.9	50.9
- - Electric machinery	266	10.7	0 - 35	0.8	54.1
- - Transport equipment	397	14.0	0 - 35	0.9	68.2
- - Non-agriculture articles n.e.s.	489	13.8	0 - 70	0.8	53.5
- Petroleum	26	7.5	0 - 25	1.0	106.3
By ISIC sector^a					
Agriculture and fisheries	472	22.0	0 - 40	0.8	106.2
Mining	107	3.4	0 - 30	2.1	51.9
Manufacturing	6,106	10.6	0 - 70	0.9	59.9
By HS section					
01 Live animals & products	348	20.0	0 - 40	0.8	100.0
02 Vegetable products	425	21.3	0 - 40	0.8	111.8
03 Fats & oils	53	25.3	5 - 40	0.6	103.4
04 Prepared food etc.	446	16.4	0 - 45	0.5	105.7
05 Minerals	187	4.0	0 - 25	1.4	58.7
06 Chemical & products	938	6.8	0 - 20	0.8	53.0
07 Plastics & rubber	248	8.5	0 - 25	0.7	52.2
08 Hides & skins	80	9.8	0 - 20	0.8	56.4
09 Wood & articles	133	10.8	0 - 20	0.5	50.6
10 Pulp, paper etc.	176	7.2	0 - 20	1.0	55.1
11 Textile & articles	902	10.9	0 - 20	0.7	51.6
12 Footwear, headgear	60	16.1	0 - 20	0.4	50.0
13 Articles of stone	188	10.4	0 - 25	0.7	50.0

Description	No. of lines	Average (%)	MFN		Final bound average (%)
			Range (%)	Coefficient of variation (CV)	
14 Precious stones, etc.	62	17.7	0 - 30	0.7	70.6
15 Base metals & products	716	7.2	0 - 20	0.8	50.6
16 Machinery	879	8.3	0 - 35	0.9	51.8
17 Transport equipment	417	13.6	0 - 35	0.9	67.4
18 Precision equipment	229	10.6	0 - 25	0.7	54.1
19 Arms and ammunition	24	40.2	0 - 70	0.7	50.0
20 Miscellaneous manufacture	167	15.0	0 - 20	0.4	52.6
21 Works of art, etc.	8	20.0	20 - 20	0.0	50.0
By stage of processing					
First stage of processing	858	16.6	0 - 40	1.0	88.9
Semi-processed products	1,860	5.8	0 - 40	0.7	52.3
Fully-processed products	3,968	12.7	0 - 70	0.8	62.4

a ISIC (Rev.2) classification, excluding electricity (1 line).

Source: WTO Secretariat estimates, based on data provided by the authorities of Antigua and Barbuda.

3.1.3.3 MFN applied tariff

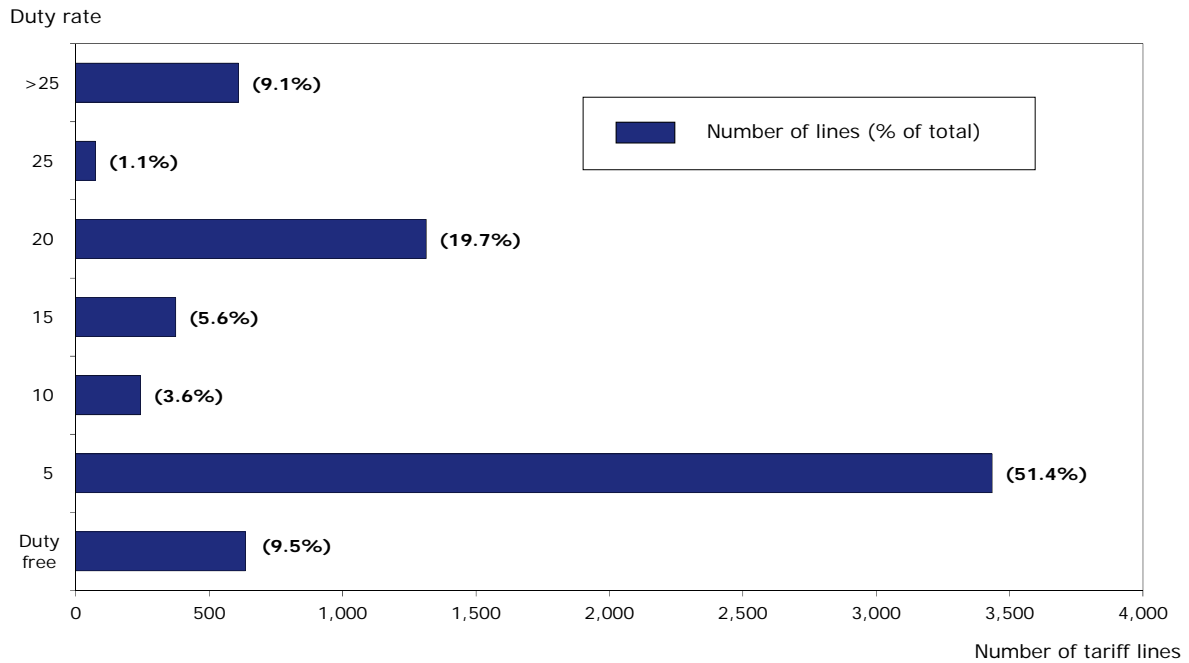
3.10. As a member of CARICOM, Antigua and Barbuda applies the CARICOM Common External Tariff (CET). National exceptions to the CET are detailed in "List A" (items in respect of which member states wish to encourage national production) and "List C" (items for which minimum rates have been agreed, but can be increased up to bound levels by members). Applied tariff rates for List C products are determined by the different CARICOM member countries. Common rates are determined by all members, but only for reference purposes. Products in List C are generally subject to a minimum rate.³ CET changes occur at CARICOM level, but ultimate authority for tariff determination rests with Parliament following a Cabinet initiative. All rates are *ad valorem*. There are no seasonal tariffs; tariff quotas are not used.

3.11. The average applied MFN tariff in 2013 was 11.3%, a slight increase from 10.7% in 2006. The increase was due mainly to the change in nomenclature. The difference between average bound rates and the average applied MFN rates (over 50%) gives the authorities considerable scope to increase tariffs, which creates some unpredictability for importers. Over 90% of applied tariff rates range from zero to 25%, while the modal or most common rate is 5%; nearly 10% of tariff lines are duty free (Chart 3.1).

3.12. Using the WTO definition, the average tariff on agricultural products is higher than for non-agricultural products. Furthermore, the average applied MFN tariff on agricultural products rose from 16.2% in 2006 to 18.1% in 2013. The average applied MFN tariff on non-agricultural products also increased, although to a lesser degree, rising, from 9.7% to 9.9% over the same period.

³ Exceptions to the CET are included in Lists A, C, and D, annexed to the CET. Rates vary by country and products. For products included in List A, mainly agricultural products, packaging material, ceramics, washing machines and dryers, and sanitary fixtures, which may be subject to a maximum customs duty of 40%, Antigua and Barbuda applies rates generally below the CET. List C contains products that are highly revenue sensitive, mainly alcoholic beverages, tobacco, oil products, jewellery, electrical appliances, and motor vehicles; these products face rates above the CET rates, up to 70%.

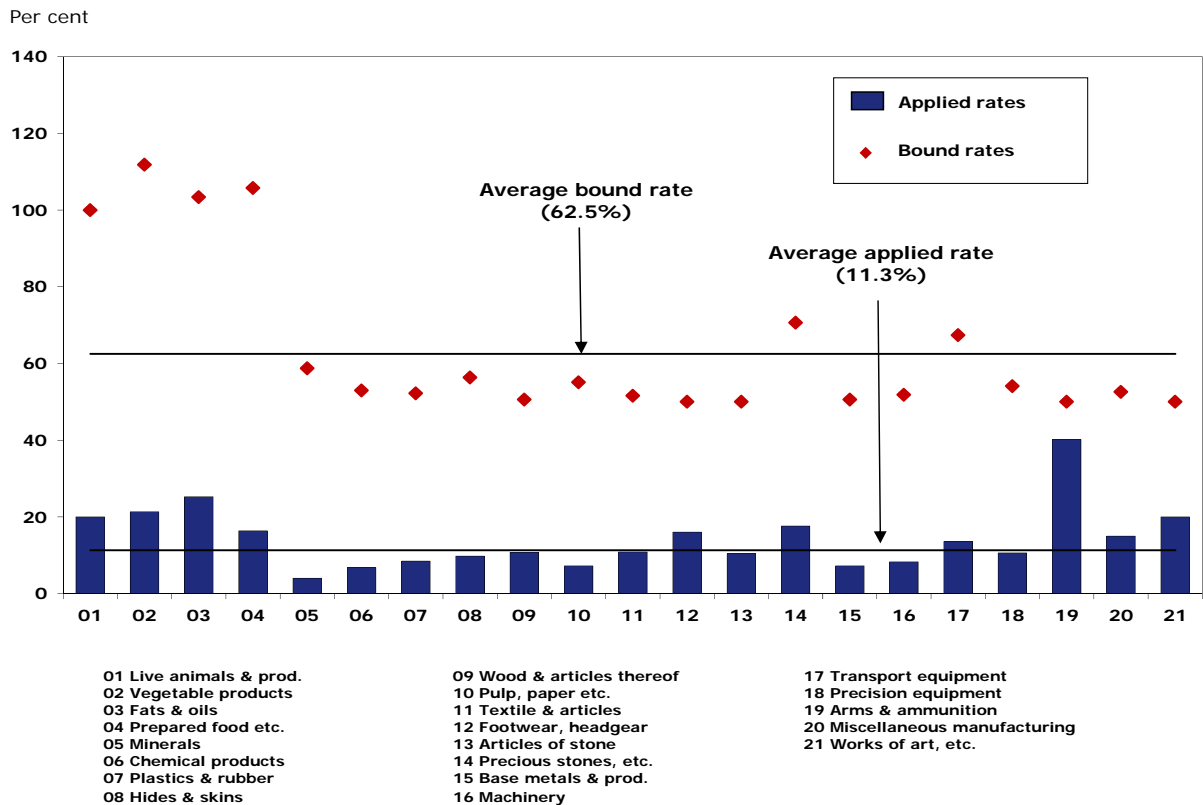
Chart 3.1 Applied MFN tariff rates distribution, 2013



Note: Figures in parenthesis indicate the share of total lines.

Source: WTO Secretariat calculations, based on data provided by the authorities of Antigua and Barbuda.

Chart 3.2 Average MFN tariff rates, by HS section, 2013



Note: Calculations exclude specific rates and include the *ad valorem* part of alternate and compound rates.

Source: WTO Secretariat calculations, based on data provided by the authorities of Antigua and Barbuda.

3.1.4 Other charges affecting imports

3.13. With the passage of the Revenue Recovery Charge Act in 2010, the Customs Service Tax was replaced by the Revenue Recovery Charge. This charge applies to all imports (including those from CARICOM and OECS countries) at a rate of 10%, as well as to goods produced in Antigua and Barbuda, in contrast with the Customs Service Tax, which applied only to imports.

3.14. Under the Revenue Recovery Charge Act, certain agencies and products are exempt, including entities with which the Government of Antigua and Barbuda has international assistance agreements; most government entities; supplies and imports of certain fuels; imports of goods to be used in the creation of other goods or services intended solely for export; books of printed matter; medicines; pharmaceutical goods; live animals and insects; certain agricultural and fishing inputs; and certain pesticides, insecticides, herbicides, fungicides, and other treatments that have been approved by the Ministry of Agriculture.

3.15. Additionally, through a gazetted order, the Minister may exempt any person or entity from the Revenue Recovery Charge. In August 2012, certain individuals were exempted from the tax under the Construct Antigua and Barbuda Initiative, and certain manufacturers were exempted under the Manufacturers Initiative.

3.16. Under the provisions of the Antigua and Barbuda Sales Tax Act 2006, all imports are subject to a 15% tax rate. Certain goods and services listed in schedules 4 and 5 of the Act are exempt from the tax. Exemptions are also granted under the Manufacturers Initiative.

3.17. The Environmental Protection Levy Act of 2002 provides for a levy on imported and domestically produced goods so as to protect, preserve, and enhance the environment. The levy applies at EC\$0.25 per container on glass and plastic containers and EC\$1,000-EC\$4,000 on motor vehicles. Tyres, electric accumulators, white goods, air conditioners, vacuum cleaners, hair dryers, and toasters are also subject to this levy.

3.1.5 Import prohibitions, restrictions, and licensing

3.18. The third schedule of the Customs (Control and Management) Act of 2013 prohibits the import of firearms having a disguised appearance; utensils for the smoking or preparation for smoking of any drug the use of which is prohibited; and imports prohibited by any other law of the State. Plant imports from countries where certain diseases are present are also prohibited. The Uniforms Act of 1997 bans the imports of camouflage uniforms. Imports of refrigerators, motor vehicles, air conditioning units, and other goods are banned if they contain ozone-depleting substances. Imports of vehicles using freon in their air-conditioning system are prohibited. Schedule 3 of the Pesticides and Toxic Chemicals Act of 2008 lists prohibited pesticides and chemicals.

3.19. Certain import restrictions are in place on health and safety grounds and the relevant imports require a permit or sanitary/phytosanitary certificate. The import of any herb or plant or any part of any herb or plant for use as medicine or drug by man or animals, or which may be used as medicine or drug for man or animals, must be authorized by the Chief Medical Officer or the Chief Veterinary Officer.

3.20. Imports of pharmaceutical products; substances used to manufacture drugs; firearms; and ammunition are also restricted and require prior permission. Additionally, imports of any mechanical game, device, or appliance, that can be used to play at any game of chance for money is restricted under the Customs (Control and Management) Act of 2013; the same Act restricts the import of tear gas and any ingredient that may produce it; or any article that bears a design in imitation of any currency or bank note or coin in current use in Antigua and Barbuda or elsewhere, except as expressly authorized by the Comptroller of Customs and Excise.

3.21. The Pesticides and Toxic Chemicals Act of 2008 lists controlled pesticides and chemicals (schedule 2). The import of these is restricted and requires a licence from the Pesticides and Toxic Chemicals Control Board.

3.22. During the period under review, there was no change to Antigua and Barbuda's import licensing regime. Antigua and Barbuda has notified its import licensing system to the WTO.⁴

3.23. Under the provisions of the External Trade (Import Prohibition) Order 2001, imports of certain goods require a licence. However, some of these goods when imported from CARICOM and OECs countries (second and third schedules) are exempt from the licensing requirement.⁵ Most imports are subject to automatic licensing; the authorities indicated that this is for data-collection purposes. Non-automatic licensing is applied on products subject to tariffication under Article 164 of the revised Treaty of Chaguaramas (aerated beverages, beer, stout, ale, porter, pasta, candles, solar water heaters, oxygen in cylinder, carbon dioxide in cylinder, acetylene in cylinder, chairs and other seats of wood and upholstered fabric, other furniture of wood and upholstered fabric, mops); imports of animals, poultry, livestock, and poultry products; plants and plant products; pesticides; drugs and antibiotics; firearms, fireworks, arms and ammunition; and chemicals controlled by the Montreal Protocol). For all other products, licences are granted on request. The import licensing regime is administered by the Ministry of Finance and the Economy.

3.24. There is no licensing fee or administrative charge, and no deposit or advance payment is required for the issuance of a licence. In practice, licences are often requested and issued upon the arrival of the goods. A licence is valid, in most cases, for one month from the date of issue, extendable upon request. Licences are not transferable between importers; there is no penalty for the non-use of a licence. Licences are required on a seasonal basis for imports of certain agricultural products.

3.25. The External Trade (Import Prohibition) Order 2001 prohibits the import without a licence of goods from or originating in the certain countries.

3.1.6 Contingency measures

3.1.6.1 Anti-dumping and countervailing measures

3.26. During the period under review, there was no change to Antigua and Barbuda's anti-dumping and countervailing legislation. Anti-dumping and countervailing measures are addressed in the Customs Duties (Dumping and Subsidies) Act, of 1959, which was notified to the WTO in 2002.⁶ Questions were posed regarding this legislation, mainly on issues concerning the lack of provisions on various essential elements of an anti-dumping investigation. Antigua and Barbuda has still not provided answers. Antigua and Barbuda notified to the WTO that it has not established an authority competent to initiate and conduct an investigation within the meaning of Article 16.5 of the Agreement and thus has not, to date, taken any anti-dumping actions within the meaning of Article 16.4 of the Agreement and does not anticipate taking any for the foreseeable future.⁷

3.27. At the time of the last Review, the authorities noted that legislation on these issues, to be based on the CARICOM model laws, was under consideration in the Ministry of Legal Affairs.

3.1.6.2 Safeguards

3.28. Under CARICOM rules, when necessary, Antigua and Barbuda, as a less developed country, may invoke the special provisions in Chapter 7 of the Revised Treaty of Chaguaramas, in particular Articles 150 and 164. Article 150 (Safeguard Measures) of the revised treaty entitles a disadvantaged country to limit imports of goods from other member states for up to three years, and to take such other measures as COTED may authorize. Article 164 (Promotion of Industrial Development) allows less developed CARICOM countries to petition COTED to suspend Community-origin treatment to certain products as a temporary measure in order to promote the development of an industry, and apply tariff rates higher than the CET. Antigua and Barbuda has not limited imports or applied suspensions under Articles 150 or 164.

3.29. Antigua and Barbuda is entitled to apply safeguards for balance-of-payments reasons under Article 84 of the revised Treaty of Chaguaramas, though it has never done so. Additionally, the

⁴ WTO document G/LIC/N/1/ATG/1, 31 January 2002.

⁵ For details see WTO document WT/TPR/S/190/ATG, 1 October 2007, Table 3.4.

⁶ WTO documents G/ADP/N/1/ATG/2 and G/SCM/N/1/ATG/2, 19 March 2002.

⁷ WTO document G/ADP/N/193/ATG, 27 September 2011.

Caribbean Community (Movement of Factors) Act, 2006, provides for the use of safeguards where the Minister is satisfied that there are serious balance-of-payments and external financial difficulties or the threat thereof.

3.1.7 Standards and technical regulations

3.30. No notifications were made to the TBT Committee during the period under review.

3.31. The Antigua and Barbuda Bureau of Standards (ABBS) is the national standards body, enquiry point, and national notification authority under the TBT Agreement.⁸ The ABBS, which is part of the Ministry and Finance and the Economy, is responsible for the preparation and promulgation of technical regulations and standards, and for dealing with standards-related matters, such as metrology and quality.

3.32. The ABBS is a member of the CARICOM Regional Organisation for Standards and Quality (CROSQ), Codex Alimentarius (WHO/FAO), and the Inter-American Metrology System (SIM). The ABBS also has subscriber membership in the International Organization for Standardization (ISO), and is an affiliate member of the International Electrotechnical Commission (IEC).

3.33. Under the provisions of the Standards Act of 1987, and the Standards Regulations of 1998, standards formulation and development is mainly the responsibility of ABBS.⁹ The mandate to prepare a technical regulation or standard generally comes from the Standards Council, which is composed of representatives from several agencies, based on a request from the general public or business enterprise, or as a result of developments that could have a negative impact on health, safety, the environment, or trade. A Technical Committee, comprising persons from organizations that will be affected, a representative of consumers, and a technical secretary, submits a draft standard to the Standards Council for approval. Once ratified by the Standards Council, the ABBS publishes a notice in newspapers and the *Gazette* of its intention to declare the standard a national standard, giving the general public the opportunity to comment on the technical content. If the standard is intended to be a compulsory standard/technical regulation, it is also submitted to the Ministry of Legal Affairs and Justice, and thereafter the Minister with responsibility for the ABBS, for declaration in the *Gazette*. This process is in keeping with the WTO TBT Code of Good Practice for Standardization.

3.34. The authorities stated that technical regulations and standards are usually based on CARICOM standards or international standards, if they exist. Standards based on those developed by other regional standards bodies, ISO, other international standards bodies, and CODEX have also been used in drafting ABBS standards/technical regulations.

3.35. Under the provisions of the Act, standards may be voluntary or compulsory (technical regulations), although they generally start as voluntary and become technical regulations upon analysis. Standards may, on the recommendation of the ABBS, be declared by Order of the Minister to be a compulsory standard if they are intended primarily to protect the consumer or user against danger to health and safety; to prevent fraud or deception arising from misleading advertising or labelling; to ensure quality in goods produced for export; to require adequate information to be given to the consumer or user; or to ensure quality in a case where the choice of sources of supply is restricted. A notice must be published in the *Gazette* in this respect.

3.36. Forty three standards have been made public as National (Voluntary) Standards.

3.37. There is no fully functional certification body in Antigua and Barbuda, as the ABBS lacks the necessary technical resources. The authorities stated that certification activities are carried out on a regional basis. Furthermore, the ABBS that lacks the technical regulations and resources to carry out market surveillance.

3.38. The Government Chemistry Laboratory carries out basic testing, and there are three concrete-testing laboratories: one is in the Public Works Division, and two are private (the Caribbean Testing Laboratory, and Antigua Masonry Products). The ABBS intends to carry out type

⁸ Online information. Viewed at: http://www.wto.org/english/tratop_e/tbt_e/tbt_enquiry_points_e.htm.

⁹ Standards are formulated generally by consensus between the ABBS and concerned parties.

approval where possible and where necessary, to approve the aforementioned laboratories for certification work on behalf of the ABBS. The ABBS has the legal authority to delegate this responsibility. Accreditation is done at the regional level.

3.39. The necessary technical regulations that form the basis for conformity assessment procedures have not yet been adopted in Antigua and Barbuda.

3.40. The Metrology Act was passed by Parliament in 2007; however, implementing regulations are still not in place. Under the Act, both the International System of units and the British Imperial System of units may be used concurrently. The Act also addresses the verification and licensing of weighing and measuring equipment. Furthermore, the Act establishes a National Metrology Service, which is part of the ABBS; its main function is the inspection of weighing and measuring instruments.

3.1.8 Sanitary and phytosanitary measures

3.41. During the period under review, significant changes to Antigua and Barbuda's SPS regime included the enactment of the Plant Protection Act of 2012 and the Pesticides and Toxic Chemicals Act of 2008.

3.42. Under the provisions of the Plant Protection Act of 2012, a government agency will be designated as the National Plant Protection Organization (NPPO). The NPPO would be responsible for the implementation of the International Plant Protection Convention (IPPC) and SPS Agreement. The NPPO would be responsible for, *inter alia*: issuing SPS certificates; carrying out inspection and surveillance pertaining to plant and plant products; disinfecting consignments of plant and plant products; conducting pest-risk analysis; providing information to other countries concerning SPS measures applied; notifying trading partners of non-compliance with import requirements; notifying SPS measures to the national enquiry point for SPS and the IPPC focal point; and providing information regarding import and export regulations in force.

3.43. Imports of plants and plant products are governed by the Plant Protection Act of 2012, whereby certain products require an import permit from the NPPO and must be accompanied by a SPS certificate. The NPPO grants import permits according to international standards and payment of a fee.

3.44. Imports of live plants and all unprocessed plant products and commodities and non-commercial untreated seeds are subject to technical quarantine regulations and control, depending on the country of origin and the presence of particular pests and diseases of quarantine importance to Antigua and Barbuda.

3.45. The importation of soil or products containing soil is prohibited. Imported plants should be free of soil. A pest-risk assessment is conducted on each requested commodity before a decision is made whether the risk of importation is acceptable (minimal or non-existent). The importer is issued an import permit from the Ministry of Agriculture for each shipment and is instructed to communicate Antigua and Barbuda's import requirements to the exporter. Plant quarantine inspectors, stationed at the two main ports of entry, are responsible for conducting inspections of all plants and plant products that enter via these and the minor ports. Surveillance for general pest management is carried out periodically in high-risk areas within the country. From time to time, surveys are conducted for pests of quarantine significance such as the boll weevil, the mango seed weevil, and fruit flies.

3.46. Antigua and Barbuda has developed a list of prohibited and permitted commodities with respect to specific trading partners. The Plant Protection Unit of the Department of Agriculture is in the process of developing a website that will include bilateral agreements, the list of quarantined pests, legislation, entry requirements, and other related material. Special import restrictions apply to some products, for example mangoes from countries with mango seed weevil or fruit flies; citrus from areas with fruit flies are prohibited.

3.47. The SPS enquiry point is the Ministry of Agriculture, Lands, Housing and the Environment, and the Plant Protection Unit of the Ministry serves as the focal point for the IPPC.

3.48. Imports of animals, poultry, livestock, and poultry products must be in accordance with the Animal Health Legislation, the Animals (Diseases and Importation) Act of 1953, and the Animals (International Movement and Disease) Act, which covers quarantine and the species subject to it. These products must be accompanied by a certificate from the veterinary authority of the exporting country. Inspection in Antigua and Barbuda is undertaken by the Veterinary Division of the Ministry of Agriculture. There are no additional restrictions on the import or sale of animals that have been fed hormones (or their products).

3.49. As a signatory to the Cartagena Protocol on Biosafety, Antigua and Barbuda does not permit the importation or sale of living modified organisms (LMOs) unless approval has been obtained from the competent national authority. That approval must be based, in part, on the results of a risk assessment.

3.50. At the time of its last Review, Antigua and Barbuda had notified to the SPS Committee its (Draft) Animals (National and International Movement and Disease Prevention) Act. This bill, which has not yet been enacted, should supersede the legislation currently in place; its purpose is to regulate the movement of animals into and out of Antigua and Barbuda with the aim of preventing and controlling the spread of certain animal diseases. A draft Food Safety Act had also been notified to the WTO. The bill's purpose is to regulate the sale of food by producers, processors, manufacturers or handlers of food, as well as the import and export of food into or from Antigua and Barbuda. This bill has not yet entered into effect. According to the authorities both bills are expected to be enacted before the end of the year.

3.51. Antigua and Barbuda is a contracting party to the International Plant Protection Convention (IPPC), and a member of the Codex Alimentarius Commission.

3.52. The Pesticides and Toxic Chemicals Act of 2008 contains the main provisions on the registration, import, sale, transport, disposal, control, and inspection of pesticides. The Act establishes the Pesticides and Toxic Chemicals Control Board, which functions under the Ministry of Agriculture. The Board is in charge of implementing the Act. The Board is also responsible for, *inter alia*, considering applications for registration; granting or revoking licences; approving research permits; and certifying pest control operators.

3.2 Measures Directly Affecting Exports

3.2.1 Procedures, export taxes, and restrictions

3.53. Exports are regulated by the Customs (Control and Management) Act of 2013. The new Act has not changed export procedures. Exporters must furnish an export declaration, a bill of lading or airway bill, an invoice, a certificate of origin (for preferential trade, as needed), and an SPS certificate (when required).

3.54. Export taxes are levied on lobsters and fish at EC\$0.5/lb and EC\$0.10/lb, respectively, in Antigua, while under Barbuda law, the rate is EC\$0.75/lb for lobster and EC\$0.35/lb for conch. Under the Export Duty Act of 1941, export duties may also be applied on commercially pure bates; clean cotton lint; molasses; and sugar. The authorities stated that export taxes on these products are not applied and that there are no exports of molasses or sugar as there is no longer a sugar industry in Antigua and Barbuda.

3.55. The Customs (Control and Management) Act of 2013 prohibits the export of firearms having a disguised appearance; utensils used for smoking or for the preparation for use of any illegal drug; and goods the export of which is prohibited by any other law of Antigua and Barbuda. Also, the export of wild birds or of any live or dead wildlife or parts, is prohibited in accordance with the CITES.

3.2.2 Export subsidies, financing, support, and promotion

3.56. Antigua and Barbuda has not notified the WTO Committee on Agriculture that it provides export subsidies on agricultural products. Under Article 27 of the SCM Agreement, Antigua and Barbuda has notified the Committee on Subsidies and Countervailing Measures that it provides

export subsidies: the Fiscal Incentives Act of 1975 (repealed in 2013), and the Free Trade and Processing Zone Act of 1994.¹⁰

3.57. No goods are subject to export licensing.

3.58. In a decision taken on 27 October 2006, the Committee on Subsidies and Countervailing Measures agreed to continue, until 31 December 2007, the extension and continuation of the transition period, under Article 27.2(b) of the SCM Agreement, for the elimination of export subsidies that take the form of full or partial exemptions from import duties and internal taxes and were in existence on 1 September 2001. In July 2007, the General Council extended the date for the dismantlement of export subsidies to end 2015. On 23 October 2012, the Committee on Subsidies and Countervailing Measures approved the final extension of the transition period until end 2013 for export subsidy programmes of 19 developing countries including Antigua and Barbuda.

3.59. The Fiscal Incentives Act granted tax benefits to enterprises exporting part of their production and not enjoying a tax holiday or duty-free imports of raw materials and capital goods. A longer maximum period of tax holiday (15 years) was granted to enclave enterprises exporting all of their production. The Act was repealed in 2013.

3.60. Enterprises registered under the Free Trade and Processing Zone Act of 1994 are exempt from customs duty and other taxes on imports of machinery, equipment, spare parts, and items needed to construct and operate facilities within the free trade and processing zone (FTPZ). Firms are also exempt from customs duty and other taxes on imports of goods to be used as inputs in the production of goods produced or assembled within the FTPZ. Additionally, firms benefit from exemption from: income and other taxes of any kind; export taxes; government levies; and any taxes on the repatriation of profits earned in the zone.¹¹

3.61. To operate in the FTPZ, a licence is needed. Licence and registration are granted only to corporations, regardless of where they are incorporated, or a branch or unit of such corporation. The decision to grant a licence is based on considerations such as the level of investment; the project's capacity to generate employment; generation of foreign exchange; technological adaptability and transfer possibilities; and environmental impact. The licence fee ranges between US\$10,000 and US\$20,000 and does not depend on the size of the project. There is no information on the amount of the subsidy under the programme.

3.62. According to the OECD, the licence fees received from sports book and internet gambling represent the main source of revenues from the FTPZ. Nevertheless, the size of these operations has declined considerably in recent years.

3.63. The authorities indicated that amendments to the Act are ongoing and will be advanced by the two-year phase-out, and will be completed by the 2015 deadline.

3.64. Exporters could also have made use of the insurance and export credit guarantee facilities provided by the ECCB Export Credit Guarantee Scheme, covering political and commercial risks. However, the scheme was abolished in 2009.

3.65. Exporters may also receive export promotion support from the OECS Export Development Unit. During the period under review, the scheme was not utilised by any exporter.

3.3 Measures Affecting Production and Trade

3.3.1 Incentives

3.66. The Government of Antigua and Barbuda encourages and promotes domestic and foreign investment with a view to fostering private sector development, job creation, wealth creation, and

¹⁰ WTO documents G/SCM/N/253/ATG and G/SCM/N/260/ATG, 31 July 2013.

¹¹ However, firms are required to pay social security, medical benefits, and the education levy on the earnings of any person employed in any industrial or commercial activity within the FTPZ.

poverty reduction. In this regard, concessions and incentives are offered to investors under various schemes.

3.67. Incentive schemes currently in place are the Antigua and Barbuda Investment Authority Act of 2006; the Aid to Pioneer Industries Act; and a number of sector-specific incentives schemes, in particular for tourism, for example the Hotel Aid Act. In addition there is also a citizenship by investment programme in place.

3.68. The Aid to Pioneer Industries Act (Cap 14) provides customs duty and income tax relief for pioneer industries. These industries qualify for a tax holiday on corporate taxes of up to five years from the date production begins, and losses may be carried forward for up to three years after the tax holiday ends.

3.69. Under the provisions of the Antigua and Barbuda Investment Authority Act 2006, incentives are based on the size of the capital investment and the number of employees to be hired as a result of the project (section 2). Furthermore, the Act created the Antigua and Barbuda Investment Authority (ABIA), which started functioning in 2007. The ABIA serves as a one-stop shop for investors, as well as the repository for information on doing business in the country. Applications for incentives and concessions are now processed through the ABIA, which has authority to grant incentives. The ABIA is run by a board that consists of government and private-sector interests, under direction from the Minister of Finance. Under the new law, Cabinet still gives general policy direction to the authority. The ABIA gives priority to tourism development, financial services, business support (call centres, etc.), information/computer technology, health and wellness, education, logistics (e.g. transshipment), and light manufacturing.

3.70. The Fiscal Incentives Act was repealed in 2013. The Act provided customs duty and consumption tax waivers for 10 to 15 years, and complete or partial exemption from income tax on the profits from sales of approved products for up to 15 years. The tax holiday period under the Fiscal Incentives Act depended on the group in which the enterprise was categorized, according to the local value-added generated or whether it was geared for export. As of July 2013, some 35 firms were registered under the Fiscal Incentives Act in the sectors of: beverages (2); condiments (3); detergent (2); garments (6); light industries (3); and other (19). Total sales by these companies were over US\$25 million in 2004 (last available year).

3.3.2 Competition policy and price controls

3.71. Antigua and Barbuda has no competition legislation. At the time of its last Review, legislative proposals were being developed to be sent to Parliament. Chapter VIII of the revised CARICOM Treaty addresses competition policy and provides for the enactment and harmonization of legislation in CARICOM member States. Under Article 171 of the Revised Treaty of Chaguaramas, The CARICOM Competition Commission was established in January 2008. The Commission is in charge of competition issues and enforcement in the CSME (Common Report). The EPA contains provisions with respect to competition policy (Common Report). Regional competition policy is expected to be implemented, but no specific date has been set for this. Draft model legislation is being prepared by the CARICOM Secretariat, once it enters into force, it is expected that Antigua and Barbuda will create a national competition authority to deal with domestic competition issues, while the CARICOM Authority will deal with issues at the regional level.

3.3.2.1 Price controls

3.72. Antigua and Barbuda applies price controls on a list of products, in accordance with the Price Control Order of 11 October 1967. The list covers 41 items and specifies the wholesale and retail margins allowed for each item. The wholesale margin is 10% in most cases, 12.5% in some instances, and in one instance 15%. The retail margin is generally 15% or 20%, but may be higher for some goods, for example for frozen goods (22.5%).

3.73. Products subject to fixed prices include bread and petroleum products (gasoline, kerosene, etc.). Prices are set by the Ministry of Finance, and may fluctuate in response to developments in the international market; market surveillance is conducted by the Prices and Consumer Affairs Division of the Ministry of Justice and Public Safety.

3.74. To enforce prices controls, in the case of imported goods, the Prices and Consumer Affairs Division of the Ministry of Justice and Public Safety surveys the landed cost for each product at the port of entry, and subsequently adds the relevant margins. Checks are also made internally: inspectors visit retail outlets on a daily basis to inspect the displayed prices for items subject to control. First violations generally result in a warning, subsequent violations may result in fines (not exceeding EC\$5,000) and prosecution.

3.3.3 State-owned enterprises and privatization

3.75. Antigua and Barbuda has notified no state trading enterprise to the WTO.

3.76. The Central Marketing Corporation (CMC), a statutory body established in 1973, is mandated to provide a market for locally grown produce, secure markets for them, and ensure that prices of basic food commodities remain stable. The goals of the CMC were originally achieved through the import licensing regime, which restricts imports of an assortment of vegetables that local farmers can produce. The CMC may exercise sole responsibility for the importation and marketing of carrots, cabbage, onions, sweet peppers, and tomatoes. However, according to the authorities, the system of licences is being phased out, and the CMC's monopoly is not enforced; private importation of these commodities is unrestricted.

3.3.4 Government procurement

3.77. During the period under review, Antigua and Barbuda introduced new legislation on government procurement. The Government passed the new Procurement Administration Act in 2011. However, as at February 2014, the new Act had not yet entered into force. The Act seeks to simplify, clarify, and modernize the procurement process, as well as to make the process more transparent. The Act is particularly focused on encouraging public competition in the procurement process; fostering and encouraging broad participation in the procurement process in Antigua and Barbuda and overseas; increasing public confidence in the procurement process by maintaining safeguards to ensure integrity, fairness, and transparency; and providing value for money in the procurement process. The Act provides for the establishment of a procurement unit in the Ministry of Finance. Competitive, sealed bids are the preferred method of procurement.

3.78. Until the new Act enters into force, the Tenders Board under the Ministry of Finance is responsible for government procurement. The Board has sole and exclusive authority to invite, consider, and accept or reject offers.

3.79. Requests for tendering for supplies must be sent to the Board. Tenders may be public or selective. Upon receipt of a request by an agency, the Board must either: invite members of the public in general to make offers for the supply of the articles, works or services, by notice published in the *Gazette* and in local or overseas newspapers; or, subject to the approval of the Minister, invite such bodies or persons as may be selected by the Board to make offers.

3.80. In making its decision, the Board must take into account the quality of the articles or, in the case of works or services, the financial, technical, and administrative competence of the persons making the offer, as well as, the prices offered. It must accept the lowest offer, except where it has good reason to accept another offer, if it accepts an offer higher in value than the lowest offer, it must submit a comprehensive report to the Minister giving its reasons. Once the contract is awarded, the Board must publish in the *Gazette* the name of the person or body to whom the contract is awarded, the amount of the tender, and the date on which the award was made.

3.81. The current Tenders Board Act regulations allow agencies to establish their own procurement departments for small amounts, and exempt the Government or any statutory body from the tender procedure if it is satisfied that it is expedient and desirable so to do.

3.82. Antigua and Barbuda does not apply any national or regional preferences in the procurement process.

3.83. Antigua and Barbuda is not a party to the WTO Agreement on Government Procurement. Details with respect to the amount and level of government procurement were not available.

3.3.5 Intellectual property rights

3.84. During the period under review, there were no changes to the intellectual property regime in Antigua and Barbuda. Under the Intellectual Property Office Act of 2003, the office of the Registrar of Intellectual Property is responsible for all functions relating to the grant of patents and utility model certificates; the registration of industrial designs, marks, collective marks, and geographical indications; supervising and performing other duties conferred by the intellectual property legislation or its regulations; and carrying out studies, programmes or exchanges of items or services on domestic and international IP issues, and on the use of patent documents as a source of information. The office is under the Ministry of Justice.

3.85. Antigua and Barbuda is a member of the World Intellectual Property Organization and contracting party to a number of intellectual property conventions.¹²

3.3.5.1 Trademarks

3.86. The Trade Mark Act of 2003 and the implementing regulations govern trademarks; the Act entered into force in 2006. The Act and the regulations are part of the programme of the Ministry of Justice and the Government of Antigua and Barbuda to update the intellectual property laws required for modern trade and investment protection. Under the Trade Marks Law of 2003, service marks may be registered. The exclusive right to a trademark is acquired through registration in the Register of Marks. The term of protection is the standard ten years, renewable for consecutive periods of ten years each. The Act provides for the right of priority of an earlier national or regional application filed by the applicant in any WTO Member or State party to the Paris Convention, as well as provisions on licences.

3.87. There were 4,534 trademarks registered in Antigua and Barbuda during 2007-12, all by non-residents; there were also 1,480 registrations abroad.¹³

3.3.5.2 Patents and industrial designs

3.88. Patent rights continue to be enforced by the Patent Act of 2003. The Act defines which inventions may be patented and stipulates that the right to a patent belongs to the inventor. Furthermore, the Act specifies, the procedures for filing for and obtaining a patent, as well as the rights of the patent holder. Under the Act, a patent is valid for 20 years after the filing date of the application. The Act also provides for compulsory licensing where the patent is not exploited or insufficiently exploited. It also allows for exploitation of the patent by the Government or by third persons when required for reasons of national security, nutrition, health or the development of other vital sectors of the national economy, or in response to anti-competitive practices. The Act also addresses Antigua and Barbuda's obligations under the Patent Cooperation Treaty.

3.89. Under the provisions of the Industrial Designs Act of 2003, only a new industrial design may be registered. The Act stipulates that the right to registration of an industrial design belongs to the creator. Procedures for registering an industrial design are also set out in the Act. Under the Act, registration is initially for five years from the filing date of the application; this may be renewed for two further consecutive five-year periods. The Act aligns national law with the terms of the Paris Convention for the Protection of Industrial Property.

3.90. Seven patents were granted in Antigua and Barbuda during the review period. Over the same period, there were 37 patent applications, mostly for electrical machinery, apparatus, energy, medical technology, IT methods for management and control.¹⁴ Antigua and Barbuda granted 65 patents on industrial designs during the period.

¹² Antigua and Barbuda is a member of the Berne Convention, 1999; the Madrid Protocol; the Paris Convention; the Patent Cooperation Treaty; and the WIPO Convention. In all cases, accession was on 17 December 1999, and the agreement entered into force on 17 March 2000.

¹³ WIPO online information. Viewed at: http://www.wipo.int/ipstats/en/statistics/country_profile/countries/ag.html.

¹⁴ WIPO online information. Viewed at: http://www.wipo.int/ipstats/en/statistics/country_profile/countries/ag.html.

3.3.5.3 Copyright

3.91. Under the Copyright Act of 2003, which entered into force in 2006, a copyright may be granted to an original literary, musical, dramatic, or artistic work; sound recordings, film broadcasts, or cable recordings; and typographical arrangements of published editions. Databases may be treated as original literary works, but only if the compilation is the author's own intellectual creation. Collections of folklore are also afforded protection. Copyright protection is generally for life plus 50 years, but it is limited to 25 years for typographical arrangements of published editions. The Copyright Act addresses rules on copyright owners' economic and moral rights, joint authorship, the ownership and assignment of rights, licensing, exceptions, the rights conferred in performances, and the available remedies for infringement of copyright and related rights. The Act also establishes a Copyright Tribunal.

3.3.5.4 Other intellectual property rights

3.92. The Geographical Indications Act of 2003, which entered into effect in 2006, allows for any interested person or group of producers or consumers to initiate proceedings in Court so as to prevent misleading the public or unfair competition, with respect to geographical indications. The law provides for registration, but also states that protection is available whether or not a geographical indication has been registered.

3.93. Under the Integrated Circuits Topography Act of 2003, which also entered into force in 2006, it is illegal to reproduce a protected layout-design, or to import, sell, or otherwise distribute an unlawfully reproduced layout design. The Act stipulates the procedures for registration of these designs.

3.3.5.5 Enforcement

3.94. The IPR enforcement system in Antigua and Barbuda is based on a combination of legislation and common law. Intellectual property rights in Antigua and Barbuda are considered private rights, and as such, the onus of enforcement lies with the right holder.

3.95. Jurisdiction over IPR infringement cases lies with the Supreme Court of Judicature (comprising the High Court of Justice and the courts of appeal), with final appeal to the Judicial Committee of the Privy Council. If the owner of the intellectual property right or a licensee feels that his/her right has been infringed they may initiate civil proceedings. In the case of copyright and neighbouring rights, and protection of secret information, owners of IPRs may assert their rights, without the need for registration. Registration is required for the protection of trademarks, patents, industrial designs and integrated circuits, and plant breeders' rights. However, unregistered trademarks may be protected under common law.

3.96. Enforcement measures include: injunctions; damages, including recovery of profits, and expenses, including attorney's fees; and destruction or other disposal of infringing goods and materials/implements for their production. Under common law, a right holder who has valid grounds for suspecting that imports infringe an intellectual property right may apply to the court for an order for the suspension by the Customs Authorities of the release into free circulation of such goods. In addition, the Copyright Act of 2003 allows the customs authorities to seize imported copies of published copyright material if a notice of objection has been given to the Comptroller of Customs and Excise.

3.97. The trademark, copyright and industrial property legislation makes certain violations a criminal act; these are punishable by fines and imprisonment of up to five years.

4 TRADE POLICIES BY SECTOR

4.1 Agriculture

4.1. The agriculture and fisheries sector in Antigua and Barbuda is small. During the period under review, the sector's contribution to GDP remained below 2%, while employing between 10% and 12% of the workforce, implying that labour productivity in the sector is much lower than in the rest of the economy. The sector's total contribution to the economy in 2013 was around US\$21 million, with fisheries accounting for US\$10 million and crops for around US\$7 million. Most production is geared towards domestic consumption.

4.2. With a view to diversifying the economy, the Government has identified agriculture as a focus area. The Antigua and Barbuda Food and Nutrition Security Policy, issued in 2012, identifies the sector's constraints: low productivity; short-term land tenures; inadequate water supply; credit constraints; loss of arable land to housing construction; lack of storage facilities; high energy and labour costs; and over-exploitation of marine food sources. The sector also faces significant risks from natural disasters such as hurricanes. To mitigate the above the Government plans to enact a food security law; pursue a policy of import substitution; increase budgetary allocation for the sector; and implement the land-use policy more aggressively.

4.3. In 2010, the authorities initiated the backyard garden programme, whereby households are encouraged to utilize their gardens for vegetable production. The Government envisages that this would reduce the food import bill by a considerable amount. According to the authorities, 2,000 households have registered under this initiative.

4.4. The Fisheries Act of 2006 is aimed at promoting sustainable development and the responsible management of fisheries and aquaculture activities. Under the provisions of the Act, all fishing vessels must be registered and have a valid fishing licence.

4.5. Employment and investment in the sector is reserved for nationals.

4.6. The average tariff for agricultural products (WTO definition) is 18.1%, with rates ranging from 0-45%. The average bound rate for agricultural products is 105.7%. The top rate (45%) applies to beverages, spirits, and tobacco. Imports of some agricultural products may require licences; non-automatic licences may be required for poultry, livestock and poultry products, plants, and plant products.

4.2 Services

4.7. Antigua and Barbuda made sector-specific commitments under the General Agreement on Trade in Services in six of the 12 broadly defined service areas, or 32 of the approximately 160 subsectors: financial services (insurance services); business services (professional services, computer and related services, research and development services); tourism and travel related services (hotels and restaurants); recreational, cultural and sporting services (entertainment services); and transport services (maritime transport services). Unlike all other OECS-WTO Members, Antigua and Barbuda has not yet submitted an initial offer on services in the DDA (section 2). Except for telecommunications services, no market access or national treatment limitations have been scheduled on cross-border supply and consumption abroad. Conversely, all commercial presence commitments are subject to market access and in some cases national treatment limitations.

4.8. Antigua and Barbuda's horizontal commitments include limitations regarding natural persons and commercial presence. With respect to the latter, the schedule contains a general approval requirement and encourages joint ventures. With respect to the movement of natural persons, the schedule contains a labour market test, permitting employment of foreign natural persons only when qualified nationals are unavailable. Antigua and Barbuda's list of Article II (MFN) exemptions is confined to one limitation on terrestrial-based mobile telecommunication services, allowing for preferential treatment for CARICOM service suppliers.

4.2.1 Financial services

4.2.1.1 Overview

4.9. As of March 2013, the financial sector in Antigua and Barbuda comprised eight domestic commercial banks, 13 offshore banks, 23 insurance companies and agents, and six credit unions. Domestic banks are regulated by the Eastern Caribbean Central Bank (ECCB), while the rest are regulated by the Financial Services Regulatory Commission (FSRC). The sector's contribution to GDP is over 8%; however this relatively low ratio masks the importance and the widespread influence of the sector on the rest of the economy. The banking sector's total assets were nearly 170% of GDP in October 2013. The main legislation governing domestic banks is the Banking Act of 2005, which is based on an ECCB-wide uniform banking law template.

4.2.1.2 Banking

4.10. Under the provisions of the Act, banking licences are approved by the Minister of Finance after all required criteria under the Act have been fulfilled. All banks must have a physical presence in the country, but may be incorporated locally or as a subsidiary or a branch. There are no restrictions on foreign investment in the sector, and foreign-owned banks that are licensed and incorporated in Antigua and Barbuda are subject to the same requirements as locally owned banks and permitted to provide the same services. However, branches of foreign banks need to show that they are subject to effective supervision in their home markets and that the regulatory body in their home jurisdiction has no objection to their application.

4.11. Antigua and Barbuda was particularly hard hit by the global financial crisis of 2008. One offshore and two domestic banks failed (in 2009 and 2011), while the collapse of the CL Financial Group in Trinidad and Tobago also had serious ramifications for Antigua and Barbuda.

4.12. Under a decision by a United States court, the offshore Stanford Financial Group (SFG), owner of the Bank of Antigua (BOA), a locally incorporated bank, was placed under receivership in early 2009, and its sole shareholder Allen Stanford was charged with fraud. The court decision and the charges prompted a run on the bank. To stem this, the ECCB intervened by providing liquidity in the form of a three-year loan of EC\$89 million (3% of Antigua and Barbuda's GDP). Furthermore, it was decided to create a new bank to take over the operations of BOA. The Eastern Caribbean Amalgamated Bank (ECAB) was incorporated in July 2009 and started operations in October 2010.¹⁵ The ECAB purchased certain BOA assets and liabilities and took over all customer accounts.

4.13. BOA financial accounts are not available, so the financial position of ECAB when it commenced operations is used as a proxy. The statement shows that the ratio of tier 1 and regulatory capital to total risk-weighted assets was well above the stipulated regulatory requirement. However, BOA's exposure to the public sector accounted for nearly half of its loan portfolio, well in excess of the 25% regulatory exposure limit to any sector. Additionally, 46% of ECAB's loan portfolio was underperforming in October 2010.¹⁶

4.14. The above indicators suggest that the bank was already in a precarious position before the run on the bank.

4.15. Between 2006 and 2010, Antigua and Barbuda Investment Bank (ABIB) accounted for, on average, 17% of the total assets of the banking system in Antigua and Barbuda, as well as a 22% share of deposits. ABIB, which had started operations as a standalone bank, had acquired other firms and businesses and had turned into a financial conglomerate. As a result, a large portion of ABIB's assets were investments in associated concerns. Furthermore, accounts for 2008 show that the ratio of NPLs was 8% (3% above the ECCB's statutory limit), the ratio of regulatory capital to risk-weighted assets had dropped below the statutory requirement and exposure to the public sector was over 30%, well in excess of prudential limits.

¹⁵ The main shareholders of ECAB are the Government of Antigua and Barbuda, St. Kitts Nevis Anguilla National Bank, Eastern Caribbean Financial Holdings (Bank of St. Lucia), Antigua Commercial Bank, National Commercial Bank (St. Vincent and the Grenadines), and National Bank of Dominica.

¹⁶ Nearly 30% of the under-performing loans were attributed to the public sector.

4.16. This rapid expansion coupled with losses in certain investments, placed liquidity pressures on the bank. Consequently, in July 2011, the ECCB intervened and assumed control of ABIB, using its emergency powers under the Central Bank Act. The ECCB stated that ABIB was "unable to carry out its normal functions due to an inadequacy of liquid assets and an inability to meet statutory reserve requirements."

4.17. Both of the above institutions were part of a financial conglomerate, which led to problems such as: failure to implement standards of financial probity when related to intercompany transactions; weak intercompany credit administration; poor corporate governance; and the tendency to finance the operations or the expansion of other subsidiaries within the conglomerate. Furthermore, the failures can be attributed to inadequate laws, weak enforcement, and the endorsement of financial soundness by financial agencies and auditors.¹⁷

4.18. As a result of the above failures, the capital adequacy ratio of domestic banks declined to 4.1% in 2011, while the ratio of unsatisfactory loans to total assets rose to nearly 13%. Net profits as a proportion of average assets declined 0.3%.¹⁸

4.19. To mitigate the risk of future bank failures, the authorities are taking both on an OECS-wide basis as well as Antigua and Barbuda specific. The measures include restructuring the FSRC, as well as enacting a FSRC Act (which came into force in 2013); and increased corporation and information sharing between the FSRC and the ECCB. As of December 2012, the FSRC began conducting onsite examinations to assess internal controls, corporate governance, underwriting activity, and policy standards. The FSRC Act (2013) seeks to restructure the authority and to repeal and replace the International Business Corporations Act under which the commission was established. The Act also makes up one of three outstanding items on a 14-point government plan designed to bring Antigua and Barbuda into compliance with the Financial Action Task Force (FATF). Another key component of the new ACT allows the FSRC to share information with law enforcement outside of Antigua and Barbuda and to cooperate with various investigations. Lastly, clause five of the new Act outlines the three main functions of the commission as regulatory, collaborative and advisory.

4.20. Additionally, the Resolution Trust Company (RTC) was incorporated and registered in 2011, with the purpose of providing financial assistance to financial institutions to restore liquidity and solvency to distressed institutions, and to provide technical and managerial support to restructure financial institutions.

4.2.1.3 Insurance

4.21. In 2013, 23 domestic insurance companies were registered and operating in Antigua and Barbuda; eight are locally owned and operated limited liability companies, while the others are agents of foreign insurers. The Insurance Act of 2007 (as amended) governs the operations of the domestic insurance sector. Insurance companies operating in Antigua and Barbuda must be registered by the Superintendent of International and Domestic Insurance, who is part of the FSRC.

4.22. To be registered, insurance companies must make a statutory deposit of EC\$200,000 with the Commission. Insurers must also be lawfully constituted in accordance with the laws of the country in which the head office is situated, have paid-up share capital of not less than EC\$2 million for local companies and EC\$5 million for foreign companies, and be registered as a company under the Companies Act. Under the Insurance Act, foreign insurance companies must have a principal office in Antigua and Barbuda, which may be a branch office or the office of an agent of the insurer. There are no nationality or citizenship requirements for company directors, nor are they required to reside in Antigua and Barbuda. Full foreign ownership of domestic insurance companies is permitted but there is a restriction of 20% on holding shares in a registered domestic company.

4.23. An initial application fee for registration (currently EC\$5,000) and an annual fee for continued registration (currently EC\$5,000 for local companies and EC\$10,000 for foreign

¹⁷ DaCosta, Grenade, and Polius (2012).

¹⁸ IMF (2013).

companies) are also payable. The FSRC has the right to refuse applications if they are deemed not to be in the public interest, or do not meet the provisions of the Insurance Act.

4.24. Domestic insurance companies in Antigua and Barbuda offer general and life insurance but not reinsurance.

4.25. Under the provisions of the Insurance Act, every registered insurer and insurance broker, who places business with an insurer who is not registered, is liable to a tax known as the insurance levy on the premiums on all classes of insurance, whether new policies or renewals.

4.26. The global financial crisis of 2008 resulted in the collapse of CL Financial Group (Common Report), which was the parent company of two insurance companies in Antigua and Barbuda, CLICO and BAICO. These companies are currently under judicial management, but a portion of the portfolio of the latter was sold to another company. A solution to the fallout is being considered on an OECS-wide basis (Common Report).

4.2.1.4 Offshore services

4.27. International banking and international and domestic insurance are regulated by the Financial Services Regulatory Commission (FSRC). Within the FSRC, there is a Supervisor of International Banks and Trust Corporations and a Superintendent of International and Domestic Insurance Companies. The main laws governing international financial services are the International Business Corporations Act (IBC) (as amended), the International Trusts Act, the International Limited Liability Act, the International Foundations Act and Corporate Management and Trust Service Providers Act, and the Financial Services Regulatory Act.

4.28. International banks and insurance companies require a licence. They are tax exempt for a period of 50 years from establishment. However, they are not allowed to issue bearer shares. There are 12 international banks registered in Antigua and Barbuda, and two international insurance companies.

4.29. The minimum capital requirements for establishing an international bank are: US\$3 million for Class I, and US\$500,000 for Class II banks; US\$250,000 for international insurance companies; and US\$250,000 for international trust companies. International banks may only conduct transactions in currencies other than those of CARICOM members. Offshore companies are not allowed to engage in any active trade or business within Antigua and Barbuda or any other CARICOM member State. In addition, they must have a registered office and a registered agent licensed under the Corporate Management and Trust Service Providers Act. Annual licence fees are US\$25,000 for an international bank and US\$10,000 for an international insurance business. The initial registration fees for international banks are US\$25,000 for Class I and III banks, and US\$15,000 for Class II banks; annual licence renewal fees are the same as the registration fees.

4.30. The offshore banking sector was severely affected by the collapse of Stanford International Bank (SIB) in 2009. SIB started operations in 1986 in Montserrat where it was called Guardian International Bank and subsequently relocated its operations to Antigua. SIB offered Certificates of Deposit or CDs at rates consistently higher than those available from banks in the United States or Europe. In February 2009, the U.S. Securities and Exchange Commission (SEC) launched an investigation of the U.S. operations of the Stanford Financial Group, of which SIB was a part. In the same month, the SEC charged Allen Stanford and other top executives of SIB with fraud regarding the bank's US\$8 billion CD investment scheme. The U.S. federal Government then decided to freeze SIB's assets and those of other members of the Stanford Financial Group. SIB placed a 60-day moratorium on early redemptions of its CDs. The CD scheme was defined by the SEC as a "massive Ponzi scheme", and Stanford and other SIB executives were charged with misappropriation of investors' money and falsification of SIB's records. SIB was declared in liquidation. Liquidators were appointed for SIB and its assets were frozen. The liquidators were changed on two occasions, and, as at February 2014, the liquidation process was still ongoing. A first distribution is scheduled to take place in 2014.

4.2.2 Telecommunications

4.31. Antigua and Barbuda made commitments in the WTO extended negotiations on basic telecommunications services. Under these commitments, the Antigua and Barbuda Public Utilities Authority (APUA) has an indefinite monopoly on the provision of domestic fixed-line services, while Cable and Wireless had exclusive rights for the provision of international services until 2012. In July 2012, four telecommunications providers (Cable & Wireless trading as LIME, Digicel, Antigua Computer Technology, and APUA) were granted licences to provide international voice and data networks and services. Market access for domestic services remains unbound. Packet-switched and circuit-switched data transmission services for non-public use may be provided only on network facilities supplied by licensed operators. Furthermore, other services, such as facsimile services, electronic mail, voice mail, and internet access are only allowed on network facilities supplied by licensed operators. Provision of mobile services is unbound for cross-border supply; however, foreign suppliers wishing to have a commercial presence must make a minimum investment of US\$500,000.

4.32. The main legislation governing the sector is the Telecommunications Act of 1951. The authorities stated that new telecommunications legislation was under consideration and was likely to be enacted soon. The new law will, *inter alia*, standardize licensing procedures and allow the granting of licences for international fixed-line services. The sector is regulated by the Telecommunications Division of the Ministry of Telecommunications, Science and Technology. Under the current legislation, telecoms service providers must be licensed by the Telecommunications Division. The Cabinet has the authority to make rules on types and forms of licence and the manner in which licence applications are to be made, as well as the terms, conditions, and restrictions attached to granting licences and the duties of licensees. Licences have been granted to companies offering cable TV, undersea cable, and internet services. According to the authorities, there has been no standard approach to granting licences, with varying terms and conditions attached. The new Telecommunications Act is expected to rectify this with a uniform approach to granting licences.

4.33. Antigua and Barbuda is the only OECS-WTO Member that is not a member of the Eastern Caribbean Telecommunications Authority (ECTEL). According to the authorities, the reason is because of the cross-subsidies provided by the telecommunications sector to electricity and water utilities.

4.34. The telecommunications sector contributes slightly over 3% to Antigua and Barbuda's GDP and employs around 400 people. At the end of 2012, fixed-line penetration was at 70% of households, while Internet penetration was around 55%. Mobile phone penetration rates exceed 100%. Investment in the sector was EC\$30 million in 2012.

4.35. At end 2012, tariffs for local fixed-to-fixed-line calls were around EC\$0.05 per minute for off-peak time calls and EC\$0.25 for peak time calls; calls are charged per unit of three minutes. Fixed-line rental charges are EC\$30 per month for residential users and EC\$60 for business users. Tariffs for fixed-line-to-mobile calls are charged at the same rate to all mobile operators. An international call to the United States costs around EC\$1.50 per minute, although it can be considerably lower during special promotions. The mobile charges offered by the three mobile operators were similar, at around EC\$0.72 to EC\$0.75 per minute, with calls to the same network being cheaper.

4.36. The 15% sales tax is levied on all telecommunications services provided in Antigua and Barbuda. The tax is collected by licence holders who are responsible for passing it on to the Internal Revenue Service.

4.2.3 Transport

4.2.3.1 Maritime transport

4.37. During the period under review, the administration and regulation of the maritime sector remained unchanged. The main legislation governing the sector is the Merchant Shipping Act of 2006. The Act allows for the implementation of international conventions and agreements to which Antigua and Barbuda is a party. The Department of Marine Services and Marine Shipping (ADOMS)

(part of the Ministry of Foreign Affairs), regulates merchant shipping activities. However, ultimate responsibility for merchant shipping and ship registration lies with the Prime Minister of Antigua and Barbuda.

4.38. Under the provisions of the Aliens Restriction Act, the masters, chief officers, and chief engineers of merchant ships registered in Antigua and Barbuda are required to be nationals of Antigua and Barbuda, except on vessels employed mainly in voyages between ports outside Antigua and Barbuda.

4.39. Only ships registered in Antigua and Barbuda may engage in cabotage. A ship is considered to be registered in Antigua and Barbuda if it is owned or effectively controlled by citizens of Antigua and Barbuda, or owned by CARICOM citizens, or by a company registered either under the International Business Corporations Act or the Companies Act. These criteria may be waived with ministerial approval. The Antigua and Barbuda register of ships comprises an international ships register, a register for mega-yachts, and a local register. Various fees and charges are levied on ships registered under the Antigua and Barbuda flag. Registration fees and annual charges vary according to gross tonnage. As of January 2013, there were 1,322 ships registered on the international register and 290 ships on the local register. The main users of the international register are located in the European Union and the United States.

4.40. St. Johns is the main commercial seaport in Antigua and Barbuda. In addition, Crabbes Port handles bulk cement, while bulk petroleum products enter through High Point Port (Texaco) and Fort James Port (West Indies Oil). The Government owns and controls the ports.

4.41. The Antigua Port Authority is responsible for developing the harbours of Antigua and Barbuda, operating and managing port services, and collecting dues and charges as authorized by the Port Authority Act. Some port services are provided by the private sector, for example, stevedore activities are privately owned and operated, and private firms provide port security.

4.42. A travel tax, an embarkation tax, and a cruise passenger tax are levied on passengers travelling to and from Antigua and Barbuda by maritime transportation.

4.2.3.2 Air transport

4.43. Antigua and Barbuda has not made any GATS commitments on air transport activities.

4.44. The main legislation governing the sector is Civil Aviation Act of 2003. Under the provisions of the Act, the Air Transport Licensing Board deals with licence applications and tariffs charged for cargo and passenger transport. However, the Board's decisions must be endorsed by the Minister of Tourism and Civil Aviation, who has overall responsibility for the development and supervision of civil aviation in Antigua and Barbuda. Ministerial approval is not required when granting an air transport licence to citizens of Antigua and Barbuda or a member State of the OECS or CARICOM; or a body incorporated in Antigua and Barbuda that is substantially controlled by citizens of Antigua and Barbuda or an OECS/CARICOM member State. Under the Act, the following must be considered when granting a licence: existence of other air services; need/demand for the proposed service; and any unfair advantage of the applicant over other operators by reason of the terms of employment of persons employed. In addition, the Minister has final authority to suspend consideration of the application. For countries with which Antigua and Barbuda has a bilateral air agreement the above issues are not considered, unless the Minister directs otherwise; the only consideration is whether the airline is fit, willing, and able to operate the service.

4.45. At the regional level, regulatory oversight for safety and security issues is the responsibility of the Eastern Caribbean Civil Aviation Authority (ECCAA).

4.46. The Civil Aviation Act 2003 does not directly impose restrictions on cabotage services, however, the Minister has the authority to make regulations for the control of commercial aircraft carrying goods and services within Antigua and Barbuda. No such regulations have been issued.

4.47. Antigua and Barbuda is one of the main civil aviation centres within the OECS. It has two airports, the V.C. Bird International Airport in Antigua, and Codrington Airport in Barbuda. Carriers that operate flights to Antigua and Barbuda are from the region, the United States, the

United Kingdom, and Canada. Air cargo is processed at the V.C. Bird International Airport in Antigua. The airports are government owned, and airport management is the responsibility of the Antigua and Barbuda Airport Authority, a government-owned statutory body established 2007. The Authority is governed by a Board of Directors, appointed by Cabinet, and is required to make annual reports to Parliament. The rationale for setting up the Airport Authority was to manage the airports in a more efficient and cost-effective manner so as to generate profits. There are no legal obstacles preventing the Airport Authority from contracting out airport management services, but no such concessions have been granted.

4.48. Private local and foreign companies are permitted to supply auxiliary services. For example, ground handling is carried out by foreign airlines. The Government levies a passenger facility tax of US\$10 per individual to help pay for the expansion and development of the airport. This includes work on the runway as well as the building of a new terminal. Additionally, in late 2013, the Government was in the process of finalizing negotiations to secure a US\$45 million loan from China for the construction of a new airport terminal.

4.49. The main regional airline is LIAT, which is incorporated in Antigua and Barbuda. The Government of Antigua has a share in LIAT, along with certain other governments in the region. During the review period, LIAT merged with Caribbean Star Airlines Ltd. There are no foreign investment restrictions relating to ownership of domestically incorporated carriers.

4.50. Antigua and Barbuda is a contracting state of ICAO. It has one bilateral air services agreement recorded by ICAO, with the United Kingdom. Antigua and Barbuda's air transport arrangements with the United States are regulated by the 1977 U.S.-U.K. Bermuda II Agreement, to which Antigua and Barbuda acceded after its independence in 1981. Antigua and Barbuda has agreements with a number of countries to provide direct air passengers transport services. These agreements have not been notified to ICAO, which decreases transparency with respect to the provision of these services. Antigua and Barbuda is also a signatory to the CARICOM Multilateral Air Services Agreement (MASA), which is registered with ICAO.

4.2.4 Tourism

4.51. In its GATS schedule, Antigua and Barbuda has made commercial presence commitments for the construction of hotels and resorts and the management of hotels, subject to the provisions of the Hotel Proprietors Act. There are no limitations on foreign investment in hotels; however, under the Antigua and Barbuda Investment Authority Act, one director must reside in the country. The Minister of Tourism, Culture, Civil Aviation and the Environment is responsible for formulating and implementing tourism policy.

4.52. The tourism sector is of vital importance to the economy. The sector contributes (directly and indirectly) about 70% of GDP and is the main driver of economic growth, the largest recipient of foreign investment, and the most significant foreign exchange earner.

4.53. The global financial crisis in 2008 resulted in a significant economic downturn in the source markets (the United States and Europe). As a result, total visitors declined from nearly 960,000 in 2007 to about 842,000 in 2012, while total expenditure by visitors declined from EC\$912 million to EC\$861 million (Table 4.1).

Table 4.1 Antigua and Barbuda tourist arrivals 2007-12

	2007	2008	2009	2010	2011	2012
Total visitors	959,312	887,877	965,431	812,859	870,240	842,693
Stay-over visitors	261,802	265,844	234,410	229,943	241,331	246,926
Stay-over visitors by air	261,802	265,844	234,410	229,943	241,331	246,926
United States	78,698	84,032	82,068	81,598	84,832	93,214
Canada	10,489	13,189	12,947	17,818	22,403	24,185
UK	96,801	89,514	73,251	66,623	69,184	68,677
Caribbean	50,323	52,954	41,546	37,505	37,887	32,680
Other countries	25,491	26,155	24,598	26,399	27,025	28,170
Stay-over visitors by sea	..	..	..	..	..	..
Cruise-ship passengers	672,788	596,120	709,795	557,030	604,506	567,707

	2007	2008	2009	2010	2011	2012
Yacht passengers	24,722	25,913	21,226	25,886	24,403	28,060
Number of cruise ship calls	380	317	367	304	328	333
Number of yacht calls	4,249	3,671	3,761	4,078	3,180	3,803
Total visitor expenditure (EC\$m)	912.28	901.71	823.81	803.90	841.77	861.30

.. Not available.

Source: Eastern Caribbean Central Bank. Viewed at: http://eccb-centralbank.org/Media/data_dec2013/Tourism%20-%20Monthly%20and%20Annual.xls.

4.54. The Government's primary objective is to make tourism more sustainable so that it can promote greater sector growth, create more and better jobs, ensure higher returns on investment, and contribute to greater economic empowerment in Antigua and Barbuda.¹⁹ The Government took a number of measures during the review period to achieve this objective.

4.55. The Tourism Authority Act of 2008 established the Antigua and Barbuda Tourism Authority, which is mandated to develop policies for tourism promotion; design and implement marketing strategies; advise the Government and the Antigua and Barbuda tourism industry on marketing strategies; put measures in place to ensure sufficient and suitable transport services to and from Antigua and Barbuda; and carry out tourism-related research.

4.56. Since its creation, the Authority has helped to advance the various elements of the country's marketing strategy. These include an aggressive airlift strategy, an integrated online marketing strategy, an internet strategy, a press trip strategy, and a travel agent familiarization programme. These efforts were made easier with the introduction of the 2% marketing fund, established in 2012 when the ABST transitional rate for hotels was increased from 10.5% to 12.5%. It is intended to provide a dedicated stream of funding to support marketing and promotion activities.

4.57. The Government of Antigua and Barbuda signed a memorandum of agreement with the Antigua Hotel and Tourist Association in 2008, under which hotels were given concessions on capital items, operating equipment, and security apparatus. In 2010, a package of incentives was introduced for the yachting sector; and in 2012, a stimulus package was offered to cruise lines. The package included incentives in relation to the passenger head tax, and makes special provisions to attract cruise calls to Barbuda.

4.58. With a view to increasing tourists, the authorities are looking to develop niche markets such as medical tourism, nature excursions, sports tourism, and residential tourism via the Citizenship by Investment Initiative. In this regard, the authorities will offer tax credits to those who contribute to maintain and preserve natural and man-made historical sites. This implies that any business that contributes substantially to the maintenance or preservation of strategic natural or manmade historical sites will be able to reduce its corporate income tax liability; the business will also be able to access an annual tax credit of up to EC\$250,000 on its assessable profits.

4.59. In addition, Antigua and Barbuda offers a variety of tax incentives to domestic and foreign property developers. Under the Hotel Aid Act of 1952, developers may import building materials and equipment duty free, or drawback customs duties already paid, subject to obtaining a licence from the Cabinet. Under the Income Tax (Amendment) Act of 2003, new hotels and the expansion of existing ones after January 2003, are eligible for relief from corporate income tax for seven to 25 years, depending on the number of new rooms created.

4.60. In 2005, to encourage development of accommodation for the Cricket World Cup, tax concessions were granted for building new and renovating existing tourist accommodation. These concessions included: income tax holidays of up to 25 years depending on the number of rooms; relief on stamp duty on transfer of land, property, and non-citizens' landholding licence fees, based on the number of rooms; a percentage tax credit for financial institutions, based on the size of the investment; a waiver of custom duties and consumption tax on imports of building materials and equipment; and the right to tax-free repatriation of capital, royalties, dividends, and profits. Incentives may also be granted under project-specific legislation. According to the authorities, these incentives are no longer applicable.

¹⁹ Government of Antigua and Barbuda.

4.2.5 Other offshore services

4.61. International business companies must be incorporated under the International Business Corporations (IBC) Act (as amended), and are regulated by the Financial Services Regulatory Commission.

4.62. Under the International Business Corporations Act of 1982, international business corporations (IBCs) may be formed by an attorney or professional or a company incorporated under the Companies Act or the IBC Act, licensed under the Corporate Management Trust Service Providers Act (as amended) of 2008. According to the authorities, incorporation may be completed within 24 hours. IBCs are eligible for an array of incentives that include exemptions from various taxes including customs duties. Under the provisions of the International Business Corporation (Amendment) Act of 2002, IBCs would not be charged income tax, capital gains tax, and asset transfer tax. The International Business Corporations (Amendment) Act of 2005 introduced a modification to the minimum capital requirements; these are now subject to variation through regulations.

4.63. The International Trust Act of 2007 provides for the establishment of international trusts by non-residents. However, at least one of the trustees must be domiciled in Antigua and Barbuda.

4.64. In 2007, an amendment to the Interactive Gaming and Interactive Wagering Regulations, 2007 (the Gaming Regulations) introduced 14 fundamental changes to the regulations. These changes addressed, *inter alia*: introduction of mergers and acquisition guidelines; strengthening of the meaning of physical presence; allowing for the FSRC to access extra-territorial information and have control over movement of financial assets; introduction of penalties for various breaches; introduction of quarterly financial reporting obligations to the Commission; and ensuring responsible and fair gaming. In accordance with the regulations, licensees are required to reveal the nature of all their investments; the new regulations also provide for licensees to pay for the regulatory examination performed on their systems and operations.

4.65. The new regulations also address the risks associated with the capital adequacy of licensees. There is a US\$100,000 minimum reserve requirement, and the Commission is authorized to establish higher thresholds based on its assessment of risk. The enhanced monitoring and examinations powers in the regulations enable the Commission to more effectively monitor the adequacy of the capital reserve on an on-going basis. Furthermore, the Commission was granted enhanced surveillance powers over business associates of licensees providing key services, such as payment providers and aggregators (poker-room operators often located in other jurisdictions), a new and emerging risk area. The Commission may take action against a supplier that does not cooperate fully.

4.66. The authorities stated that the adopted changes were essential in improving the remote gaming regulatory and supervisory regime. The changes fundamentally reposition the jurisdiction (Antigua and Barbuda) to have a leading role in the development of generally recognized international standards for the regulation of remote gaming.

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5 APPENDIX TABLES

Table A1. 1 Merchandise exports and re-exports by SITC section, 2007-12

(US\$ million and %)

Description	2007	2008	2009	2010	2011	2012
Total exports and re-exports	174.0	92.4	205.7	34.8	29.0	29.0
Domestic exports	5.2	5.1	2.6	2.4	3.3	3.9
Re-exports	168.8	87.3	203.1	32.4	25.7	25.1
	(% of total exports and re-exports)					
0 Food and live animals	0.2	0.4	0.3	2.4	4.6	5.2
1 Beverages and tobacco	0.7	1.3	0.7	4.8	8.1	4.7
2 Crude materials, inedible, except fuels	0.6	1.1	0.1	0.2	0.6	0.9
3 Mineral fuels and related materials	85.5	70.8	81.7	3.7	2.4	1.7
4 Animal and vegetable oils, fats and waxes	0.0	..	0.0	0.0	0.0	..
5 Chemicals and related products	1.2	2.4	0.6	2.4	2.6	2.1
6 Manufactured goods classified by material	2.3	4.7	2.8	27.7	33.6	41.4
7 Machinery and transport equipment	6.8	13.9	10.4	37.8	37.9	31.7
8 Miscellaneous manufactured articles	2.7	5.4	3.4	20.9	10.1	12.3
9 Commodities and transactions not classified elsewhere in SITC	0.0	..	..	0.0	0.0	0.0

.. Not available.

Source: Eastern Caribbean Central Bank online information. Viewed at: <http://www.eccb-centralbank.org/Statistics/index.asp>.

Table A1. 2 Domestic merchandise exports by SITC section, 2007-12

(US\$ million and %)

Description	2007	2008	2009	2010	2011	2012
Domestic exports	5.2	5.1	2.6	2.4	3.3	3.9
	(% of total domestic exports)					
0 Food and live animals	4.1	4.1	13.8	17.5	27.6	26.1
1 Beverages and tobacco	12.5	13.9	34.5	33.1	31.0	30.7
2 Crude materials, inedible, except fuels	0.2	..	6.1	1.8	4.5	2.7
3 Mineral fuels and related materials	..	..	..	..	..	..
4 Animal and vegetable oils, fats and waxes	..	..	..	..	..	..
5 Chemicals and related products	27.4	30.5	25.6	23.0	14.7	10.0
6 Manufactured goods classified by material	46.2	51.4	19.9	24.6	21.8	29.1
7 Machinery and transport equipment	5.0	..	..	..	..	..
8 Miscellaneous manufactured articles	4.5	0.1	0.0	..	0.4	1.3
9 Commodities and transactions not classified elsewhere in SITC	..	..	..	..	..	..

.. Not available.

Source: Eastern Caribbean Central Bank online information. Viewed at: <http://www.eccb-centralbank.org/Statistics/index.asp>.

Table A1. 3 Merchandise imports by SITC section, 2007-12

(US\$ million and %)

Description	2007	2008	2009	2010	2011	2012
Total imports	727.0	805.6	699.1	501.2	471.1	532.4
	(% of total imports)					
0 Food and live animals	11.2	10.3	13.8	16.9	18.9	18.7
1 Beverages and tobacco	3.4	3.1	3.6	4.2	4.7	4.9
2 Crude materials, inedible, except fuels	2.1	1.9	1.7	1.7	1.7	1.5
3 Mineral fuels and related materials	35.8	41.0	38.7	28.4	35.8	36.8
4 Animal and vegetable oils, fats and waxes	0.2	0.2	0.2	0.3	0.3	0.3
5 Chemicals and related products	4.5	4.2	5.5	6.6	6.4	5.9
6 Manufactured goods classified by material	13.7	12.5	11.2	11.4	9.5	10.0
7 Machinery and transport equipment	21.3	19.6	15.5	19.7	12.0	11.7
8 Miscellaneous manufactured articles	7.8	7.2	9.8	10.7	10.7	10.2
9 Commodities and transactions not classified elsewhere in SITC	0.0	0.0	0.0	0.0	0.0	0.0

Source: Eastern Caribbean Central Bank online information. Viewed at: <http://www.eccb-centralbank.org/Statistics/index.asp>.

Table A1. 4 Merchandise exports and re-exports by trading partner, 2007-12

(US\$ million and %)

Description	2007	2008	2009	2010	2011	2012
Total exports and re-exports (ECCB)	174.0	92.4	205.7	34.8	29.0	29.0
	(% of total exports and re-exports)					
America	86.2	..	92.1	74.2	78.3	58.2
United States	23.6	..	5.2	29.7	38.1	22.0
Other America	62.7	..	86.9	44.5	40.1	36.2
Barbados	8.2	..	2.7	3.1	7.4	9.5
Dominican Rep.	0.1	..	0.3	0.1	0.2	5.0
St Kitts and Nevis	3.9	..	29.6	4.7	2.3	3.3
Trinidad and Tobago	0.7	..	0.1	0.7	6.9	3.3
St Vincent and the Grenadines	0.2	..	2.2	0.5	2.3	3.0
Montserrat	0.8	..	0.1	1.5	3.9	1.9
St Lucia	1.6	..	2.1	3.3	0.9	1.9
Canada	0.1	..	0.1	2.2	1.7	1.7
British Virgin Islands	0.5	..	6.5	1.8	1.6	1.3
Dominica	6.1	..	2.6	5.3	2.8	1.0
Guyana	0.1	..	0.0	0.4	0.4	0.9
Grenada	0.3	..	0.1	0.0	0.1	0.7
Jamaica	1.4	..	0.0	0.3	4.3	0.4
Anguilla	2.8	..	2.3	0.3	0.2	0.1
Brazil	0.0	..	0.2	0.1	0.1	0.1
Suriname	0.0	..	7.4	0.0	0.3	0.0
Netherlands Antilles	30.9	..	29.8	6.5	4.1	2.2

Europe	10.9	..	5.9	22.9	16.6	26.9
EU(27)	10.8	..	5.8	22.9	15.5	26.9
United Kingdom	4.2	..	4.9	19.7	8.3	18.5
France	3.1	..	0.3	1.4	3.1	3.4
Spain	0.2	..	0.3	0.7	0.2	2.4
Italy	0.1	..	0.1	0.0	2.3	2.2
Germany	1.2	..	0.0	0.1	0.5	0.3
EFTA	0.1	..	0.1	0.0	1.0	0.0
Switzerland	0.1	..	0.1	0.0	0.2	0.0
Other Europe	0.0	..	0.0	0.0	0.0	0.0

Commonwealth of Independent States (CIS) ^a	0.0	..	0.0	0.0	0.0	0.0

Africa	0.1	..	0.0	0.0	0.0	0.1
Namibia	0.0	..	0.0	0.0	0.0	0.1
Sierra Leone	0.0	..	0.0	0.0	0.0	0.0
Senegal	0.0	..	0.0	0.0	0.0	0.0

Middle East	1.7	..	0.0	0.0	0.1	0.1
United Arab Emirates	0.0	..	0.0	0.0	0.1	0.1
Kingdom of Saudi Arabia	1.6	..	0.0	0.0	0.0	0.0

Asia	1.0	..	0.2	1.0	2.1	7.5
China	0.1	..	0.0	0.3	0.2	0.3
Japan	0.1	..	0.0	0.0	0.3	0.1
Six East Asian Traders	0.3	..	0.0	0.6	1.6	3.6
Thailand	0.0	..	0.0	0.0	0.0	1.8
Chinese Taipei	0.1	..	0.0	0.6	0.5	1.2
Korea, Republic of	0.2	..	0.0	0.0	0.9	0.2
Malaysia	0.0	..	0.0	0.0	0.1	0.2

Description	2007	2008	2009	2010	2011	2012
Hong Kong, China	0.0	..	0.0	0.0	0.1	0.1
Singapore	0.0	..	0.0	0.0	0.0	0.0
Other Asia	0.4	..	0.1	0.1	0.2	3.5
New Zealand	0.0	..	0.0	0.0	0.0	1.9
Philippines	0.0	..	0.0	0.0	0.0	0.4
Viet Nam	0.0	..	0.0	0.0	0.0	0.3
		..				
Other	0.0	..	1.7	2.0	2.9	7.2

.. Not available.

a Commonwealth of Independent States (CIS) includes Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Note: 0.0% in the table represents negligible trade.

Source: UNSD, Comtrade database (SITC Rev.3); and Eastern Caribbean Central Bank.

Table A1. 5 Domestic merchandise exports by trading partner, 2007-12

(US\$ million and %)

Description	2007	2008	2009	2010	2011	2012
Total domestic exports	5.2	5.1	2.6	2.4	3.3	3.9
	(% of total domestic exports)					
America	88.5	..	68.5	78.8	51.3	47.6
United States	7.0	..	8.3	5.2	5.0	4.6
Other America	81.4	..	60.2	73.6	46.3	43.0
Trinidad and Tobago	0.1	..	0.0	0.0	11.5	11.3
Canada	1.7	..	4.0	12.3	11.7	10.8
St Kitts and Nevis	27.4	..	17.8	22.5	8.5	10.2
Dominica	7.3	..	6.3	11.5	7.0	4.2
British Virgin Islands	8.4	..	4.9	5.3	4.3	2.4
Montserrat	2.2	..	0.7	1.3	1.8	2.0
Barbados	22.7	..	16.3	7.8	0.2	1.0
St Lucia	2.0	..	1.3	4.5	0.3	0.7
Anguilla	2.2	..	1.6	2.4	0.9	0.2
Europe	6.6	..	16.2	19.5	29.3	25.8
EU(27)	6.6	..	16.2	19.5	29.3	25.8
France	5.5	..	13.7	16.4	25.8	22.6
United Kingdom	0.5	..	0.0	1.9	0.1	1.8
Germany	0.0	..	0.0	1.2	3.3	1.3
EFTA	0.0	..	0.0	0.0	0.0	0.0
Other Europe	0.0	..	0.0	0.0	0.0	0.0
Commonwealth of Independent States (CIS) ^a	0.0	..	0.0	0.0	0.0	0.0
Africa	0.0	..	0.0	0.0	0.0	0.0
Middle East	0.0	..	0.0	0.0	0.6	0.2
United Arab Emirates	0.0	..	0.0	0.0	0.6	0.2
Asia	4.9	..	4.7	1.1	11.4	22.7
China	0.5	..	0.4	0.0	0.2	1.1
Japan	2.4	..	0.0	0.0	2.4	0.0
Six East Asian Traders	0.0	..	2.4	0.3	7.6	17.3
Chinese Taipei	0.0	..	1.2	0.2	1.2	8.5
Thailand	0.0	..	0.0	0.0	0.0	6.1
Malaysia	0.0	..	0.0	0.0	0.7	1.0
Korea, Republic of	0.0	..	1.0	0.1	5.5	1.0
Hong Kong, China	0.0	..	0.0	0.0	0.2	0.7
Singapore	0.0	..	0.2	0.0	0.0	0.0
Other Asia	2.0	..	1.9	0.8	1.2	4.3
Viet Nam	0.0	..	0.9	0.7	0.3	2.6
Indonesia	0.0	..	0.0	0.0	0.2	1.3
Australia	0.0	..	0.0	0.2	0.7	0.3
Other	0.0	..	10.6	0.6	1.0	0.7

.. Not available.

a Commonwealth of Independent States (CIS) includes Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Note: 0.0% in the table represents negligible trade.

Source: UNSD, Comtrade database (SITC Rev.3) and Eastern Caribbean Central Bank (ECCB).

Table A1. 6 Merchandise imports by trading partner, 2007-12

(US\$ million and %)

Description	2007	2008	2009	2010	2011	2012
Total imports	727.0	805.6	699.1	501.2	471.1	532.4
	(% of total imports)					
America	77.0	..	45.5	47.9	48.9	73.8
United States	58.2	..	31.3	32.9	32.8	50.1
Other America	18.9	..	14.1	15.0	16.1	23.7
Trinidad and Tobago	3.9	..	3.2	3.6	4.0	5.5
Canada	2.3	..	1.3	1.5	1.5	2.3
Brazil	0.9	..	1.0	1.0	1.0	1.8
Jamaica	0.9	..	0.8	0.9	1.1	1.7
St Vincent and the Grenadines	0.4	..	0.5	0.5	0.9	1.6
Barbados	1.3	..	1.0	1.0	1.1	1.5
Dominican Rep.	1.2	..	1.1	0.8	0.7	1.3
Mexico	0.3	..	0.4	0.8	0.8	1.1
Guyana	0.7	..	0.5	0.6	0.8	1.0
Dominica	0.9	..	0.8	0.5	0.3	0.8
Panama	0.7	..	0.4	0.5	0.4	0.6
Chile	0.1	..	0.2	0.3	0.4	0.5
Colombia	0.2	..	0.4	0.4	0.5	0.5
Grenada	0.1	..	0.2	0.2	0.3	0.4
St Kitts and Nevis	0.2	..	0.2	0.2	0.3	0.3
Honduras	0.1	..	0.2	0.2	0.1	0.3
Peru	0.1	..	0.1	0.2	0.2	0.3
Guatemala	0.0	..	0.0	0.1	0.2	0.2
Costa Rica	0.1	..	0.2	0.2	0.1	0.2
St Lucia	0.2	..	0.2	0.1	0.1	0.2
Suriname	0.0	..	0.1	0.1	0.1	0.2
		..				
Europe	14.1	..	8.4	10.9	8.9	13.4
EU(27)	12.3	..	7.4	9.7	7.8	11.6
United Kingdom	6.4	..	4.0	4.6	3.5	6.1
France	0.9	..	0.8	1.0	0.8	1.3
Netherlands	0.4	..	0.5	0.6	0.6	1.0
Italy	2.8	..	0.8	0.7	0.8	0.8
Sweden	0.2	..	0.0	0.1	0.3	0.7
EFTA	1.7	..	0.8	1.1	0.9	1.5
Switzerland	1.4	..	0.7	1.0	0.8	1.4
Other Europe	0.1	..	0.1	0.1	0.1	0.2
Turkey	0.1	..	0.1	0.1	0.1	0.2
		..				
Commonwealth of Independent States (CIS) ^a	0.0	..	0.0	0.0	0.0	0.0
		..				
Africa	0.2	..	0.1	0.1	0.1	0.2
South Africa	0.0	..	0.0	0.0	0.0	0.2
		..				
Middle East	0.1	..	0.1	0.1	0.1	0.2
Israel	0.1	..	0.1	0.0	0.0	0.2
		..				
Asia	8.5	..	7.7	13.0	6.8	12.2
China	1.3	..	2.4	8.4	2.9	5.6
Japan	4.3	..	3.4	2.7	1.6	2.5
Six East Asian Traders	2.1	..	1.1	0.9	1.1	2.1
Korea, Republic of	0.7	..	0.1	0.2	0.3	0.7
Thailand	0.6	..	0.6	0.3	0.4	0.6

Description	2007	2008	2009	2010	2011	2012
Malaysia	0.3	..	0.1	0.1	0.1	0.3
Hong Kong, China	0.4	..	0.1	0.2	0.2	0.2
Chinese Taipei	0.2	..	0.2	0.1	0.1	0.2
Singapore	0.0	..	0.0	0.0	0.0	0.0
Other Asia	0.8	..	0.8	1.0	1.3	2.0
Korea, Democratic People's Republic Of	0.0	..	0.1	0.3	0.3	0.9
India	0.2	..	0.2	0.1	0.2	0.4
Australia	0.2	..	0.1	0.1	0.2	0.2
		..				
Other	0.0	..	38.2	28.0	35.3	0.1

.. Not available.

a Commonwealth of Independent States (CIS) includes Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Note: 0.0% in the table represents negligible trade.

Source: WTO Secretariat based on data provided by the authorities of Antigua and Barbuda.