

OBJECTS AND REASONS

This Bill makes provision for

- (a) the consolidation and revision of the law on standards in respect of goods and services offered to the public commercially to encourage the use of standards for the social, cultural and economic development of Barbados and to best ensure *inter alia* that
 - (i) goods, services, processes and systems used in Barbados conform to the relevant national, regional and international standards in keeping with Barbados' obligations under international agreements including the Revised Treaty of Chaguaramas, the Agreement establishing the CARICOM Regional Organisation for Standards and Quality and the Marrakesh Agreement establishing the World Trade Organization;
 - (ii) there is certification marking of goods, services, systems and processes;
 - (iii) there is fairness in the trade of such goods and services;
 - (iv) there is effective and efficient implementation of those standards; and
- (b) giving the Agreement Establishing the CARICOM Regional Organisation for Standards and Quality the force of law in Barbados.

Arrangement of Sections

Section

Part I

Preliminary

1. Short title.
2. Interpretation.

Part II

*The Functions and Powers of the
Barbados National Standards Institution*

3. Functions of Institution.
4. Powers of Barbados National Standards Institution.

Part III

Barbados National Standards

5. Barbados National Standards.
6. Formulating and issuing of standards.

Part IV

*The Status of the Agreement Establishing the CARICOM
Regional Organisation for Standards and Quality*

7. Agreement to have the force of law.

*Arrangement of Sections (Cont'd)**Section**Part V**Declaration of Compulsory Standards*

8. Compulsory standards.
9. Prohibition of production, sale etc. of commodity.
10. Prohibition of possession or use of commodity.
11. Power of Court.

*Part VI**Prohibition of Sale, Importation and Registration*

12. Prohibition of sale or importation.
13. Restriction of use of certain words.
14. Power of registering authority.
15. Registration of trademarks.
16. Exemptions.
17. Labelling of commodities.
18. Prohibition of sale, importation etc. of pre-packaged products.
19. Commodities for export.

*Part VII**Functions of Trading Standards Inspectors*

20. Appointment of inspectors.
21. Powers of inspectors.
22. Duty of owner or person in charge of premises.
23. Power of Minister to order cessation of manufacture etc. of prescribed commodity.
24. Inspector to release detained commodity.
25. Prohibited imports.

*Arrangement of Sections (Cont'd)**Section*

PART VIII

Certification Marking of Goods

- 26. Marking of goods.
- 27. Information in relation to standard mark.
- 28. Powers of entry of inspectors appointed under section 4.

PART IX

Miscellaneous

- 29. Regulations.
- 30. Amendment of Schedules.
- 31. Offences.
- 32. Expenses.
- 33. Saving.
- 34. Repeal of Cap. 325A and 326A.
- 35. Act binds the Crown.
- 36. Commencement.

FIRST SCHEDULE

SECOND SCHEDULE

BARBADOS

A Bill entitled

An Act to consolidate and revise the law on standards in respect of goods and services offered to the public commercially to encourage the use of standards for the social, cultural and economic development of Barbados and to best ensure *inter alia* that

- (a) goods, services, processes and systems used in Barbados conform to the relevant national, regional and international standards in keeping with Barbados' obligations under international agreements including the Revised Treaty of Chaguaramas, the Agreement Establishing the CARICOM Regional Organisation for Standards and Quality and the Marrakesh Agreement establishing the World Trade Organization;

- (b) there is certification marking of goods, services, systems and processes;
- (c) there is fairness in the trade of such goods and services;
- (d) there is effective and efficient implementation of those standards.

Part I

Preliminary

ENACTED by the Parliament of Barbados as follows:

- | | |
|----------------------|---|
| Short title. | 1. This Act may be cited as the <i>Standards Act, 2006</i> . |
| Interpreta-
tion. | 2. In this Act, |
| First
Schedule. | "Agreement" means the Agreement Establishing the CARICOM Regional Organisation for Standards and Quality signed by Member States of the Community in Belize in 2001, the text of which is set out in the <i>First Schedule</i> and includes any Protocols to the Agreement; |
| Cap. 308. | "Barbados National Standard" means a standard established in accordance with section 5; |
| | "Barbados National Standards Institution" or "Institution" means the Institution of that name incorporated under the <i>Companies Act</i> ; |
| | "CARICOM Regional Organisation for Standards and Quality" means the Organisation established by the Agreement; |
| | "Certification mark" means the Barbados National Standards Institution Certification mark, specified by the Institution to represent conformity to a particular Barbados National Standard; |
| | "commodity" means any article, product or thing that is the subject of trade or commerce; |
| | "Community" means the Caribbean Community including the CARICOM Single Market and Economy established by the Treaty; |

"compulsory standard" means a standard that has been so declared by the Minister under section 8(1);

"covering" means any cover, wrapper, stopper, cask, bottle, vessel, box, crate, capsule, case, frame or other container;

"mark" means a device, brand, heading, label, ticket, pictorial presentation, name, signature, word, letter or numeral or a combination thereof;

"quality assurance" means an assurance given in respect of quality management that focuses on providing confidence that quality requirements shall be fulfilled;

"quality management system" is a system that provides a set of interrelated or interacting elements to direct and control an organisation with regard to quality;

"process" means a set of interrelated and interacting activities that transform inputs into outputs;

"pre-packaged product" means any product that is placed in advance of sale in the final package in which it is intended for retail sale and in which it may be sold, used or purchased without further re-packaging;

"sell" includes offer for sale, expose for sale, export, or have in possession for sale or export, or display in such a manner as may reasonably be construed as to invite an offer to treat or to be for sale;

"service" has the meaning assigned to it by section 2 of the *Consumer Guarantees Act*;

Cap. 326E.

"standard" means

- (a) a guideline or other document, established by consensus and approved by a recognised body that provides for
 - (i) common and repeated use, rules, guidelines or characteristics for products or related processes and production methods; or
 - (ii) activities or the results of activities aimed at the achievement of the optimum degree of order in a given context; and
- (b) any other guideline or document not referred to in paragraph (a) to which the Agreement refers;

"trading standards inspector" means a person holding or assigned to an established post of that name in the Department of Commerce and Consumer Affairs of the Ministry;

"Treaty" means the Revised Treaty of Chaguaramas establishing the Caribbean Community including the CARICOM Single Market and Economy signed in The Bahamas on the 5th day of July, 2001.

Part II

The Functions and Powers of the Barbados National Standards Institution

Functions of
Institution.

3. The Barbados National Standards Institution, shall
 - (a) prepare, promote and generally adopt standards on a national, regional or international basis, relating to structures, commodities, materials, articles, services and other things offered to the public commercially;
 - (b) establish and publish in the prescribed manner a standard in respect of any article, process or service;

- (c) recognise as a standard in relation to an article, process, or service, any standard established by any other standards institution or body recognized by the Institution;
- (d) promote standardisation, quality assurance and simplification in industry and commerce;
- (e) facilitate the implementation of standards in Barbados;
- (f) revise as may be necessary, any national standard process, practice or service;
- (g) act as custodian of the national standards of mass, length, capacity, time, temperature and electrical measurements;
- (h) certify those products, commodities, processes, services and quality systems that conform to the national standards;
- (i) publish certification marks of any design containing such details as the Institution thinks fit, for the purpose of representing conformity to a particular standard;
- (j) maintain testing laboratories, for the purpose of testing and examining commodities, products, materials, processes, practices and services and in so doing, to conduct such investigations or research as may be necessary;
- (k) test precision instruments, gauges and scientific apparatus both for the purpose of determining their accuracy and calibration and the calibration of standards used in industrial and commercial activities;
- (l) collect and disseminate information on standards and related technical matters, nationally, regionally and internationally;

- (m) co-ordinate the efforts of producers and users of materials, products, appliances, processes methods and services for the improvement of those materials, products, appliances, pxrocesses, methods and services; and
- (n) do such other things as may be necessary to provide for standardisation in Barbados.

Powers of
Barbados
National
Standards
Institution.

4. (1) The Institution may, pursuant to this Act,

- (a) grant, renew, suspend or cancel a licence or a permit to use a standard mark;
- (b) appoint inspectors for carrying out the purposes of Part VIII; and
- (c) prohibit, control or regulate the use by any person of a standard mark or facility used for the purpose of certification marking.

(2) Where the Institution grants, renews, suspends or cancels a licence or a permit to use a standard mark in accordance with subsection (1), the Institution shall issue a Notice to that effect in the *Official Gazette* and in a daily newspaper published in Barbados.

PART III

Barbados National Standards

5. (1) The Institution shall, with the approval of the Minister, establish and publish national standards, to be known as "Barbados National Standards", in relation to any article, process or service. Barbados
National
Standards.

(2) The Barbados National Standards shall be indicative of the quality and specifications for the article, process or service to which the standards relate.

(3) The Barbados National Standards shall include standards established by

- (a) the CARICOM Regional Organisation for Standards and Quality; or
- (b) any other standards institution or body recognised by the Barbados National Standards Institution.

6. (1) The Institution shall, with the approval of the Minister, formulate and issue standards for such commodities, processes, practices or services as it considers necessary; and for the purposes of this Act, the standards so formulated and issued may either be compulsory or voluntary. Formulating
and issuing
of standards.

(2) The Institution may, on formulating a standard pursuant to subsection (1) and with the approval of the Minister, declare the standard to be a standard for the commodity, process, practice or service to which it relates.

(3) The Institution shall as soon as possible after a standard has been declared in accordance with subsection (2) cause to be published in the *Official Gazette* and in a daily newspaper published in Barbados a Notice that the standard has been so declared.

(4) Where any representations from the public are submitted to the Institution as a consequence of a Notice referred to in subsection (3), the Institution shall give due consideration to the representations.

(5) A standard may, with the approval of the Minister, be amended or revoked by the Institution; and a Notice to that effect shall be published in the manner specified in subsection (3).

Part IV

The Status of the Agreement Establishing the CARICOM Regional Organisation for Standards and Quality

Agreement
to have the
force of law.

7. The Agreement shall have the force of law in Barbados.

Part V

Declaration of Compulsory Standards

Compulsory
standards.

8. (1) The Minister may by Order declare a standard formulated in accordance with section 6 to be compulsory if that standard is intended primarily to

- (a) protect the consumer against danger to health or safety;
- (b) protect plant and animal health and life;
- (c) ensure quality in commodities and services produced for use in Barbados or for export;
- (d) protect the economy of Barbados;
- (e) prevent fraud or deception arising from misleading advertising or labelling;
- (f) require adequate information to be given to the consumer;
- (g) safeguard the interest of the public; or

(h) safeguard the national security of Barbados.

(2) Before making an Order under subsection (1), the Minister shall give at least 60 days notice of the intention of the Minister to make the Order and that Notice shall be published in the *Official Gazette* and in a daily newspaper published in Barbados giving the date on which it is intended that the compulsory standard is to take effect.

(3) The standards declared to be compulsory pursuant to subsection (1) shall be listed in the *Second Schedule*.

Second
Schedule.

(4) The Minister may by Order amend the *Second Schedule*.

9. No person shall

Prohibition
of produc-
tion, sale
etc. of
commodity.

(a) produce, sell, import, export or use in a commodity a standard that has been declared to be a compulsory standard; or

(b) carry out work the technical rules or the processes of which are declared as a compulsory standard

unless the commodity or the process involved in the work conforms to the requirements of the Barbados National Standards for that commodity or process.

10. The Minister may, for the prevention of danger to life or property, by Order prohibit the possession or use for any purpose of a commodity the standard of which has been declared to be a compulsory standard, unless the commodity conforms to the requirements of that standard.

Prohibition
of posses-
sion or use
of commod-
ity.

11. Where a compulsory standard exists in relation to a commodity and the manufacturer of that commodity fails to comply with the standard, the Minister may apply to the High Court for an order directing the manufacturer to cease the manufacture of the commodity after a date specified in the order.

Power of
Court.

Part VI

Prohibition of Sale, Importation or Registration

Prohibition
of sale or
importation.

12. The Minister may by Order prohibit the sale or importation of a commodity for sale in Barbados if the commodity is proved by the Institution or a laboratory approved by the Institution to be unsafe for use.

Restriction
of use of
certain
words.

13. Except with the written consent of the Minister, no individual or body of persons may exercise the functions for which that individual or body is formed under a name that contains the word "standard" or "standardised" or the words "Barbados Standard" or any abbreviation of these words.

Power of
registering
authority.

14. Where an Act provides for the registration of any individual or body of persons, the registering authority may refuse registration if in its opinion, the use of the name by which the individual or body desires to be registered is prohibited by section 13.

Registration
of trade-
marks.
Cap. 319.

15. Except with the written consent of the Minister, no trade mark that contains the word "standard" or "standardised" may be registered under the *Trade Marks Act*.

Exemptions.

16. Sections 13 to 15 do not apply to

- (a) the use by any person of any name that was in use in Barbados by that person or any predecessor in the business of that person on the date of commencement of this Act; or
- (b) any trade mark registered on the date of commencement of this Act.

Labelling of
commodi-
ties.

17. (1) All labels used on any

- (a) commodity; or

(b) pre-packaged product

are required to be written in the English Language; but that language need not be the only language used thereon.

(2) No person shall label commodities contrary to the labelling required by the relevant Barbados National Standard.

18. No person shall sell, import or advertise any pre-packaged product unless the product has applied to it a label conforming to the relevant Barbados National Standard.

Prohibition
of sale,
importation
etc, of pre-
packaged
products.

19. (1) For the purpose of protecting Barbados' reputation in the export market, no person shall sell for export from Barbados a commodity unless that commodity conforms to the relevant Barbados National Standard for that commodity.

Commodi-
ties for
export.

(2) Notwithstanding subsection (1) the Minister may by Order declare that a specified commodity may be exported on the prior written approval of the Minister where the commodity does not conform to the relevant Barbados National Standard for the commodity.

Part VII

Functions of Trading Standards Inspectors

20. Persons who are trading standards inspectors shall be required to carry out the functions of inspectors for the purposes of this Part.

Appoint-
ment of
inspectors.

21. A trading standards inspector may, at reasonable times, and on production of a certificate of appointment,

Powers of
inspectors.

- (a) enter any place where he reasonably believes any commodity in respect of which there is in force a compulsory standard specification is manufactured, prepared, packaged, stored or kept for export or imported for sale;

- (b) examine commodities and take samples thereof free of any charge, and examine anything that he reasonably believes to be used or to be capable of being used for the manufacture, preparation, processing, packing, storing or keeping of a commodity;
- (c) open and examine any container that he reasonably believes contains any commodity in respect of which a compulsory standard specification is in force;
- (d) detain and affix a temporary detention tag to, or issue a detention order in respect of commodities which he reasonably believes to be in contravention of this Part;
- (e) examine any label used on commodities; or
- (f) test or have tested any commodity detained by him, or any sample therefrom, or any sample taken by him; but that testing shall be conducted within a period of 21 days or within such longer period as the Minister determines.

Duty of
owner or
person in
charge of
premises.

22. The owner or person in charge of premises in respect of which a trading standards inspector is authorised to enter pursuant to section 21 and any person employed therein, shall give that inspector such reasonable assistance as he may require; and shall furnish him with such information within his knowledge as to enable him to carry out his functions under this Part.

Power of
Minister to
order
cessation of
manufacture
etc. of
prescribed
commodity.

23. (1) The Minister may direct that the owner or person in charge of an establishment who fails to comply with the directions of a trading standards inspector cease forthwith the manufacture, preparation, or processing of any prescribed commodity for such period as the Minister considers necessary; and the owner or person in charge shall comply with the directions.

(2) In this section, "prescribed commodity" means a commodity that the Minister declares by order to be one to which this section applies.

24. (1) A trading standards inspector shall release any commodity detained by him where

Inspector to
release
detained
commodity.

- (a) satisfactory proof is provided that it complies with the compulsory standard; or
- (b) a period of 60 days has expired and the results of any test to be undertaken on the commodity have not been received.

(2) Notwithstanding subsection (1), the inspector referred to in that section may, with the approval of the Minister, extend the period of detention for a further month, where the results of test being undertaken have not been completed within the period specified in subsection (1).

25. (1) Subject to subsection (2), where samples of imports are found on examination by the trading standards inspector not to comply with the relevant compulsory standard, the imports shall not be admitted for distribution in Barbados; but shall be seized and detained by the trading standards inspector and

Prohibited
imports.

- (a) where that inspector is satisfied that the non-compliance is not the result of the actions of the importer, the inspector may permit the commodity to be re-exported;
- (b) where the inspector is not so satisfied, the commodity

shall be treated as being liable to forfeiture by the Comptroller of Customs under the *Customs Act*.

Cap. 66.

(2) Where, in the opinion of the trading standards inspector, an imported commodity is capable of being suitably modified so as to effect conformity with the compulsory standard, the commodity may be admitted for the modification to be carried out under the supervision of and to the satisfaction of the Institution.

PART VIII

Certification Marking of Goods

Marking of
goods.

26. (1) An article is marked with a standard mark if the covering or label attached to that article is so marked.

(2) A process, quality management system or service may be marked by way of a certificate indicating that it conforms to the relevant standard.

Information
in relation to
standard
mark.

27. (1) Any person who is desirous of using a standard mark on any commodity or with respect to any process or service shall apply to the Institution for a licence to use the relevant standard mark.

(2) An applicant for a licence to use a standard mark must submit to the Institution such information, samples of materials or substances used in relation to any article or process as the Institution determines.

(3) Information submitted under subsection (2) or obtained by an inspector in the course of his duty is confidential and may not be disclosed by any person except with the consent of the Institution.

Powers of
entry of
inspectors
appointed
under
section 4.

28. (1) Where an application is made pursuant to section 27, an inspector appointed under section 4 may at all reasonable times enter upon premises for the purposes of

- (a) inspecting articles, processes or services in relation to which a standard mark is used, to determine whether
 - (i) an article, process or service conforms to a standard;
 - (ii) a standard mark has been used without a licence; or
 - (iii) a standard mark has been otherwise improperly used;
- (b) taking samples of any article, material or substance used in any process or in any other article or service in relation to which a standard mark is used; and

- (c) carrying out a technical audit of any activity or operation relating to a particular product or process with which a certification mark is associated.
- (2) An inspector must, upon entering premises, produce a certificate of appointment issued to him by the Institution.

PART IX

Miscellaneous

29. (1) The Minister may make Regulations respecting Regulations.
- (a) the declaration of compulsory standards;
 - (b) the sale or disposal of goods found to be deleterious to the welfare of the consumer;
 - (c) the packaging, labelling of commodities;
 - (d) the exemption from such requirements of this Act, as the Minister thinks fit;
 - (e) the inspection of specified commodities that are to be exported;
 - (f) the manufacture, sale, importation or exportation of goods for which a compulsory standard has been declared;
 - (g) the conduct of inspection, examination of commodities and the taking of samples;
 - (h) the forms to be used under this Act; and
 - (i) generally for giving effect to the purposes of this Act.

(2) Notwithstanding paragraph (b) of subsection (3), the Minister may with the approval of the Minister of Finance make Regulations with respect to the charging of fees for the conduct of inspection, examination of commodities and the taking of samples.

- (3) The Institution may
- (a) with the approval of the Minister, make Regulations respecting the following:
- (i) the design and particulars of standard marks;
 - (ii) the granting, renewal, suspension or cancellation of a licence or permit to use a standard mark;
 - (iii) the conduct of an inspection or a technical audit and the taking of samples;
 - (iv) the forms to be used under this Act;
 - (v) the keeping of a register of licencees;
 - (vi) the keeping of a register of testing laboratories; and
 - (vii) generally, for giving effect to the provisions of Parts IV and VIII.
- (b) with the approval of the Minister of Finance, make Regulations with respect to the fees, charges, rates or dues payable on
- (i) services performed by or on behalf of the Institution,
 - (ii) the use by a person of a facility provided by the Institution, and
 - (iii) the grant to any person of a certificate, licence or permit.

Amend-
ments of
Schedules.

30. The Minister may by Order amend the Schedules.

Offences.

31. (1) A person who

- (a) produces, imports, sells or exports a commodity that does not conform to a compulsory standard; or

(b) contravenes section 17(2) or 18

is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 3 years or to both.

(2) A person is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for a term of 2 years or to both who,

- (a) without lawful authority wilfully uses or imitates any detention tag, certificate or order placed on, or issued in relation to an article, or without lawful authority removes, alters, defaces or obliterates, wholly or partially, any detention tag, order or certificate;
- (b) sells, moves, or causes or allows to be moved, an article detained under this Act;
- (c) assaults, hinders or obstructs an inspector including a trading standards inspector in the performance of his functions under this Act;
- (d) fails to comply with any directions of an inspector under section 22;
- (e) bribes an inspector including a trading standard inspector in connection with any matter arising in the performance of his functions;
- (f) being an inspector including a trading standards inspector, accepts any bribe in connection with any matter arising in the performance of his functions;
- (g) in relation to any article or process, in a title or any patent, or in a trade mark or design, uses a standard mark or any colourable imitation thereof without having a licence granted by the Institution;
- (h) uses a standard mark in relation to any article or process that does not conform to the standard published or recognised by the Institution;

- (i) without the permission of the Institution in writing, uses
 - (i) a name that so nearly resembles the name of the Institution, the words, "Barbados National Standard" or any abbreviation thereof so as to deceive or be likely to deceive any other person; or
 - (ii) a mark or trade mark in relation to any article or process containing the words "Barbados National Standard", "Barbados National Standard Specification", or an abbreviation thereof.

S.I. 1982
No. 203.

S.I. 1982
No. 204.

(3) A person who fails to comply with section 23 is guilty of an offence and is liable on summary conviction to a fine of \$20 000 or to imprisonment for a term of 2 years or to both.

Expenses.

32. All expenses incurred in the administration of this Act are to be defrayed out of moneys voted for the purpose by Parliament.

Saving.

33. The

- (a) *Control of Standards Regulations, 1982*; and
- (b) the *Barbados National Standards Institution (Certification Marks) Regulations*,

are, to the extent that they are not inconsistent with this Act, deemed to have been made under this Act and shall

- (a) have full force and effect accordingly until replaced by Regulations made under this Act; and
- (b) may be amended by Regulations made under this Act.

34. The

Repeal of
Cap. 325A
and 326A.

(a) *Barbados National Standards Institution (Certification Marks) Act, Cap. 325A; and*

(b) *Control of Standards Act, Cap. 326A*

are hereby repealed.

35. This Act binds the Crown.

Act binds
the Crown.

36. This Act comes into operation on a date to be fixed by Proclamation.

Commence-
ment

FIRST SCHEDULE

(Section 2,5(3))

AGREEMENT ESTABLISHING

THE CARICOM REGIONAL ORGANISATION

FOR

*STANDARDS AND QUALITY
(CROSQ)*

**AGREEMENT ESTABLISHING THE CARICOM
REGIONAL ORGANISATION FOR
STANDARDS AND QUALITY**

The States Parties:

Recognising that liberalisation and globalisation in the world economy have intensified international competitiveness in the production of goods and services;

Conscious that the Caribbean Community is extremely vulnerable to penetration by products of sub-standard quality and specifications which could have serious, negative implications for consumer welfare and the integrity of the regional environment;

Aware that the establishment of the CARICOM Single Market and Economy constitutes the measured institutional response to current developments present in the international economy as a means of safeguarding and promoting fundamental values of the peoples of the Caribbean Community;

Acknowledging that the development and application of harmonised regional standards, technical regulations, conformity assessment procedures and metrology are essential for the efficient operation of the CARICOM Single Market and Economy and, in particular, the international competitiveness of goods and services produced or provided in the Caribbean Community;

Conscious also that the formulation and application of internationally accepted standards, technical regulations, conformity assessment procedures and metrology on a regional basis would be cost-effective and enhance the international competitiveness of goods and services produced or provided in the CARICOM Single Market and Economy;

Convinced that the development of regional standards, technical regulations, conformity assessment procedures and metrology would facilitate the operations and improve the delivery of national standards bodies of Member States of the Caribbean Community;

Noting that the formal establishment of an inter-governmental regional standardising organisation would entitle it to recognition by competent standardising international organisations resulting in important benefits to the Member States of the Caribbean Community in terms of technical assistance,

Have Agreed as follows:

Article 1

Use of Terms

In this Agreement, unless the context otherwise requires:

"Community" means the Caribbean Community including CARICOM Single Market and Economy (CSME) established by the Treaty;

"conformity assessment procedures" includes any procedure used, directly or indirectly to determine that relevant requirements in technical regulations or standards are fulfilled;

"COTED" means the Council for Trade and Economic Development, an Organ of the Community so named in paragraph 2(b) of Article 10 of the Treaty;

"metrology" means the science of measurement for the determination of conformance to technical requirements including the development of standards and systems for absolute and relative measurement;

"Secretariat" means the Secretariat of CROSQ;

"Secretary-General" means the Secretary-General of the Caribbean Community'

"standard" means a guideline approved by a recognised body that provides for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. The term may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method;

"standards related-matters" includes technical regulations, conformity assessment procedures and metrology;

"technical regulations" means regulations which specify product characteristics or their related processes and production methods, including the applicable administrative provisions with which compliance is mandatory. The term may also include or deal exclusively with terminology, symbols, packaging, marking or labelling requirements as they apply to a product, process or production method;

"Treaty" means the Treaty establishing the Caribbean Community signed at Chaguaramas on the 4th day of July 1973 as revised by the Treaty establishing the Caribbean Community including the CARICOM Single Market and Economy (CSME).

Article 2

Establishment

There is hereby established the CARICOM Regional Organisation for Standards and Quality (hereinafter referred to as "CROSQ") having its composition, objectives, functions and status as set out herein.

Article 3

Membership

1. Membership of CROSQ shall be open to Member States of the Community.
2. Associate membership may be accorded to Associate Members of the Community, States and political entities of the Association of Caribbean States which, in the opinion of the Council, are willing and able to enjoy the rights and assume the obligations of membership set out in this Agreement.

Article 4

Objectives

1. The primary objectives of CROSQ shall be the establishment and harmonisation of standards for the enhanced efficiency and improved quality in the production of goods and services in the community, thereby facilitating consumer and environmental protection and improved trade within the community and with third states.

2. Without prejudice to the generality of the provisions of paragraph 1, CROSQ shall, *inter alia*

- (a) promote the development and harmonisation of standards, metrology, technical regulations and the mutual recognition of conformity assessment procedures covering goods and services produced or provided in the Community with the aim of facilitating trade and supporting the establishment of the CSME;
- (b) encourage the mutual recognition of accreditation and certification systems which are based on internationally accepted criteria;
- (c) facilitate the achievement of international competitiveness of regional goods and services by fostering a culture of quality in regional enterprises;
- (d) support standards infrastructure development at the national level;
- (e) promote consumer welfare and safety;
- (f) through its operations, contribute to the preservation of the environment and conservation of the natural resources of the Community;
- (g) provide guidance to Community Organs and Bodies regarding matters within its competence, including disputes settlement;
- (h) promote and protect the interests of States Parties and Associate Members in regional and international standardising fora, including external negotiations;
- (i) promote awareness of standards and standards-related matters in governments, commerce, industry and consumers.

Article 5

Composition of CROSQ

CROSQ shall consist of

- (a) the Council;
- (b) the Special Committees; and
- (c) the Secretariat.

Article 6

Composition and Procedures of the Council

1. The council shall consist of the Executive heads of the national standards bodies of the States Parties. Each executive head of a national standards body of a State Party may designate an alternate to represent him or her at meetings of the Council. The Council shall elect a Chairman and Vice Chairman at its ordinary meetings who shall hold office for two years.

2. A simple majority of the members of the Council of the shall constitute a quorum.

3. Decisions of the Council on substantive issues shall be made by a two-thirds majority of the members of the Council. Decisions on procedural issues and recommendations shall be made by a simple majority of the members of the Council.

4. Ordinary meetings of the Council shall be convened at least once in every calendar year and may be held at the headquarters of CROSQ or any other agreed venue in the jurisdiction of a State Party determined by the Council. Extraordinary meetings of the Council shall be held in such jurisdiction of a State Party as the Council considers convenient provided that in exceptional circumstances electronic media may be employed.

5. The council shall permit Associate Members to participate in its meetings but without the right to vote.

Article 7

Functions of the Council

1. The Council shall report annually to COTED which shall determine the policy of CROSQ, particularly the establishment or adoption of regional standards and technical regulations.

2. Subject to the provisions of paragraph 1, the Council shall, *inter alia*:

- (a) *recommend* to COTED harmonised regional standards, for goods and services provided in the Community;
- (b) *recommend* to COTED technical regulations for goods and services provided in the Community;
- (c) *promote* mutual recognition of conformity assessment procedures and mutual acceptance of certification and accreditation;
- (d) *consider* and adopt measure for the resolution of disputes between States Parties relating to standards and standards-related matters;

- (e) *approve* the organisations with which CROSQ shall establish and maintain functional co-operation in relation to standards and standards related matters;
- (f) *appoint* the Executive Secretary as provided for in paragraph 2 of Article 9 of this Agreement;
- (g) *approve* the staff regulations recommended by the Secretariat;
- (h) *recommend* to COTED the contributions of States Parties and Associate Members to the budget of CROSQ;
- (i) *recommend* for approval the budget of CROSQ recommended by the Secretariat;
- (j) *recommend for approval* the conditions of membership and associate membership of CROSQ;
- (k) *provide* oversight with respect to standards and standards-related matters;
- (l) *determine* the programmes at which CROSQ may participate;
- (m) *determine* the organisations in whose work CROSQ should participate as a member or observer as the case may be;
- (n) *approve* the work programme of the Secretariat.

Article 8*Composition, Procedures and Functions of the
Special Committees*

1. Special Committees shall consist of the nominees of States Parties and Associate Members drawn from the public and private sectors.
2. Decisions of the Special Committees shall be made by consensus and shall constitute recommendations to the Council.
3. Special Committees shall meet as often as necessary to perform their functions efficiently and expeditiously.
4. The functions of the Special Committees shall include:
 - (a) the development, adoption, adaptation or harmonisation of standards and standards-related matters as the case may require, in all sectors that affect regional trade of goods and services among Member States;
 - (b) recommending standards and standards-related matters to the Council for action as is appropriate under this Agreement;
 - (c) commenting on proposed regional or international standards;
 - (d) the establishment or harmonisation of procedures within the Community concerning the assessment, certifying, auditing, accreditation of quality systems, testing laboratories, consultancies, trainers and personnel in specialised fields;
 - (e) providing, as mandated by the Council, technical assistance to educational institutions, private or state-owned companies or agencies or other entities in the Community and familiarising them with the application of standards and standards-related matters;

- (f) establishing, in collaboration with the Secretariat, a general programme for the development of standards and the provision of technical equipment and trained human resources adequate for the foreseeable needs of the community, for consideration and approval by the Council;
- (g) such other functions as may be mandated by the Council.

Article 9

Composition of the Secretariat

1. The Secretariat shall consist of the Executive Secretary and such other staff as may be determined by the Council. The Executive Secretary shall be the chief executive officer of CROSQ.
2. The Executive Secretary shall be appointed by the Council for a period of not more than three years and shall be eligible for reappointment. Other staff of the Secretariat shall be appointed by the Executive Secretary on such terms and conditions as may be approved by the Council.
3. In the appointment of professional staff of the Secretariat, due consideration shall be given to equitable geographical representation of the membership of CROSQ.
4. In the performance of their functions, the staff of the Secretariat shall neither seek nor receive instructions from any source external to CROSQ.

Article 10*Functions of the Secretariat*

Subject to the directions of the Council, the Secretariat shall perform the following functions:

- (a) promote the development, harmonisation, application and maintenance of standards and standards-related matters;
- (b) facilitate and mandate standards and metrology infrastructure development at national and regional levels;
- (c) undertake training and promote education and information dissemination on standards and standards-related matters;
- (d) participate in the activities of regional, hemispheric and international standardising bodies;
- (e) conduct investigations in accordance with Article 12 of this Agreement;
- (f) prepare annual and other reports for submission to the Council;
- (g) prepare and recommend the budget of CROSQ to the Council;
- (h) prepare and recommend the staff regulations to the Council;
- (i) undertake such other related functions as may be determined by the Council.

Article 11

Adoption of Standards and Procedures

1. Special Committees may recommend standards and technical regulations to the Council for adoption.
2. Where the Council endorses a recommendation pursuant to paragraph 1, and commends it to COTED for approval, the States Parties shall, upon the approval of COTED, adopt appropriate legal and administrative arrangements to give effect to the decision of COTED within their respective jurisdictions.

Article 12

Conduct of Investigations

1. Subject to the provisions of this Article, CROSQ shall conduct investigations on issues arising out of standards and standards-related matters at the request of States Parties, Associate Members or the CARICOM Secretariat.
2. The Council on the recommendation of a State Party or on its own initiative may request the Secretariat to carry out investigations.
3. Where an investigation is being carried out, the investigating body shall not, in principle, include representatives or nationals from States Parties or Associate Members involved in the case. Such representatives may, however, be invited to appear before the investigating body concerned to give evidence.
4. The cost of conducting an investigation, including the costs of testing, research, consultancies or other expenses necessarily involved in the conduct of the investigation, shall be borne by the party requesting the investigation.

5. The Executive Secretary shall make satisfactory arrangements for recovery of the expenditure mentioned in paragraph 4.

6. Recommendations by the investigating body shall be submitted to the Executive Secretary who shall make a determination as soon as practicable for transmission to the party requesting the investigation.

7. An appeal may be made to the Council against the determination of the Executive Secretary and the decision of the Council shall be subject to judicial review.

8. States Parties and Associate Members shall undertake to provide and facilitate access to all relevant information for the purpose of the conduct of investigations.

Article 13

Funding of the Organisation

1. The revenues of CROSQ shall consist of the following:

- (a) contributions of States Parties and Associate Members;
- (b) donations or grants from sources approved by the Council;
- (c) fees derived from the conduct of investigations, training courses, consultancy engagements and other services performed by CROSQ;
- (d) fees for the use of any mark or standard mark owned or operated by CROSQ;
- (e) sales of CARICOM standards.

2. The Council shall not approve grants or donations required to be applied in a manner which discriminates among States Parties or Associate Members.

3. Representative or nominees of States Parties whose contributions to the budget of CROSQ are in arrears by more than two years shall lose the right to vote and hold office in the organs and bodies of CROSQ.

4. Representatives or nominees of Associate Members whose contributions to the budget of CROSQ are in arrears by more than two years shall lose the right to participate in the work of the organs and bodies of CROSQ.

Article 14

Status of the Organisation

1. CROSQ shall have full juridical personality.

2. States Parties shall in their jurisdiction accord to CROSQ the same capacity accorded to legal persons under their national laws, including the capacity to contract, acquire, hold and transfer movable and immovable property and to sue and be sued in its own name.

3. In any legal proceedings CROSQ shall be represented by the Executive Secretary.

4. CROSQ may conclude agreements with natural and other legal persons for the efficient performance of its functions.

5. States Parties hereby undertake to take such measures as may be required to make the provisions of this Article effective in their respective jurisdictions.

Article 15

Privileges and Immunities

1. The privileges and immunities to be recognised and granted by States Parties in connection with CROSQ shall be set out in a Protocol to this Agreement.

2. CROSQ shall conclude with the State Party in which the Headquarters is to be located an agreement relating to the privileges and immunities to be granted or accorded to CROSQ.

Article 16

Saving

Nothing in this Agreement shall be interpreted as impairing the validity of the provisions of any regional or international regime in which the States Parties participate.

Article 17

Signature

This Agreement shall be open for signature by the States mentioned in paragraph 1 of Article 3.

Article 18

Provisional Application

This Agreement may be provisionally applied by no less than eight signatories of the States mentioned in paragraph 1 of Article 3.

Article 19

Entry into Force

This Agreement shall definitively enter into force when it has been signed by the States mentioned in paragraph 1 of Article 3.

Article 20

Amendments

1. This Agreement may be amended by a decision of COTED on the recommendation of the Council.

2. Amendments shall enter into force one month after the date on which the last State Party to this Agreement has signed the amendment or such other date as the Council may decide.

Article 21

Associate Membership

1. Any State or entity mentioned in paragraph 2 of Article 3 may, upon application to the council for associate membership be admitted as an associate member of CROSQ in accordance with paragraph 2 of this Article.

2. Upon an application made pursuant to paragraph 1 of this Article, the Council shall make a determination on such an application. Where the determination is in the affirmative, the Council shall determine the conditions of associate membership.

Article 22

Withdrawal

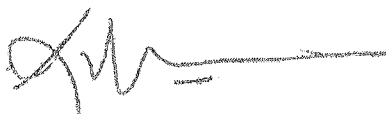
1. A state Party which has withdrawn from the Community shall be deemed to have withdrawn from CROSQ on the effective date of such withdrawal from the Community.

2. Any State Party or Associate Member may withdraw from CROSQ by giving at least twelve months' notice of withdrawal to the Secretariat.


3. A State Party or Associate Member so withdrawing undertakes to honour any outstanding financial obligations duly assumed by it during its membership of CROSQ.


IN WITNESS WHEREOF, the undersigned Heads of Government have appended their signatures to this Treaty.

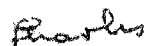
DONE at Belize City, Belize on this fourth
day of February 2002


Signed by 
for the Government of Antigua and Barbuda on the 3rd day of
April 2002 at

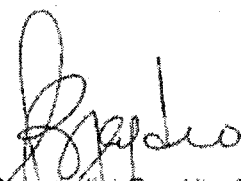
Signed by
for the Government of The Bahamas on the day of 2002
at


Signed by
for the Government of Barbados on the 1st day of February
2002 at Belize City, Belize

Signed by 
for the Government of Belize on the 4th day of February
2002 at Belize City, Belize

Signed by 
for the Government of the Commonwealth of Dominica on the 16th
day of August 2002 at Castries, Saint Lucia

Signed by 
for the Government of Grenada on the 4th day of February
2002 at Belize City, Belize


Signed by 
for the Government of the Co-operative Republic of Guyana on the 4th
day of February 2002 at Belize City, Belize

Signed by 

for the Government of Jamaica on the 4th day of February
2002 at Belize City, Belize

Signed by

for the Government of Montserrat on the day of
2002 at

Signed by 

for the Government of St. Kitts and Nevis on the 4th day of
February 2002 at Belize City, Belize

Signed by 

for the Government of Saint Lucia on the 12th day of April
2002 at Castries, St. Lucia

Signed by



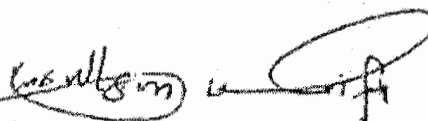
for the Government of St. Vincent and the Grenadines on the 4th
day of February 2002 at Belize City, Belize



Signed by

for the Government of The Republic of Suriname on the 4th day of
February 2002 at Belize City, Belize

Signed by



for the Government of The Republic of Trinidad and Tobago on the 4th
day of February 2002 at Belize City, Belize

SECOND SCHEDULE

Compulsory Barbados National Standards

*(Section 8)***Building**

BNS 29:1979	Steel nails
BNS 38:1981	Hollow concrete blocks

Chemicals

BNS 65:1981	Ammonium sulphate, fertilizer grade
BNS 66:1982	Urea, fertilizer grade
BNS 135:Part 1:1983	Ceramic ware in contact with food: release of lead and cadmium - Part 1: Method of test
BNS 135:Part 2:1984	Ceramic ware in contact with food: release of lead and cadmium - Part 2: Permissible limits
BNS 140:1980	Rum

Consumer Products

BNS 24:Part 1:1990	Paper: Toilet tissue - Part 1: Single ply roll form (revised)
BNS 24:Part 2:1990	Paper: Toilet tissue - Part 2: Two-ply roll form
BNS 49:1982	Toilet and laundry soaps

*Second Schedule (Cont'd)***Food**

BNS 12:2004	Carbonated beverages
BNS 17:1975	Shortening
BNS 18:1975	Margarine
BNS 26:1976	Canned grapefruit
BNS 30:1976	Processed foods (general)
BNS 32:1976	Canned peas and carrots
BNS 35:1978	Honey
BNS 39:1994	Whole chicken (eviscerated) and chicken parts
BNS 43:1978	Pasteurized milk
BNS 63:1992	Jams (fruit preserves) and jellies
BNS 64:1992	Vinegar
BNS 73:1993	Ketchup
BNS 82:1979	Salt pork
BNS 93:1992	Sauces (general)
BNS 103:1978	Canned pineapple

*Second Schedule (Cont'd)***Food (Concl'd)**

BNS 131:1998	Wheat flour
BNS 148:1984	Canned corned beef
BNS 163:1985	Biscuits
BNS 164:1985	Macaroni products (macaroni, spaghetti, and vermicelli)

Labelling

BNS 5:Part 1:1974	Labelling of commodities (general)
BNS 5:Part 2:2004	Labelling of prepackaged food (revised)
BNS 5:Part 3:1974	Labelling of all products manufactured from textiles
BNS 5:Part 6:1979	Labelling of prepackaged goods
BNS 5:Part 7:2004	Labelling of prepackaged meat and poultry parts/cuts and fish and fishery products
BNS 8:1987	Pictorial marking for handling of goods (general symbols) (revised)
BNS 23:1976	Labelling of toys and playthings
BNS 44:1978	Pictorial marking for handling and labelling of dangerous goods

*Second Schedule (Concl'd)***Labelling (Concl'd)**

BNS 186:2000	Labelling of brewery products (beer, stout, shandy, malta)
BNS CP 3:1980	Care labelling of textiles

Liquefied Petroleum Gas (LPG)

BNS 126:Part 1:1980	Storage of liquefied petroleum gas at refineries and bulk plants
BNS 126:Part 2:1980	Industrial, commercial and domestic bulk storage
BNS 126:Part 3:1980	Bulk transportation of liquefied petroleum gases
BNS 126:Part 4:1980	Filling, handling, storage, transportation and location of portable containers for liquefied petroleum gas
BNS 126:Part 5:1980	Liquefied petroleum gas - transfer of liquids
BNS 130:1982	Inspection, testing and re-qualification of portable containers for liquefied petroleum gas