



Media Release

MINISTRY OF TRADE AND INDUSTRY WELCOMES CCJ JUDGMENT

March 03, 2022:- The Ministry of Trade and Industry (MTI) acknowledges the Judgment of the Caribbean Court of Justice (CCJ) yesterday which dismissed the Originating Application brought by Rock Hard Distribution Limited, Rock Hard Distributors Limited and Mootilal Ramhit and Sons Contracting Limited (Claimants) in February 2021 against the State of Trinidad and Tobago (First Defendant) and The Caribbean Community (Second Defendant).

The case challenged the decision of the Council for Trade and Economic Development (COTED) in November 2020 to approve Trinidad and Tobago's request for a suspension of the Common External Tariff (CET) to impose a rate of duty of 50% on Other Hydraulic Cement from 01 Jan-31 December 2021.

The MTI notes the following salient findings from the Judgement:

- i. the decision of COTED in November 2020 did not impair or prejudice the objective of the Community to expand trade and economic relations with third States, and moreover, that greater weight should be given to the objective of the Community to create a protected market for regional producers, manufacturers and exporters in CARICOM;
- ii. the decision of COTED to allow a temporary increase of the tariff on cement was not disproportionate;
- iii. the Claimants failed to produced objective, relevant and consistent evidence to support their complaint that the Defendants had an improper purpose for their actions;
- iv. Trinidad and Tobago seriously attempted to consult with the Second and Third Claimants, but they did not take the opportunity to engage with MTI and there was no justification for them not participating in the process; and
- v. The law of the World Trade Organisation (WTO) is not part of CARICOM law in relation to the setting of tariff rates.

Yesterday's decision by the CCJ comes on the heels of the decision by the High Court of Trinidad and Tobago in July 2021 to dismiss the application by the Claimants for judicial review challenging the decision of the MTI to impose a quota, import licensing regime and registration system on cement. The Claimants have since appealed this matter and it is currently before the Court of Appeal.

The MTI wishes to assure the public that it continues to actively monitor market conditions in the domestic cement market and will make any policy adjustments which may be required to effectively and fairly balance the economic and social needs of Trinidad and Tobago with the interests of consumers.

END
