THE DOMINICAN REPUBLIC – CENTRAL AMERICA – UNITED STATES FREE TRADE AGREEMENT

DECISION OF THE FREE TRADE COMMISSION REGARDING APPENDIX 4.1-B

The Governments of the Republic of Costa Rica, the Dominican Republic, the Republic of El Salvador, the Republic of Guatemala, the Republic of Honduras, the Republic of Nicaragua, and the United States of America, the Parties to the Dominican Republic – Central America – United States Free Trade Agreement done at Washington on August 5, 2004, as amended ("the Agreement"), acting as the Free Trade Commission,

RECALLING that Appendix 4.1-B of the Agreement provides that "the Parties shall consult to increase the limits specified" in paragraph 3 of that Appendix "to take into account the ability of the Dominican Republic to participate in such limits";

RECOGNIZING that the Dominican Republic has provided the notifications to the Central American Parties and to the United States described in paragraph (c) of footnote 1 to Appendix 4.1-B of the Agreement necessary for the Dominican Republic to participate in such limits during the first five years after the entry into force of the Agreement;

NOTING that the volume of trade between the Dominican Republic and the United States in goods of Chapter 62 of the Harmonized System has been, in a recent period, in an amount equal to approximately 25 percent of the volume of trade in those goods between the Central American signatories of the Agreement and the United States; and

ACTING in accordance with Appendix 4.1-B of the Agreement,

have concluded based on the consultations foreseen under Appendix 4.1-B of the Agreement that an increase of 25 percent in each of the limits specified in paragraph 3 of Appendix 4.1-B would appropriately take into account the ability of the Dominican Republic to participate in such limits and accordingly,

HAVE DECIDED, that:

1. Each of the limits in paragraph 3 of Appendix 4.1-B shall be increased as follows:

   (a) the overall limit in the first calendar year in which the rule in Appendix 4.1-B applies shall increase from 100 million square meter equivalents (SME) to 125 million SME;

   (b) the maximum amount to which the overall limit may increase in subsequent calendar years shall increase from 200 million SME to 250 million SME;
(c) the sublimit in subparagraph 3(a) of Appendix 4.1-B shall increase from 45 million SME to 56.25 million SME;

(d) the sublimit in subparagraph 3(b) of Appendix 4.1-B shall increase from 20 million SME to 25 million SME; and

(e) the sublimit in subparagraph 3(c) of Appendix 4.1-B shall increase from one million SME to 1.25 million SME.

2. Beginning March 1, 2012, paragraph 1 shall be effective only during such time as the Dominican Republic has satisfied the conditions in subparagraph (c)(i) or (c)(ii) of footnote 1 to Appendix 4.1-B of the Agreement as necessary for the Dominican Republic to participate in cumulation under the Appendix.

3. The increases in paragraph 1 shall take effect on the date that the Parties have notified each other in writing that they have satisfied any legal requirements to implement those increases.

DONE, at San Salvador, El Salvador in English and Spanish, on this 23rd day of February, 2011.

For the Republic of Costa Rica
Anabel González
Minister of Foreign Trade

For the Dominican Republic
Marcio Puello
Vice Minister on behalf of the Minister for Industry and Trade

For the Republic of El Salvador
Héctor Miguel Antonio Dada Hirezi
Minister of Economy

For the Republic of Guatemala
Raúl Trío Esquivel
Vice Minister on behalf of the Minister of Economy

For the Republic of Honduras
José Francisco Zelaya
Secretary of State, Offices of Industry and Commerce

For the Republic of Nicaragua
Orlando Solórzano Delgadillo
Minister of Development, Industry and Commerce
For the United States of America
Miriam E. Sapiro
Deputy United States Trade Representative