

IN THE CARIBBEAN COURT OF JUSTICE
Original Jurisdiction

CCJ Application No. OA 2 of 2009

Between

TRINIDAD CEMENT LIMITED
TCL GUYANA INCORPORATED Claimants

And

THE STATE OF THE CO-OPERATIVE
REPUBLIC OF GUYANA Defendant

NOTICE OF FILING OF ORIGINATING APPLICATION

TAKE NOTICE that pursuant to an Order made on 15th January 2009 granting the Claimants herein special leave to commence proceedings and to appear as parties to the proceedings, an originating application was filed by Trinidad Cement Limited and TCL Guyana Incorporated against the State of the Co-operative Republic of Guyana on 22nd January 2009.

The subject matter of the application relates to the suspension of the implementation of the Common External Tariff (CET) on non-CARICOM imports of cement into Guyana.

The Claimants seek the following relief in their application:-

- (a) A declaration that the Republic of Guyana, a party to the Revised Treaty of Chaguaramas and a Member State of the Community has violated the provisions of Article 82 of the said Treaty by failing to implement and maintain the Common External Tariff of 15 per cent in respect of imports of building cement (grey) from non-CARICOM sources as described in the First Schedule in the Guyana Customs Act, Cap. 82:01 under the Heading numbered 2523.29.10;
- (b) A declaration that the Government of Guyana as a party to the Revised Treaty of Chaguaramas and a Member State of the Caribbean Community by failing to maintain the Common External Tariff of 15% in respect of imports of building cement (grey) from non-CARICOM sources as described in the First Schedule in the Guyana Customs Act Chapter 82:01 under the heading No. 2523.29.10 has violated the right and entitlement of the Claimants to the protection of the provisions of the Revised Treaty of Chaguaramas and as a consequence the Government of Guyana is liable

- to pay compensation to the Claimants for any loss suffered by reason of its conduct as aforesaid;
- (c) An order directing the Government of the Co-operative Republic of Guyana, a party to the Revised Treaty of Chaguaramas and a Member State of the Community, to bring its regime for imports of building cement (grey) into conformity with Article 82 of the Revised Treaty by implementing and maintaining the Common External Tariff of 15 per cent on imports of cement from non-CARICOM sources;
 - (d) Damages for lost income suffered by the First Claimant in its capacity as 80% shareholder in the Second Claimant in the amount of US\$532,214.00 for the period January to December 2007 and continuing;
 - (e) Damages for lost profits suffered by the Second Claimant as a direct result of the Republic of Guyana's failure to implement the Common External Tariff on building cement (grey) in the sum of US\$2,084,540.00 for the period of January to December 2007 and continuing;
 - (f) Exemplary damages;
 - (g) Interest at such rate and for such period as the Court deems fit;
 - (h) An order that the costs of these proceedings be borne by the Defendant;
 - (i) Such further or other orders as the Honourable Court deems fit.

TAKE NOTICE ALSO that any person or Contracting Party which wishes to intervene in the proceedings must file an application for leave to intervene within six (6) weeks of notification of the filing of the originating application. Part 14 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2006 sets out the procedure on an application to intervene in the proceedings.

Dated the 27th day of January 2009

Paula Pierre
Registrar and Chief Marshal
Caribbean Court of Justice