Doing Business in Haiti: 2013 Country Commercial Guide for U.S. Companies

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Chapter 1: Doing Business in Haiti

Market Overview

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- 2012 Macroeconomic Indicators (in $ millions)

Exports:	785
Imports:	2,640
Services:	-897
Income:	68
Capital and Financial Accounts:	559
Private Transfers:	1,380
External Grants:	988

- There are few government controls or subsidies.
- U.S. imports represent more than 40 percent of total imports.
- Haiti imports more than 70 percent of market goods.
- Three major International Ship and Port Facility Security-certified ports include Port-au-Prince, Cap Haitian, and St. Marc. Renovations to the ports are underway.
- Haiti is renovating its main international airports in Port-au-Prince and Cap Haitian. Other airports throughout the country are also being renovated.
- Haiti's 2012 per capita GDP is USD 790 (up from 740 in 2011).

Market Challenges

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- Port equipment is in generally poor condition (with much of Port-au-Prince's port infrastructure having been destroyed after the January 2010 earthquake); port fees are the highest in the Western Hemisphere.
- Transportation infrastructure is limited.
- Provision of electricity is sporadic and expensive.
- Widespread corruption is a constant challenge to doing business in Haiti; investors face significant challenges in dealing with some Haitian government officials who have grown accustomed to bribes as a way of doing business.
- Insecurity threatens both capital investments and productivity.

Market Opportunities

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- Telecommunication Sector Market Study (2007)
- Pharmaceutical Products Market Study (2007)
- Haiti Textile Industry Market Research (2009)
- Roads and Building Construction (2008)
- Haiti Tourism Sector (2008)

Market Entry Strategy

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The U.S. Department of Commerce should be the first point of contact for U.S. firms interested in doing business in Haiti. The United States Export Assistance Center (USEAC) offices in the United States, as well as the Commercial Service (CS) offices located abroad, will inform any interested U.S. firm of the best methods for finding an agent or distributor in Haiti.

As of October 2011, the Commercial Section of the US Embassy in Port-au-Prince, Haiti became a Department of Commerce Partner Post, which allows it to offer a range of services to U.S. companies seeking to do business in Haiti. Please visit the websites below.

http://export.gov/index.asp

http://haiti.usembassy.gov/business-economic-data-and-reports.html.

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Chapter 2: Political and Economic Environment

For background information on the political and economic environment of the country, please click on the link below to the U.S. Department of State Background Notes.

http://www.state.gov/r/pa/ei/bgn/1982.htm

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Chapter 3: Selling U.S. Products and Services

Using an Agent or Distributor

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Many foreign firms conduct business in Haiti through agents and distributors. Under Haitian law, two parties are free to negotiate a contractual agreement and do not require Government of Haiti supervision or approval. Agents are usually compensated on a commission basis. The U.S. Embassy in Port-au-Prince is available to assist U.S. exporters to find agents and distributors through the U.S. Department of Commerce International Partner Search (IPS) program.

Establishing an Office

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In August 2006, the Ministry of Commerce and Industry opened the "Centre de Facilitation des Investissements" (CFI) -- a "one-stop" investment facilitation center to encourage potential investors and streamline the investment process.

1. All companies incorporated in Haiti must have a minimum of three (3) shareholders; one must be a Haitian national and a company board member.

2. Haitian legislation does not establish a minimum requirement for capital stock ownership of shares by Haitian nationals.

3. The founding members of the corporation must establish nominal value for the capital stock:

- A minimum of 25,000 Haitian Gourdes (HTG) -- equivalent to USD 575 -- if the corporation is limited to commercial operations
- A minimum of 100,000 HTGs (USD 2,299) if the corporation is involved in industrial activities

Incorporation Procedures

Incorporation procedures can be a lengthy procedure (about 8 months) but the Haitian government is taking action in order to reduce the time line to 10 days.

Incorporation steps include:

1. Shareholders should prepare by-laws and subscription bulletins for the capital stock; all documents should be deposited in a Public Notary Office. One quarter of the minimal capital stock should be deposited at Banque Nationale de Credit (BNC).
Please visit the link below for more information.

Notarial Information:
http://haiti.usembassy.gov/service/services/public-services.html

Notaries:
http://photos.state.gov/libraries/haiti/231771/PDFs/List%20of%20Notaries%209_2011%20PDF.pdf

2. Shareholders and a designated attorney should visit the Public Notary Office to sign act of deposit documents related to incorporation. If shareholders are absent, a designated attorney must represent the client at the Public Notary Office.
Please visit the link below for more information.

Legal Information:
http://haiti.usembassy.gov/service/useful-information/legal-information.html

List of attorneys:
http://photos.state.gov/libraries/haiti/231771/PDFs/List%20of%20Attorneys%20May%202011.pdf

3. The Public Notary Office delivers documents to the attorney who, in turn, transmits them to the Ministry of Commerce and Industry.

4. The Ministry of Commerce and Industry prepares a notice authorizing the operations of the corporation.

5. The signed notice is sent to the Prime Minister's office for transmittal to the President of the Republic.

6. The corporation documents are sent to the official bulletin, “Le Moniteur,” for publication, and publication fees are paid to the newspaper.

7. The corporation representative pays the corporate taxes to fulfill the final requirements with the Haitian Tax Authority (DGI).

   a. Presentation of beginning balance sheet
   b. Tax payment on shares
   c. Income tax: basic payment for beginning of operation
   d. Tax payment for opening of new company

e. Tax license

As of this year one can purchase an “off-the-shelf” company from the Investment Facilitation Center (CFI). This appears to be an efficient solution to companies wanting to do Business in Haiti though it has yet to be tested in the courts.

Investment Facilitation Center (CFI).
E-mail: cfihaiti@gmail.com / dg@cfihaiti.net
Phone number: (509) 3713-3333 / 3717-3333
Website: www.cfihaiti.net

Franchising Return to top

There are no specific regulatory laws for franchising. The Haitian government does not restrict private citizens from establishing franchises. The government does not require the submission of contractual specifications or technical specifications on machinery and equipment. U.S. companies with franchises or affiliated local partners in Haiti include Radio Shack, Federal Express (FedEx), United Parcel Service (UPS), Culligan Water Technologies, Coca Cola, Pepsico, NAPA Auto Parts, Avis Rent-a-Car, Hertz, Dollar, Budget Car Rental, Domino's Pizza and Best Western.

Direct Marketing Return to top

Direct marketing has improved tremendously over the past years, with several new companies using several advertising techniques including cell phone text messaging, emails, flyers, magazine display ads and promotional events. This trend resulted in the establishment of several new marketing agencies (i.e., Blue Mango Studio, Dagmar) and expanded markets for others, such as Haiti Messenger and Multilink.

Joint Ventures/Licensing Return to top

Foreigners are free to enter into joint ventures with Haitian citizens. The distribution of shares is a private matter between two partners; however, the sale and purchase of company shares is regulated.

Selling to the Government Return to top

Tenders are often used to open bidding on some Haitian government contracts and are advertised through newspapers and on some websites. Tenders are exclusive to Haitian companies when the necessary goods and services to complete a project are found in Haiti. However, when the government procures goods and services that are not produced in Haiti and must be imported for the completion of projects, tenders are open to international participation.

http://haiti.usembassy.gov/business-commerical-opportunities.html

Distribution and Sales Channels Return to top

Market prospects for manufactured imports are relatively good because Haiti's manufacturing capacity is focused primarily on apparel assembly for the export market. U.S. companies have several options for entering the Haitian market, including direct exporting, franchising, licensing, and wholesaling.

The four main regional markets in Haiti are: the Northeast Province with the city of Cap Haitien; the "Artibonite Department" with Saint-Marc and Gonaives; the West Province with Port-au-Prince; and the South and Southern Provinces with the cities of Les Cayes and Jacmel. Rural retailers generally travel once a month to larger cities such as Port-au-Prince or Cap Haitien to purchase food and other imported products from wholesalers who import primarily from the U.S., Europe, China, the Dominican Republic, and Panama.

Selling Factors/Techniques Return to top

U.S. companies commonly use an official representative or distributor to enter the Haitian market because the Haitian commercial code does not allow foreigners to engage in wholesale or retail businesses without first obtaining a professional license. Such agents or representatives typically work in Port-au-Prince and distribute products throughout the country.

Electronic Commerce Return to top

E-commerce is a slow-growing sector in Haiti -- constrained by limited Internet infrastructure and regulation. U.S. owned company Access Haiti has been a successful wireless internet service provider (ISP) and has helped expand interest in further development. NATCOM, a subsidiary of the Vietnamese telecoms company VietTel, provides both cellular and Internet service, and is working on expanding its services nationwide. Cellular provider Digicel also offers service. The e-commerce revolution is not confined only to mail delivery services and telephone and ISPs. More companies are investing in local e-commerce infrastructure to expand their marketing efforts.

Trade Promotion and Advertising Return to top

Advertising is a fast growing sector in Haiti. Billboards and TV commercials are a popular advertising techniques and when targeting the higher social strata, commercial flyers are typically used. However the advertising sector is still conducted primarily through the radio. There are more than 50 AM/FM radio stations and ten radio stations that broadcast nationwide. Other modes of advertising are made through daily newspapers, such as “Le Nouvelliste” and “Le Matin”, or through the local Haitian TV channels.

Pricing Return to top

There is no fixed pricing structure, but the government imposes restrictions on the mark-up of some products. For example, retailers are prohibited from increasing the sale price of pharmaceutical products by more than 40 percent. Prices of petroleum products are strictly controlled. The cost of products sold in Haiti reflects high operating and transaction costs. Haiti has the highest port fees in the hemisphere as well as various import taxes and duties that apply to all imported products. These associated costs add approximately 35 percent to the final selling price of imported products.

Sales Service/Customer Support

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Customer services provided by most of the major companies are limited and only available within working hours. Some services such as automated customer support do not exist.

Protecting Your Intellectual Property

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Haitian law protects copyrights, inventions, patent rights, industrial designs and models, special manufacturer's marks, trademarks, and business names. The law penalizes persons or enterprises involved in infringement, fraud, or unfair competition. In order to ensure the protection of these rights, the law requires that certain formalities, such as registration with the Ministry of Commerce and Industry, be observed. The constitution recognizes certain intellectual property rights, such as scientific, literary, and artistic properties. Weak enforcement mechanisms, inefficient courts, and judges' poor knowledge of commercial law significantly dilute the effectiveness of statutory protections. Moreover, injunctive relief is not available in Haiti, so imprisonment of offenders is often the only way to enforce compliance.

Haiti is a signatory to the Buenos Aires Convention of 1910, the Paris Convention of 1883 regarding patents, and the Madrid Agreement regarding trademarks. Haiti has ratified the Berne Copyright Convention.

The US Patent and Trademark Office, is responsible for IP issues.

Michael G. Lewis
First Secretary for Intellectual Property
Regional IPR Attaché for Mexico, Central America and the Caribbean
United States Embassy, Mexico City
Tel: (52) (55) 5140-2631
Fax: (52) (55) 5566-1115
Email: michael.lewis@trade.gov

Additional information:
http://www.uspto.gov/ip/global/attache/index.jsp#heading-4

Due Diligence

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U.S. firms interested in doing business in Haiti should respond to trade opportunities and review market research information published on the U.S. Department of Commerce website. The most effective mode of communication with Haitian firms is via cell phone calls, business and/or personal e-mail.

For additional information please visit the American Chamber of Commerce (AmCham) in Haiti:
http://amchamhaiti.com/home/

Local Professional Services

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Several business and industry associations in Haiti offer mechanisms to identify business partners. See Chapter 9: Contacts, Market Research and Trade Events for contact information.

Web Resources

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Haitian Guide to Investment – Haitian Embassy in Washington, D.C.:

http://www.haiti.org

Center for facilitation of investments (CFI)

www.cfihaiti.net

Le Matin newspaper:

www.lematin.com

Le Nouvelliste newspaper:

www.lenouvelliste.com

Legal information including Haitian trademarks and inventions

Haitian-American Intellectual Property Association (HAIPA)

Central Bank:

www.brh.net

Haitian Ministry of Finances:

www.mefhaiti.gouv.ht

International Monetary Fund:

www.imf.org

Haitian Statistical Unit:

www.ihsi.ht

Haitian Ministry of Commerce and Industry:

www.mci.gouv.ht

American Chamber of Commerce (AmCham):

www.amchamhaiti.com

Chapter 4: Leading Sectors for U.S. Export and Investment

Apparel – APP – TXF – TXM - TXP

Overview Return to top

	2010	2011	2012
Total Market Size	120	151	243
Total Local Production	0	0	0
Total Exports to the U.S.	528.5	715.8	745.1
Total Imports	120	151	243
Imports from the U.S.	3.4	4.8	4.7

(Figures in million USD. U.S. figures derived from U.S. Census Bureau. Other figures are from the Central Bank of Haiti (BRH/Banque de la République d'Haiti) and Trade Map - International Trade Centre.)

The extension of the HOPE II benefits and gradual improvements in the political and security situations have aroused foreign investors' interest in the Haitian garment apparel sector. According to the U.S. Census Bureau, Haiti's exports in 2011 (USD 715.8 million) showed an increase of 35 percent compared to 2010 (USD 528.5 million), as a result of the HOPE II/HELP benefits, which facilitates higher potential yields to investors. As of December 2012, Haitian textile exports valued USD 745.1 million, a 4 percent increase over 2011 exports. The Haitian textile sector is well known for its resilient labor, one of its main comparative advantages. Assembly sector exports represent 90 percent of Haiti's exports.

Best Prospects/Services Return to top

Typically, all Haitian firms in the apparel sector work as contractors for U.S. textile companies, such as Sara Lee and Levi Strauss. U.S. firms export cut fabric, raw materials, and equipment to support assembly**.** Haitian firms provide labor on a contractual basis.

This predictable cash flow provides some market opportunities for U.S. companies that specialize in raw materials for the textile and apparel sector.

Opportunities Return to top

In December 2006, the U.S. Congress passed the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (HOPE). This U.S. trade preference legislation boosted Haitian private textile investment as well as foreign investment in the Haitian textile industry sector. Up to mid 2008, HOPE had helped generate approximately 5,000 jobs. In May 2008, Congress passed HOPE II, which extends the trade preference an additional ten years effective October 2008, and allows use of third country textiles/fabric. In May 2010, Congress passed the Haiti Economic Lift Program (HELP), which extends two existing trade preference programs, the Caribbean Basin Trade Partnership Act (CBTPA) and HOPE II, until September 2020.

Resources Return to top

(See Chapter 9: Contacts)

Machinery and Transport – Automotive Sector

Overview Return to top

	2010	2011	2012
Total Market Size	482.7	292.5	224.4
Total Local Production	0	0	0
Total Exports	0	0	0
Total Imports	482.7	292.5	224.4
Imports from the U.S.	209	190.3	134.8

Figures are in million USD. U.S. figures derived from the U.S. Census Bureau. Other figures are from the BRH (Banque de la République d'Haiti).

Haiti's poor physical infrastructure was hard hit by the hurricane season in 2008, and a massive earthquake in early 2010, which had both caused major damage nationwide to road, bridges, agricultural lands and watersheds. One of the goals of the government is to repair all buildings, roads, bridges, and watersheds infrastructure, as well as to build new roads opening remote areas to allow production, primarily agricultural, to flow into primary towns and cities. As a result of the rebuilding efforts, total automotive and machinery imports more than doubled to USD 482.7 million in 2010, from USD 196.6 million in 2009. In 2011, automotive and machinery imports from the U.S. declined by 9 percent (USD 190.3 million) from 2010, and decreased by 29 percent in 2012 (USD 134.8 million). The renovation of infrastructure and reconstruction efforts will likely continue to benefit the automotive sector, as demand will remain for heavy equipment and motor vehicles.

Best Prospects/Services Return to top

In response to the 2010 January earthquake, the Ministry of Public Works has managed several large infrastructure projects financed by the United Nations, the Inter-American Development Bank (IDB), and the European Union. To realize these projects, new road machinery and equipment were necessary. A market likely exists for U.S. manufacturers of heavy equipment for road construction and watershed protection such as bulldozers, excavators, and tractors.

Given all the road and commercial construction that are going on throughout the country, there is a market for machinery and automotive parts and service equipment.

American brands, such as used GMC late models, have penetrated the market. A market for new and used American trucks and buses for public transportation also exists.

Opportunities Return to top

With numerous public and private construction projects ongoing, there are many opportunities for international construction firms in Haiti. There is an increased demand for heavy road construction equipment and parts, such as tractors, loaders, bulldozers, and graders.

For private vehicles, Japanese brands, particularly Toyota, Mitsubishi, Nissan, and Daihatsu, dominate the market; the Korean brand Hyundai and Kia are entering the market at a rapid pace. A spare parts market for new and used American vehicles (including trucks and buses) exists. Demand for new private vehicles is high due to the many NGOs operating in the country. Used vehicles are often valued at higher prices in Haiti than the United States.

Resources Return to top

www.automecaonline.com
www.hinoto.com
www.behrmann-motors.com
www.gdghaiti.com
www.haytrac.com

Telecommunications Services and Equipment – TEL - TES

Overview Return to top

	2010	2011	2012
Total Market Size	95.8	196.6	**
Total Local Production	0	0	0

Total Exports	0	0	0
Total Imports	95.8	196.6	**
Imports from the U.S.	47.2	47.5	27.2

**: Not available
Figures in million USD. All figures derived from the U.S. Census Bureau and the International Trace Center.

The government's telecommunications regulatory agency, Conseil National des Telecommunications (CONATEL -- equivalent to the FCC) regulates the telecommunications sector. CONATEL assigns frequencies and issues operating licenses to all telecommunication companies.

Prior to the earthquake in January 2010, Haiti's fixed-line penetration was only 1.8 percent – the lowest in Latin America and the Caribbean, while internet penetration remained below 1 percent. However, as a result of major investments in wireless telephone communications since 2007, by 2012 Haiti boasted five million mobile telephone subscribers, a substantial figure given only 6.4 million Haitians are aged 15 and older.

The largest telecoms providers are Digicel (private Irish ownership) and Natcom (jointly owned by the Vietnamese and Haitian governments). Haiti's main suppliers for telecommunications services and equipment are the U.S., China and Sweden. In 2012, U.S. exports of telecommunications equipment represented 3 percent of total U.S. exports to Haiti (USD 1.06 billion).

In recent years, the mobile telephone market has reached further into small cities and rural areas. In 2012, internet penetration was 15 percent, but estimated to rise to 25 percent in the short term. Internet service is more common in large cities. Smart phones and tablets with mobile data connectivity are the most common means of internet access. Wired or satellite based internet connections are limited to larger cities, often to businesses.

In June 2011, the Government of Haiti had begun collecting a 5 cents/minute fee on all international calls into Haiti to finance a free compulsory education program across the country. The levy on international phone calls with Digicel and Natcom has raised USD 53 million.

Best Prospects/Services Return to top

The telecommunications sector is a growing. The rapid expansion of the telecommunications market has been accompanied by a growing demand for diversified telecommunications services. Approximately 10 firms offer Internet access and data transmission services, which are leading to the growth of a computer culture.

NATCOM provides fiber optic cable internet, which facilitates improved internet connection speeds and allow for Voice over Internet Protocol (VoIP).

Opportunities Return to top

The existence of two GSM cellular companies in the telecommunications market opens opportunities for other investors, which may result in higher competition. An expanded market for internet services is also a viable opportunity.

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CONATEL
4, Ave Christophe, B.P. 2002,
Port-au-Prince, HAITI
Tel: (509) 2511-3940
http://www.conatel.gouv.ht

Access Haiti:
www.accesshaiti.com

Natcom:
www.natcom.com.ht

Digicel:
www.digicelhaiti.com

Electrical Power Systems - ELP

Overview Return to top

	2010	2011	2012
Total Market Size	190	295	**
Total Local Production	0	0	0
Total Exports	0	0	0
Total Imports	190	295	**
Imports from the U.S.	40	47.8	39.6

**: Not available
Figures are in million USD. All figures derived from the U.S. Census Bureau and Trade Map – International Trade Centre.

In 2011, Haitian imports of U.S. electrical generating products reached USD 47.8 million.

The January 2010 earthquake caused significant damage to existing power supply networks, including those of the national electricity company (EDH/Electricite d'Haiti) and other local producers. In 2012, EDH provided about 14 hours of electricity per day throughout the country, up from 11 hours on average per day in 2011. Port-au-Prince itself gets 17 hours of electricity per day.

There is an urgent need to repair and expand existing power plants throughout the country. Haiti has an installed capacity of 236 MW but the current supply fails to meet demand due to poor maintenance and obsolescence. Total unmet demand for residential and commercial electricity in the country is estimated at approximately 500 MW per day. Only 30 percent of Haitians have access to electricity, with an average annual consumption of just 75 KWH per inhabitant. As of May 2012, total electricity generation approximated 726 million KWh (184 million KWh produced from two private companies using diesel fuel, 162 million KWh generated from a EDH diesel-fueled power plant in the suburbs of Port-au-Prince, and 150 million KWh produced from a private heavy-fuel oil power plant which came in line in 2011).

Best Prospects/Services

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According to Haitian suppliers, 50 percent of power generators come from the U.S. Other suppliers include Japan, France, China, and South Korea. U.S. electrical companies, including those that supply generators, parts, and service, may find opportunities in Haiti due to a severe electricity shortage. Electrical blackouts are a daily occurrence in Haiti. There is a market for U.S. firms interested in contracting with EDH to repair existing equipment and install additional electrical equipment at Port-au-Prince power plants. Low cost electrical generation equipment is in demand by some residential owners. There is also an increasing focus on solar power generation equipment and appliances.

Opportunities

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The unreliability and lack of centrally-supplied electrical power from EDH continues to drive demand for power generation equipment, such as new electrical power systems, generators, inverters, batteries, and maintenance.

A lack of electrical generation capacity and distribution has caused a rise in tender opportunities in long- and short-term power generation. For additional information, please contact Electricite d'Haiti (EDH) directly. (Refer to Chapter 9: Contacts, Market Research and Trade Events for contact information).

Resources

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Electricity of Haiti (EDH)
Angle Rue Chareron et Boulevard Harry Truman Cite de l'Exposition
B.P. 1753
Port-au-Prince, Haïti
Tel: (509) 2813-1641 / 2813-0157/ 2813-0197/ 2223-0837 / 2212-2212
Fax: (509) 2223-8750
E-mail: info@edh.ht
(Ms. Andress Appolon, Director General)
http://www.edh.ht

E-Power
Hinsa Free zone Park, Rue Lisius, Drouillard
Port-au-Prince, Haïti
Tel: (509) 2813-0015
Fax: (954) 323-4315
E-mail: admin@epowerhaiti.com
(Mr. Carl-Auguste Boisson, CEO)
http://www.epowerhaiti.com

Sogener S.A.
30, Boulevard Toussaint Louverture,

Route de l'aeroport
Port-au-Prince, Haïti
Tel: (509) 3707-0000 / 3708-0000
E-mail: sogeneradmin@sogener.com
http://www.sogener.com

HayTrac (Haytian Tractor & Equipment Co S.A.)
51, Blvd. Toussaint Louverture
Route de l'aeroport
Port-au-Prince, Haïti
Tel: (509) 2814-8000
E-mail: haytrac@haytrac.com
http://www.haytrac.com

TOURISM

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Tourism in Haiti has a long history, and is experiencing a resurgence. From the 1950s through the 1980s, Haiti was a popular Caribbean tourism destination. Many hotels were built in Port-au-Prince, Jacmel, and Cap Haitian, which benefitted from their colonial history and charming architecture. The Haitian handicraft and painting sectors developed in this period and remain active; they are focused in the southern city of Jacmel. Milot, near Cap-Haïtien, is the site of Haiti's most significant historical landmarks, the Sans-Souci Palace and the Citadelle Laferrière, both built in newly-independent Haiti in the early 19th century.

In the 1990s and early 2000s, instability led to the decline of the tourism industry. Most visitors to Haiti were American citizens of Haitian descent, international aid workers, diplomats, and business representatives meeting with local partners. The most successful tourism site is at Labadie, near Cap Haitien, where Royal Caribbean Cruise lines maintains a private beach for its cruise passengers.

Prior to the January 2010 earthquake, Haiti counted about 2,000 rooms, mostly in 3-star hotels, averaging USD 100 per night. Following the earthquake, the hotel supply counted only 773 rooms. Given the lack of hotel rooms, Haiti needed to rebuild its hospitality industry in order to revive the torn economy. Industry representatives were very committed in making an impact; and today Haiti has increased its room capacity to 2670, averaging USD 185 per night for a standard room.

International organizations, aid workers and non-profit organizations have kept occupancy rates at hotels in the capital in the range of 75 percent. A 240-room airport conference hotel, the Royal Oasis and Best Western Hotel, both in Petion-Ville, are operational as of 2013. Expansions of the Karibe Hotel, El rancho and the Ritz Hotel, also in Petion-Villle, are ongoing and should be complete by 2014. Choice Hotels International, owner of Comfort Inn, will franchise its brand to two hotels in Jacmel, a seaside town located 51 miles southeast of Port-au-Prince. Marriott Hotels & Resorts broke ground in the Turgeau area of Port-au-Prince, with the opening expected to be in early 2015 with 175-rooms.

Revival of the tourism sector is a Haitian government priority. The Ministry of Tourism has developed an ambitious program focused on three zones: the North (Cap Haitian and Milot), the South (Jacmel to Les Cayes), and the West (beaches north of Port-au-Prince). The plan calls for development and/or restoration of destinations known for their history and culture. Specific locations significant to Haiti's rich history, such as Habitation Breda (Toussaint Louverture's birthplace and residence) and Bois Caiman (location of the first slave ceremony after the revolt) are scheduled for renovation.

Best Prospects/Services Return to top

There are myriad opportunities for investment in and exports to the growing hotel sector, as well as in restaurants, transportation, and tourism services geared to international visitors. Improvement in basic infrastructure, such as roads, health services, and power supply, as well as construction of hotels throughout the country, is essential for tourism development.

See the latest State Department Travel Warning on Haiti:
http://haiti.usembassy.gov/service/us-citizen-services/travel-warning.html

(Refer to Chapter 9: Contacts, Market Research and Trade Events for contact information)

Opportunities Return to top

Beyond those mentioned above, opportunities in the tourism sector are also linked to other sectors described earlier -- telecommunications, electrical power systems, and transportation.

Refer to Chapter 9: Contacts, Market Research and Trade Events for contact information

Resources Return to top

Ministry of Tourism
8, Rue Legitime
Champs de Mars
HT 6112 - Port-au-Prince - HAITI
Tel: (509) 2949-2010 / 2949-2011 / 2223-5633
E-mail: info@haititourisme.gouv.ht

Tourist Association of Haiti: http://www.haiticherie.ht/

Agricultural Sector Return to top

The exodus of the rural population to major cities, coupled with a lack of agricultural capitalization, has hindered the development of food crops. Haiti imports most of its basic agricultural products due to an inability to produce enough food to meet domestic demand. In addition, roads to transport major food production inside the country are poor to nonexistent. The major food imports are cereals, vegetable fats and oils, dairy products, meat and poultry. U.S. exports of rice, processed food, wheat, and poultry are good market prospects. According to Haitian Central Bank (BRH) figures, Haiti's food imports topped USD 627.3 million in 2010, nearly a quarter of total imports, and totaled USD 582 million in 2010. In 2012, Haiti's food imports decreased by 5 percent to reach USD 554.8 million.

The U.S. Department of Agriculture (USDA) authorized credit guarantees to Haiti under the Commodity Credit Corporation's (CCC) Export Credit Guarantee Program (referred to as GSM-102). Twenty agricultural commodities are accredited under the GSM-102 authorization. Included on this list are all of the most important food imports: rice, vegetable oil, poultry, wheat, and wheat flour. For more information on USDA's GSM-102 program, contact the Foreign Agriculture Service's Information Division in Washington, D.C. at www.usda.gov/wps/portal

Sectors

- Rice
- Cereal products; malt, starch, insulin, wheat gluten
- Meat and edible meat offal
- Animal and vegetable fats, oils
- Miscellaneous Food Preparations

Rice

Cereals are very important to the Haitian diet and rice is the main staple food. Eighty percent of rice consumed in Haiti is imported. The U.S. is especially competitive in medium quality (10 to 20 percent broken) milled rice and in best quality (2 percent) broken rice. The total amount of rice imported from the U.S. in 2012 was USD 197.7 million, which represents approximately 58 percent of total U.S. food exports to Haiti, valued at USD 340 million, and 79 percent of Haiti's total rice imports. U.S. exports of milled rice consist of 50 kg bags.

Statistical Data (USD Millions)

	2010	2011	2012
Total Market Size	299.7	305.4	439.4
Total Local Production	89.7	82.7	67
Total Exports	0	0	0
Total Imports	210	222.7	250
Total Imports from the U.S.	159.6	160.6	197.7

Figures are in million USD. U.S. figures derived from the U.S. Census Bureau and Trade Map – International Trade Centre.

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Cereal Products -- Malt, Starch, and Wheat Gluten

After rice, other cereal products are the second largest category of U.S. agricultural exports to Haiti. The United States remain Haiti's largest supplier for rice, wheat, sorghum and millet over the past 3 years, while the Dominican Republic has become Haiti's largest corn provider. Cereal products, especially wheat and flour, are main components of the Haitian diet. Haiti, however, does not produce sufficient milled grains to satisfy domestic demand. U.S. exports of all cereal products reached USD 179 million in 2011 and USD 228 million in 2012.

Statistical Data (USD Millions)

	2010	2011	2012
Total Market Size	525.4	564.4	712
Total Local Production	311	331	317
Total Exports	0	0	0
Total Imports	214.4	233.4	395
Total Imports from the US	185	179	228

Figures are in million USD. U.S. figures derived from the U.S. Census Bureau, World Bank and Trade Map – International Trade Centre.

Poultry, Meat and Edible Meat Offal

The U.S. is the second major supplier of poultry (after the Dominican Republic). The increase in U.S. poultry imports is due to the illness of chickens as well as the high price of chicken feed and the closing of many Haitian poultry farms over the years. Following the detection of the H5N2 avian flu virus in the Dominican Republic, a ban on Dominican poultry and eggs products was instituted January 7, 2008, and technically remains in effect today. These developments led to an increase in the import value of U.S. poultry and egg products in 2008. In 2012, chicken and meat imports from the U.S. reached valued USD 73 million, up from USD 67.8 million in 2011.

Statistical Data (USD Millions)

	2010	2011	2012
Total Market Size	82	85.6	**
Total Local Production	40	44	**
Total Exports	0	0	0
Total Imports	62.2	84.4	**
Total Imports	49	67.8	73

from the US			

**: Not Available
Figures are in million USD. U.S. figures derived from the U.S. Census Bureau and Trade Map – International Trade Centre.

Animal and Vegetable Fats

Most imported oils used to prepare food are received in large containers and then redistributed into smaller bottles by importers. The local sales preference is to use 8 to 10 ounce bottles for distribution.

Statistical Data (USD Millions)

	2010	2011	2012
Total Market Size	129.4	164.8	**
Total Local Production	**	**	**
Total Exports	0	0	0
Total Imports	129.4	164.8	**
Total Imports from the U.S.	40.8	28.8	14.3

**: Not Available
Figures are in million USD. U.S. figures derived from the U.S. Census Bureau.

Miscellaneous Processed Food

The total value of prepared foods exported to Haiti from the United States was USD 31.5 million in 2010, and declined to USD 18.9 million in 2011. Processed food imports from the U.S. reached USD 18.7 million for 2012. Haitian production of miscellaneous processed food products is controlled by the informal sector and accurate figures are unavailable for local production, and exports.

Statistical Data (USD Millions)

	2010	2011	2012
Total Market Size	73.5	69.5	74
Total Local Production	0	**	**

Total Exports	0	0	0
Total Imports	73.5	69.5	74
Total Imports from the U.S.	31.5	18.9	18.7

**: Not Available

Figures are in million USD. U.S. figures derived from the U.S. Census Bureau and Trade Map – International Trade Centre.

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Chapter 5: Trade Regulations and Standards

Import Tariffs

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The government updated Haiti's customs regulations in 1987. Since then, the government has issued several official decrees modifying the level of customs duties on virtually all products. The most significant decree was issued in March 1995 and effectively lowered all customs duties on a temporary basis until comprehensive new regulations could be promulgated. That decree is still in effect.

Imported commodities are subject to payment of customs duties and other taxes. The value of imported goods, based upon either the "Free on Board" (FOB) or "Cost, Insurance Freight" (CIF) valuations, is converted into Haitian gourdes at the prevailing daily rate, prior to the application of duties and taxes. All duties and taxes are payable to the Haitian Customs Administration. Most duties do not exceed 15 percent.

Any cargo vessel (sea, air, or land) en route to Haiti -- loaded or unloaded -- must be presented to customs. A bill of lading in four originals signed by the captain must be presented to Customs upon arrival.

<u>Customs valuation is based on:</u>

1) Cost of the goods
    a. Original invoice from the country of origin
    b. If customs does not accept the invoice, the Blue Book value will be used to set the price. This is usually the case for cars, trucks, and other vehicles.

2) Insurance cost: varies according to insurance company; customs generally accepts the cost

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Freight cost, including port charges, varies according to shipping company; customs generally accepts the cost.

Verification of CIF value procedure:

1) The first control occurs during the customs clearance process. It includes an examination of presented documents and, if needed, an inspection of the goods.

2) The second control occurs after customs clears the goods. During the second control, the value of goods is verified; invoice prices are checked during this part of the control process.

The Haitian Central Bank collects the duties for goods imported into Port-au-Prince. For goods shipped elsewhere in Haiti, duties are collected through the National Credit Bank (BNC). Customs formalities can take from 24 to 48 hours if all forms are in order. Some importers complain that the customs clearance process is too lengthy and can result in detrimental delays.

Import Taxes

Verification fee: The charge for inspection is five percent of the CIF. The government waives the fee for goods in transit, storage, or temporary entry regimes and for goods used for diplomatic missions and the import of personal effects.

Value-Added Tax (TCA): The 10 percent TCA is a general tax on local sale of goods, supply of services, and imports. It is applied to the CIF value in addition to the customs duty, inspection fee, and excise duties. The TCA is calculated at each stage of production, distribution, or import. Products that are exempt from this tax include: petroleum products; newspapers, books, magazines, and paper used for school materials; local agricultural products; agricultural, livestock breeding, and fishing inputs; inputs used to manufacture medicines sold in pharmacies; agricultural, fishing, and livestock breeding machinery and equipment; and legal services. Goods entering the country under the transit, storage, or temporary entry regimes, including those to be used in processing and assembly industries produced solely for export, are exempt.

Contribution to Management Funds for Territorial Collectives (CFGDCT): The CFGDCT (Contribution aux Fonds de Gestion et Developpement des Collectivites Territoriales) is applied at the rate of two percent on all imports, except petroleum products, pharmaceuticals, parcel posts, some food products, agricultural inputs, and paper.

Excise Tax: A 10 percent fee is levied on imported cars of 2200 cubic centimeters or more; 90 percent of CIF on gasoline; 40 percent of CIF on diesel oil; 30 percent of CIF on kerosene; two percent of CIF on fuel oil; two percent of CIF on lubricants; and three percent of CIF on aviation fuel.

Other Tariffs

In general, tariff rates are low for raw materials and unprocessed goods and are higher for semi-finished and finished goods.

New and used automobiles, buses, trucks, and vans are subject to a five to 20 percent registration tax. This tax applies to the customs value. A five percent tax is applied to vehicles valued at less than HTG 35,000 (USD 814.00). A 20 percent tax is applied on vehicles valued over HTG 75,000 (USD 1,745.00). A five percent tax is applied to trucks that weigh less than two tons and minibuses with a capacity not exceeding 24 passengers. Tax exemption applies if capacity accommodates more than 24 passengers. A 10 percent tourist tax is levied on imported used vehicles.

There are additional taxes on new cars, ranging from 5 to 20 percent and from 5 to 30 percent for used vehicle imports, used passenger transportation vehicles, and used trucks. New passenger transportation vehicles that accommodate more than 25 passengers and new trucks over two tons are exempt.

Transit and storage duties are imposed on the import of goods entering under the relevant tax regimes. The highest transit duty is five gourdes per parcel or per 100 kg of net weight. Customs storage duties are two percent of the customs value per month of storage. In addition, shipping lines in Haiti have begun to charge clients who are unable to unload their goods within 17 days demurrage fees. An experienced expediter may help move goods more quickly and, therefore, potentially avoid onerous demurrage charges.

The following goods do not have a duty (all products are not listed):

- Powdered milk
- Certain bones and horn-cores
- Malt (not roasted)
- Wheat
- Hops
- Straw and pellets of unprepared cereals
- Seeds, spores, and fruit
- Certain sowing plants and parts of plants (other than garden seeds) used in perfumery, medicine, or pharmacology
- Certain types of fodder
- Certain resins and fats for industrial use
- Vegetables saps and extracts
- Linseed oil
- Crude glycerol
- Animal oils and fats (in specific forms)
- Yeast
- Denatured ethyl alcohol of any type
- Some protein materials and their vegetable saps and extracts
- Fisheries products
- Live animals
- Rubber
- Ores, slag, and ash
- Organic chemicals
- Pharmaceutical products
- Silk
- Fertilizers
- Tin and articles thereof
- Knitted or crocheted fabrics
- Vegetable plaiting materials
- Wool, fine or coarse animal hair

- Vegetable products
- Yarn and woven fabric
- Nickel and articles thereof
- Lead and articles thereof
- Impregnated, coated, covered, or laminated materials
- Other base metals, cements,
- Fabric and technical articles textiles
- Rail and tram locomotives, rolling stock and parts thereof, mechanical traffic signaling equipment

<u>The following goods have a 15 percent duty (all products are not listed):</u>

- Pork
- Sugars and confectionery
- Poultry meat and offal
- Cotton
- Moss and lichen
- Carpets and other textile floor coverings
- Cut flowers
- Natural or cultured pearls, precious stones and similar articles
- Citrus fruit
- Jewelry and other articles
- Edible vegetables, plants, roots
- Manufactures of straw, and tubers (fresh, chilled, or frozen), other plaiting materials, basketwork, and wickerwork

<u>Other products and duties:</u>

- Rice: 3 percent
- Buckwheat: 15 percent
- Millet: 15 percent
- Canary Seed: 3 percent
- Sorghum and other products of the milling industry: 15 percent
- Certain edible products of animal origin: 20 percent
- Some types of grape must, cider, and vinegar: 15 percent
- Cigarettes: 15 percent
- Cigars: 10 percent

In addition to these duties, the government imposes an excise tax on a series of imported or locally produced goods, such as tobacco, alcohol, sugar, flour, aerated water, and some "luxury food products." Excise taxes may be either specific or value-added.

Locally manufactured cigarette firms are required to pay 12 percent duty on product value.

Heavy agricultural and public works machinery are exempt from paying excise duties.

Haiti has World Trade Organization (WTO)-bound import duties on agricultural and non-agricultural products. Tariffs on agricultural goods range from zero percent to 30 percent. WTO-bound tariffs on non-agricultural goods, such as: hydraulic cement;

gasoline for engines; naphtha and benzene; certain varnishes and paints; straw products; esparto or other plaiting materials; basketwork and wickerwork; certain precious metals and stones; imitation jewelry; coins; and camping trailers range from zero to 58 percent.

Tariff preferences

Haiti does not grant tariff preferences to any country, but will grant them when provisions of the Caribbean Community (CARICOM) Treaty come into effect and when the Africa Caribbean, Pacific (ACP) – European Union Agreement is ratified by the Parliament.

Firms that import machinery, spare parts, semi-finished products, or materials needed to promote the development of specific sectors within the economy are exempt from duties on imports.

Registered Non-Governmental Organizations (NGO) are exempt from customs duties on food products and non-commercial imports of medical materials and equipment; an NGO is required to obtain authorization from the Ministry of Economy and Finance and the Ministry of Planning. NGOs may also be exempt from duties and taxes on imported vehicles, with the exception of the inspection fees and CFGDCT.

Other duty free goods include:

- Educational materials and teaching materials
- Equipment and materials needed for national defense
- Traveler's luggage
- Goods imported under diplomatic or consular privileges and covered by the Vienna Convention
- Furniture and objects imported when changing residence
- Correspondence courses and related teaching materials
- Agricultural equipment (this includes samples with no commercial value, tools, machinery, and re-imported goods that were temporarily exported)

The Haitian government signed a pre-shipment inspection agreement with Societe General de Surveillance (SGS) on May 5, 2003. Under this agreement, all imports with a value of at least USD 5,000, or an entire container (regardless of its value), must be inspected by the SGS before shipment to Haiti. SGS issues a verification certificate, which the importer submits to Customs. The inspection certificate, with the declared value and the document, is affixed to the other shipping documents.

Goods exempt from inspection by the SGS:

- Precious stones and metal art
- Ammunition and arms other than for hunting and/or sporting purposes
- Explosives and pyrotechnical articles
- Live animals
- Scrap metal
- Newspapers and magazines
- Personal effects and used household articles (including used vehicles)
- Parcels
- Commercial samples
- Supplies for diplomatic or consular missions

- Supplies for United Nations organizations
- Machinery for international subcontracting enterprises
- Petroleum and petroleum products
- Donations by foreign governments or international organizations to charitable organizations.

The government does not restrict used/refurbished equipment imports. Two exceptions include imports of used clothing, furniture, bedding, shoes, and used cars (limited to one used car per person per year).

All used items are subject to the same import tax treatment as new items. However, used cars are subject to an additional tourist tax of 10 percent of CIF.

http://www.sgs.com/en/Logistics/Transportation/Containers/Pre-Shipment-Inspection-PSI/Pre-Shipment-Inspection-Haiti.aspx

Trade Barriers

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High costs at Haiti's state-owned international seaports are the major non-tariff barrier confronting American exporters. The port in Port-au-Prince is on the list of public enterprises slated to be privatized by the government. Poor physical infrastructure and lax management contribute to high port user fees.

Import Requirements and Documentation

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The government does not require a license for importing most goods. The exception is the import of firearms, pharmaceutical products, petroleum products, and chicken and poultry products.

Pharmaceutical product importers must request an import permit from the Ministry of Commerce and Industry. In addition, all pharmaceutical products imported to Haiti are subject to sanitary registration, required by the Ministry of Health. To satisfy these sanitary registration requirements, the Ministry of Health requires information regarding clinical studies, toxicology, and pharmaceutical certification from the country of origin. The Ministry also requests three product samples of each drug to be imported.

Chicken and poultry importers are required to specify the origin of the product in their request.

U.S. Export Controls

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The nature and quantity of all goods entering Haiti should be clearly specified in the bill of lading as well as in the invoice attached to the bill of lading. U.S. exporters should follow all requirements concerning labeling as well as those related to prohibited and restricted imports.

Temporary Entry

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A rate of 0.25 percent is applied to goods entering under diplomatic concessions and for those that are on "temporary entry."

All goods temporarily stored in Haiti must be imported under the temporary entry regime. Temporary entry refers to goods that will be processed before being re-exported. These goods are subject to a security deposit equivalent to 150 percent of the duties and taxes payable under the release for consumption regime. The deposit is in the form of a *chèque de direction* (banker's check) and released once the goods are re-exported. Goods that enter the country under the temporary entry regime and are then used for consumption purposes are taxed on the amount of their depreciation when they are re-exported.

All imported goods are subject to verification fees and administrative costs. Goods imported into the country under the temporary entry regime are also subject to a 0.25 percent uniform rate, as are goods entering under diplomatic concessions.

Labeling and Marking Requirements

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Specific marks or labels are required for food and pharmaceutical products. All other goods do not require a label. Labels on processed food products should indicate ingredients in order of predominance, name and address of manufacturer, and expiration date. Labels on pharmaceutical products must indicate weight or quantity of active ingredients and the lot control number. The date of expiration and the generic name and/or commercial name of pharmaceutical drugs should also be indicated.

Prohibited and Restricted Imports

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Imports of weapons, waste, drugs, and agricultural products must have an authorization from the government. In November 2005 and January 2008, the government banned chicken and poultry imports from areas exposed to avian influenza. The Ministry of Commerce and Industry has not updated the list of prohibited products since 1962. Prohibited items include: materials of a pornographic nature; military equipment, including tanks, armored vehicles and parts, warships and lifeboats; arms and ammunition not intended for government use; narcotics; and equipment to be used to manufacture or print counterfeit currency or securities. According to the 1962 law, it is illegal to import used shoes and used clothing. Nonetheless, the law is not usually enforced and used clothing imports constitute a lucrative business in Haiti. The goods are usually cleared through customs as personal effects.

Imports of certain goods are subject to control for security and health reasons. Reasons for prohibition and/or restrictions include protecting Haiti's flora, fauna, and livestock from dangerous diseases. The Ministry of Public Health and Population (MSPP), the Ministry of Agriculture, Natural Resources and Rural Development (MARNDR) and the Ministry of Environment (ME) are responsible for health and environmental controls.

Imports of ethyl alcohol, generic chemicals, and pharmaceuticals require prior authorization from the MSPP. Imports of agricultural inputs, cattle feed, and animal products (processed or unprocessed) require authorization from the MARNDR and the submission of a health certificate issued by the exporting country. Imported live animals, plants, and seeds are subject to quarantine. An animal health certificate is required for imports of bovine animals and swine, and the certificate must indicate that the country of origin is free of foot and mouth disease, contagious bovine pleuro pneumonia, rinderpest, vesicular stomatitis, and lumpy skin disease. In the case of swine, the certificate must also indicate the animals originate from countries free of vesicular exanthema, African swine fever, ordinary swine fever, and swine encephalomyelitis. Haiti is not a member of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), however, it voluntarily adheres to CITES directives.

Haiti has no quantitative restrictions on imports with the exception of the following goods: flour, sugar, peas, rice, maize, millet, pork offal, and poultry cuts, which are subject to a non-automatic licensing system.

Customs Regulations and Contact Information Return to top

The following documentation is required under the basic regulations governing the import and export of commodities:

For import, the documentation requested by Customs includes:

- a bill of lading signed by the captain or his delegate, and
- an original invoice for the goods.

The bill of lading must include:

- name of the vessel (sea freight and the identification number for airfreight); name of the shipping company;
- port(s) of origin;
- port(s) of destination;
- complete manifest of the cargo and the volume on which the freight calculation was based;
- nature of the merchandise (includes bulk items);
- shipping cost;
- name of the shipper; and
- The name of the consignee.

Haitian law requires that exporters obtain an export permit from the Ministry of Commerce for export of some agricultural and textile products.

American exporters seeking information on Haitian tariffs and customs administration should contact the U.S. Embassy Port-au-Prince and the Haitian Customs Authority.

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Overview

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Haiti has no special legislation on standards, testing, approval, and certification. International standards are used as a reference but have not been officially adopted. The main international standards applied include those of the International Standards Organization (ISO), the World Health Organization (WHO), the Food and Agriculture Organization (FAO), and Codex Alimentarius for food products. With its accession to the Caribbean Community (CARICOM), Haiti has adopted the standards established by the Caribbean Organization of Standards and Quality (COSQ), which is the CARICOM body responsible for defining standards for goods and services at the regional level.

The government is drafting a framework law on quality, intended to harmonize and update the current laws on quality control. The technical services and government bodies involved in quality control will be reorganized, strengthened, and/or made operational. The Government intends to build inspection capacity by establishing national testing and calibration laboratories, integrate them into the regional and international networks, and approve private or university laboratories at the local level. Inspection posts will also be set up at strategic points.

Standards Organizations

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The national quality system will be guided and coordinated by three bodies.

The National Quality Council (CNQ), composed of representatives of the public and private sectors, as well as civil society, defines national quality policy and is responsible for coordination and follow-up. The CNQ will be assisted by a small executive structure supported by technical committees, including a technical committee on accreditation.

The Standards Centre (CNS), a joint autonomous body administered by a management committee, is under the supervision of the CNQ and deals with standardization, training, and issues of quality. Its role is to provide advice and promote quality among Haitian entrepreneurs. The CNS is financed by the Haitian Treasury with technical assistance provided by the United Nations Industrial Development Organization (UNIDO).

The National Commission for Official Quality Control (CNCOQ) is an inter-ministerial quality control commission, responsible for coordinating Haiti's quality-related activities. It is composed of government officials from each relevant ministry responsible for quality controls.

NIST Notify U.S. Service
Member countries of the World Trade Organization (WTO) are required under the Agreement on Technical Barriers to Trade (TBT Agreement) to report to the WTO all proposed technical regulations that could affect trade with other member countries.

Notify U.S. is a free, web-based e-mail subscription service that offers an opportunity to review and comment on proposed foreign technical regulations that could affect your access to international markets. Register online at Internet URL: http://www.nist.gov/notifyus/

Conformity Assessment
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The government's primary goal under the proposed Haitian Standard System is to protect consumers and to monitor the safe sale of food, chemicals, and pharmaceutical products, as well as cosmetics. Special attention will be given to exports in order to ensure that they have a positive impact abroad and improve the Haitian trade balance.

Product Certification
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A fixed standard will be ratified after a consulting process with stakeholders.

Accreditation
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Accreditation will be accorded to all products that meet the standards set by the government in the forthcoming Presidential Decree on Standards.

Publication of Technical Regulations
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Technical regulations on standards will be attached to a Presidential Decree.

Labeling and Marking
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Specific marks or labels are required for food and pharmaceutical products. All other goods do not require a label. Labels on processed food products should indicate ingredients in order of predominance, name and address of manufacturer, and expiration date. Labels on pharmaceutical products must indicate the weight or quantity of active ingredients and the lot control number. The date of expiration and the generic name and/or the commercial name of pharmaceutical drugs should also be indicated.

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Trade Agreements
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Haiti acceded to CARICOM in July 1999, negotiating a ten-year period as a Least Developed Country to fully integrate into CARICOM. This year the goal is to accelerate Haiti's readiness for participation in the Caricom Single Market and Economy as a means of enabling Haiti to fully re- engage in the process of regional integration in the Caribbean Community, after a three year disruption caused by the violent political events in the country in 2004. In addition, Haiti benefits from three preferential trade programs, including the Caribbean Basin Initiative (CBI), the Caribbean Basin Trade Partnership Agreement, and the Haitian Hemispheric Opportunity through Partnership

Encouragement Act II (HOPE II) and the HELP Acts, as outlined below.

Caribbean Basin Initiative (CBI)

Approximately 3,500 Haitian export products are eligible for duty-free entry into the U.S. under the CBI. Most textiles are excluded, with the exception of those made from linen or silk, or qualifying as handicraft work. Other excluded items include certain watches and watch parts, petroleum and its by-products, prepared or canned tuna, sugar, molasses, syrup, beef, spirits, and footwear.

Products must be shipped directly from Haiti to the U.S. to qualify for CBI preference. The products may incorporate imported components as long as the goods exported to the U.S. are a new merchandise product distinct from such components and the Haitian direct costs of production (including domestic raw materials and those originating in other CBI beneficiary countries, including Puerto Rico and the U.S. Virgin Islands) must amount to at least 35 percent of the customs value. Materials of U.S. origin may be included up to a maximum of 15 percent of its customs value.

Eligible articles assembled or processed from U.S. materials, components, or ingredients are accorded duty free access into the U.S. regardless of whether such articles satisfy the 35 percent value-added criterion.

Caribbean Basin Trade Partnership Act (CBTPA)

On October 2, 2000, Haiti was designated as a beneficiary of the CBTPA. Congress passed the CBTPA as part of the Trade and Development Act of 2000. It is designed to provide greater duty-free access to U.S. markets for Caribbean and Central American nations. The CBTPA expands on the CBI program by allowing duty-free and quota-free treatment for imports of certain apparel from the region, and by extending NAFTA-equivalent tariff treatment to a number of other products previously excluded from the CBI program.

The Hope and HELP Acts

Partially in response to concerns over Haiti's apparel parity issue, Congress enacted the Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act of 2006, which came into force on March 19, 2007. Congress provided HOPE in addition to other trade preferences under the General System of Preferences (GSP), Caribbean Basin Economic Recovery Act (CBERA), and CBTPA. Eligibility criteria include progress toward achieving a market based economy, increasing employment, enhancing the rule of law, eliminating barriers to U.S. trade, combating corruption, and protecting internationally recognized human and worker rights.

In May 2008 the U.S. Congress passed the Farm Bill attaching an extended HOPE bill—HOPE II. According to Subtitle D Part 1 (Extension of Certain Trade Benefits), the HOPE II bill includes an extension of 10 years effective October 2008; an extension of eligible woven products from three years to 10 years; an increase in the Tariff Preference Level (TPL) for woven and knit products from 50,000,000 to 70,000,000 square meter equivalent; co-production with the Dominican Republic; and the inclusion of luggage, headgear, and sleepwear.

More recently, after the January 12, 2010 earthquake a number of apparel factories based in and around Port-au-Prince were heavily damaged, including the collapse of one major apparel factory that employed nearly 4,000 workers. According to estimates by the Department of Commerce, imports of apparel articles from Haiti to the United States in 2010 decreased by 43 percent in comparison to 2009. As a result, the U.S. Congress passes the Haiti Economic Lift Program (HELP) Act. The bill extends the Caribbean Basin Trade Partnership Act (CBTPA) and the Haitian Hemispheric Opportunity through Partnership Encouragement Act (HOPE) through September 30, 2020.

The trade preferences available under HOPE/HELP are specifically designed for Haiti, and are conditioned on both the Haitian Government and individual producers meeting certain core labor standards and Haitian labor laws. Producers must participate in a Technical Assistance Improvement and Compliance Needs Assessment and Remediation program (TAICNAR) and comply with internationally agreed core labor standards. HOPE/HELP are intended to strengthen “Brand Haiti."

The Haiti Economic Lift Program (HELP) Act will help create sustainable support for Haiti’s economy by expanding tariff benefits for certain Haitian textile and apparel exports to the United States. HELP will allow the expansion of duty-free access to the U.S. market for Haitian textile and apparel exports and extend existing trade preference programs for Haiti.

<u>The Lomé Convention Trade Advantages</u>

On December 15, 1989, Haiti signed the Fourth Agreement on Common Preferences (ACP) Lomé Convention under which products originating from Haiti and numerous other ACP beneficiary countries are exempt from import duties or equivalent taxes upon entry to the European Union. Certain agricultural products, such as rum, bananas, and sugar are subject to import quotas. Other products must comply with specific import regulations. Primary export products benefit from a price insurance fund called Stabex, which is part of a system created to compensate for losses due to world price fluctuations.

Under the Lomé Convention, exporters must obtain proof of origin, called a certificate of circulation of goods, (Form Eur.1) issued by customs officials in the exporting country. The certificate must then be sent to the customs authorities of the importing country within 10 months of the delivery date.

Free Trade Zones

A law on free trade zones entered into force on August 2, 2002, and set out the conditions for operating, creating, and managing free trade zones, along with the exemption or incentive regime applicable to investment in such zones. The law defines free trade zones as geographical areas to which a special regime on customs duties and customs controls, taxation, immigration, capital investment, and foreign trade applies and where domestic and foreign investors can provide services, import, store, produce, export, and re-export goods. Free trade zones may be private or joint ventures, involving state or private investors.

Two free trade zones were granted status in 2003, but only one was operational in northern Haiti. Between February 2012 and March 2013, 3 additional free trade zones were established in Port-au-Prince, bringing total free trade zone space to over 150 hectares of land.

An inter-ministerial commission, called the Free Zones National Council (CNZF), comprised of representatives from both the public and private sector, is responsible for:

- Receiving applications for approval as a free zone
- Approving applications for admission to the free zone regime
- Ensuring that projects approved are carried out in accordance with relevant regulations
- Authorizing the operation of free zones
- Defining and regulating free zones
- Approving and monitoring procedures and operations in free zones
- Approving its own rules and procedures

The Free Zones Directorate, set up within the Ministry of Commerce and Industry, acts as the CNZF's Technical Secretariat. It implements and ensures implementation of decisions taken by the CNZF; receives investors and potential investors; sends quarterly reports on the establishment and operation of free trade zones to the CNZF for approval; examines applications for approval of free trade zone; participates in all negotiations likely to lead to agreements or conventions on free trade zones at the national and international level; monitors the operation of all free trade zones in Haiti; and ensures regular monitoring of the free trade zones.

The law provides the following incentives for enterprises located in free zones:

- Full exemption from income tax for a maximum 15-year period, to be followed by a period of partial exemption that gradually decreases.
- Customs and fiscal exemption (including registration taxes) for the import of capital goods and equipment needed to develop the area, with the exclusion of tourism vehicles.
- Exemption from all communal taxes (with the exception of the fixed occupation tax) for a period not exceeding 15 years.
- Registration and transposition of the balance due for all deeds relating to purchase, mortgages, and collateral.

Goods and services sold from free trade zones on the Haitian market are considered to have entered through Haitian Customs and are subject to relevant duties and taxes. The volume of free trade zone goods allowed for sale in Haitian markets may not exceed 30 percent of the total production of an enterprise in the free zone.

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Additional information can be found on: www.brh.net

www.mac.doc.gov/CBI/Legislation/cbileg-00.htm www.ustr.gov/Trade_Development/Preference_Programs/CBI/Section_Index.html

www.whitehouse.gov/news/releases/2006/06/20060630-8.html

www.answers.com/topic/lom-convention

Chapter 6: Investment Climate

Openness to Foreign Investment Return to top

Haiti's openness to foreign investment is codified in its laws. Import and export policies are non-discriminatory and are not based upon nationality. There is no significant public opposition to foreign investment in Haiti. The Haitian government has made some progress in recent years to improve the legal framework, create and strengthen core public institutions, and enhance economic governance. The government of President Michel Martelly continued the monetary, fiscal, and foreign exchange policies initiated under the 2004-2006 interim Haitian government with the assistance of the International Monetary Fund (IMF) and the World Bank (WB) aimed at creating a stable macroeconomic environment. Such policies include reducing interest rates to facilitate access to credit and keeping the exchange rate stable. Political infighting and weak institutional capacity within the Haitian government and in the private sector, however, have reduced the impact of the Haitian government's initiatives and stalled much-needed efforts to modernize Haiti’s commercial, investment, and tax laws. In June 2009, the WB, IMF, and Inter-American Development Bank (IDB) collectively canceled USD 1.2 billion of Haiti's debt in recognition of Haiti’s relative macroeconomic stability and adherence to IMF program conditionality. Following the devastating earthquake in January 2010, the WB, IMF and IDB wrote off USD 788 million in debt as part of a broad strategy to support Haiti’s long-term reconstruction plans.

In 2011, the Haitian government began drafting new laws to improve the legal framework and incentives for investment in Haiti. A new banking law was passed in July 2012 and an anti-money laundering law is awaiting parliamentary approval. As of May 2013, the Haitian government is reviewing several pieces of legislation that may improve the investment climate, such as an insurance code, customs code, labor code, and new construction permit regulations. It also continues to upgrade Haiti's historically inadequate infrastructure.

In 2010, the year of the earthquake, Haiti's economy contracted by 5.4 percent. In 2011, the Haitian economy had begun recovering slowly from the effects of the earthquake and a tumultuous electoral period the previous year, growing 5.6 percent. However, adverse natural shocks affecting agricultural output and the slow execution of public capital spending negatively affected the economic recovery in 2012. GDP growth for 2012 was 2.8 percent, down from 5.6 percent in 2011. The Haitian Government predicts growth of 3.5% in 2013.

Investment Code and incentives

In November 2002, the Haitian Parliament passed a new Investment Code prohibiting fiscal and legal discrimination against foreign investors. The Code explicitly recognizes the crucial role of foreign direct investment in spurring economic growth and aims to facilitate, liberalize, and stimulate private investment. The Code contains exemption regimes to promote investment to enhance competitiveness in sectors deemed priorities or strategically important, especially export-oriented sectors. Tax incentives, such as reductions on taxable income and tax exemptions, are designed to promote private investment. The Code grants Haitian and foreign investors the same rights. Foreign investors must be legally registered and pay appropriate taxes and fees.

The Code also established an Inter-ministerial Investment Commission (CII) to examine investor eligibility for license exemptions as well as customs and tariff advantages. The CII is composed of representatives of the Ministries of Economy and Finance, Commerce, and Tourism, as well as those ministries with purview over the prospective area of investment. The CII must authorize all business sales, transfers, mergers, and partnerships within the scope of the Code. The CII also manages the process of fining and sanctioning enterprises that ignore the Code. The majority of economic activities are open to both Haitian and foreign private investors. Investment in certain sectors, however, requires special Haitian government authorization. Investment in "sensitive" sectors, such as electricity, water, and telecommunications, requires a Haitian government concession. Investment in the public health sector requires authorization from the Ministry of Public Health and Population. Investment in agriculture is subject to the Ministry of Agriculture's approval. In general, natural resources are considered to be the property of the state. As a result, prospecting, exploring, or exploiting mineral and energy resources require concessions and permits from the Bureau of Mining and Energy, in the Ministry of Public Works. Mining, prospecting, and operating permits may only be granted to firms and companies established and resident in Haiti.

Haiti has made several commitments to the World Trade Organization (WTO) in relation to the financial services sector. These commitments include permitting foreign investment in financial services, such as retail, commercial, and investment banking, and consulting. Currently, there are two foreign banks operating in Haiti, Citibank of the United States and Scotia Bank of Canada.

Investment Facilitation Institutions

An Investment Facilitation Center (CFI) was established in July 2007 to promote investment opportunities in Haiti. The CFI's major activities include: streamlining the investment process by simplifying the procedures related to trade and investment; providing updated economic and commercial information to local and foreign investors; and promoting investment in priority sectors. The Haitian government considers strategic investments in sectors that contribute substantially to reductions in the balance of payments deficit, increase economic growth, and improve the skill level of the labor force as priorities. Investments that lead to permanent job creation and a renewal of the domestic production structure are also considered priority or strategic investments. Following WB observations on CFI's inability to capture and promote investment opportunities, President Martelly's administration redirected CFI's focus towards legal business reform, the promotion of domestic and international investment. The institution offers "red carpet" service for large investors. CFI was also recognized by the World Bank in December 2012 as a regional leader in the promotion of investment online.

CFI has made some progress in reducing delays facing investors in starting a business in Haiti, thereby reducing transaction costs. As a result of CFI efforts, cumbersome entry procedures were reduced from 12 procedural steps to 5. This may foster competition by facilitating the entry of additional investors. In September 2012, CFI launched an internet registry that allows investors to search for or verify the existence of a business in Haiti. The registry will eventually provide on-line registration of companies through an "electronic single window". The single window is part of a project sponsored by the Inter American Development Bank (IDB) that seeks to reduce the time needed to register a limited company in Haiti to 10 days.

In September 2011 President Martelly launched a Presidential Advisory Council on Economic Growth and Investment (PACEGI), which aims to improve Haiti's business climate and attract foreign investors. The Council is co-chaired by President Bill Clinton and local businessman Gregory Mevs and includes several international members such as Nobel Prize winner Dr. Mohammed Yunus.

In September 2012, President Martelly created a Presidential Commission for the Reform of Business Law, which aims to coordinate the reform of business legislation and develop a better legal framework for both domestic and foreign investment. The Commission will submit to the Executive recommendations and pro-business project laws that will be included in the Haitian government legislative agenda.

Recent Developments

Despite recent progress and the Haitian government's commitment to improve investment, Haiti's investment climate barely improved in 2012. The WB's "Doing Business 2013" report ranks Haiti as 174 of 183 (first place being the best) on ease of doing business (falling off of one place, down from 173 in 2011).
Haiti did not become more competitive compared to the rest of the region. Overall costs to start a new business in Haiti remained high, while accesses to credit as well as structures for investor protection are still insufficient. The Martelly government continued to promote Haiti as "open for business," but officials recognized the need for coordinated efforts from both the Haitian government and the private sector to make it easier and

cheaper for investors to do business in the country. Despite challenges, increased international attention on Haiti since the January 2010 earthquake and the pro-business agenda of the Martelly administration have led to increased interest in Haiti from foreign investors; further reform and improvement of the business climate is necessary to transform this interest into meaningful investment.

Haitian law is deficient in a number of areas, including: operation of the judicial system; organization and operation of the executive branch; publication of laws, regulations, and official notices; establishment of companies; land tenure and real property law and procedures; bank and credit operations; insurance and pension regulation; accounting standards; civil status documentation; customs law and administration; international trade and investment promotion; foreign investment regulations; and regulation of market concentration and competition. Although these deficiencies hinder business activities, they are not specifically aimed at foreign firms and appear to have an equally negative effect on foreign and local companies.

Conversion and Transfer Policies Return to top

There are no restrictions or controls on foreign payments or other fund transfer transactions and foreign exchange is readily available. All citizens or legal residents have the right to dispose of their assets. The Haitian government does not impose restrictions on the inflow or outflow of capital. Banks and currency exchange companies set their rates at the market-clearing rate. The spread between buying and selling rates is generally less than five percent.

The Haitian Central Bank (BRH) publishes a daily reference rate, which is a weighted average of exchange rates offered in the formal and informal exchange markets. The exchange rate for the Haitian Gourde (HTG) is determined by the market and based on a floating exchange rate mechanism. During FY 12, the average exchange rate was 42 HTG/USD. As of May 2013 the exchange rate is approximately 43.5 HTG/USD. The exchange rate during FY 12 remained broadly stable against the US dollar. Declining aid inflows have led to a slight depreciation trend of the Haitian Gourde, offset by substantial US dollar sales and swap exchanges from the central bank (BRH). Gross liquid reserves during FY 12 have topped USD 2.2 billion, covering 6.3 months of imports of goods and services. Meanwhile, remittances, which usually boost overall foreign currency supply and contribute to a quarter of the GDP, have slightly decreased by 2.5 percent.

Expropriation and Compensation Return to top

The 1987 Constitution allows expropriation or dispossession only for reasons of public interest or land reform and is subject to prior payment of fair compensation as determined by an expert. If the initial project for which the expropriation occurred is abandoned, the Constitution stipulates that the expropriation will be annulled and the property returned to the original owner. The Constitution prohibits nationalization and confiscation of real and personal property for political purposes or reasons.

Title deeds are vague and insecure. The Haitian government has an office (INARA) to implement expropriations of private agricultural properties with appropriate compensation. The agrarian reform project initiated under the first Preval administration

(1996-2001) was controversial among both Haitian and U.S. property owners. There have been complaints of non-compensation for the expropriation of property. The Martelly administration's slow but ongoing revision of the land tenure code is expected to address current issues related to the lack of access to land records, surveys, and property titles in Haiti.

Dispute Settlement

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Haiti's commercial code dates to 1826 and underwent a significant revision in 1944. There are few commercial legal remedies available. The protection and guarantees that Haitian law extends to investors are severely compromised by weak enforcement mechanisms, a lack of updated laws to handle modern commercial practices, and a weak judicial system. Injunctive relief is based upon penal sanctions rather than securing desirable civil action. Similarly, contracts to comply with certain obligations, such as commodities futures contracts are not enforced. Judges do not have specializations, and their knowledge of commercial law is limited. Utilizing Haitian courts to settle disputes is a lengthy process and cases can remain unresolved for many years. Bonds to release assets frozen through litigation are unavailable. Business litigants are often frustrated with the legal process and pursue out-of-court settlements.

In October 2007, the Haitian Chamber of Commerce and Industry (CCIH), in partnership with the Haitian government and with funding from the European Union, established a commercial dispute settlement mechanism –- the Arbitration and Conciliation Chamber -- to provide mechanisms for conciliation and arbitration in cases of private commercial disputes.

There are several ongoing private disputes between U.S. and Haitian entities. Americans seeking resolution of these disputes are often hindered by Haiti's inefficient legal system. There are persistent allegations that some Haitian officials use their public office to influence commercial dispute outcomes for personal gain. As a result of international assistance, however, progress is being made to increase the credibility of the judiciary and the effectiveness of the national police.

Disputes between foreign investors and the state can be settled in Haitian courts or through international arbitration, though claimants must select one to the exclusion of the other. A claimant dissatisfied with the ruling of the court cannot request international arbitration after the ruling is issued. Foreign court decisions are not enforceable in Haiti. Arbitration however is encouraged and avoiding the length of national court procedures. The Haitian Arbitration and Conciliation Chamber created in October 2007 provides mechanisms for conciliation and arbitration in private commercial disputes. In October 2009, Haiti ratified the 1965 International Convention on the Settlement of Investment Disputes between states and nationals of other states (ICSID). Foreign investors can call on for ICSID arbitration in case of dispute with the state. Haiti is also a signatory to the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitration Awards, which provides for the enforcement of an agreement to arbitrate present and future commercial disputes. Under the convention, courts of a contracting state can enforce such an agreement by referring the parties to arbitration. Haiti is not a signatory to the Inter-American-U.S. convention on International Commercial Arbitration of 1975 (Panama Convention).

The Haitian government appears to recognize that the protections and guarantees that Haitian law extends to investors are severely compromised by weak enforcement mechanisms and a lack of updated laws to handle modern commercial disputes.

Haiti's bankruptcy law was enacted in 1826 and modified in 1944. There are three phases of bankruptcy under Haitian law. In the first stage, payments cease and bankruptcy is declared. In the second stage, a judgment of bankruptcy is rendered, which transfers the rights to administer assets from the debtor to the Director of the Haitian Tax Authority (Direction Générale des Impôts, or DGI). In this phase, assets are sealed and the debtor is confined to debtor's prison. In the last stage, the debtor's assets are liquefied and the debtor's verified debts are paid. In practice, the above measures are seldom applied. Since 1955, most bankruptcy cases have been settled through courts. Debts are normally paid in Haitian gourdes (HTG).

Although the concepts of real property mortgages and chattel mortgages -- pledging of personal property, such as machinery, furniture, automobiles, or livestock to secure a mortgage -- exist, real estate mortgages involve antiquated procedures and may fail to be recorded against the debtor or other creditors. Property is seldom purchased through a mortgage and secured debt is difficult to arrange or collect. Liens are virtually impossible to impose, and using the judicial process for foreclosure is time consuming and futile. In order to make progress in this area, Haiti needs to enact a credit bureau law and create an electronic collateral registry. Banks frequently require that loans be secured in U.S. dollars.

Performance Requirements and Incentives Return to top

Haitian law confers equal treatment to manufacturing companies that produce for the local market regardless of their nationality, as long as they reside in Haiti. There are several special status categories for certain types of investment in priority or strategically significant enterprises.

In order to attract investment to certain industries, the Code created a privileged status for some manufacturers. Eligible firms can benefit from customs, tax, and other advantages under the Code. Investments that provide added value of at least 35 percent in the processing of local or imported raw materials are eligible for preferential status.

The statute allows for a 5- to 10-year income tax exemption. Industrial or crafts-related enterprises must meet one of the following criteria in order to benefit from this exemption:

-- Make intensive and efficient use of available local resources (i.e., advanced processing of existing goods, recycling of recoverable materials).

-- Increase national income.

-- Create new jobs and/or upgrade the level of professional qualifications.

-- Reinforce the balance of payments position and/or reduce the level of dependency of the national economy on imports.

-- Introduce or extend new technology more appropriate to local conditions (i.e., utilize non-conventional sources of energy, use labor-intensive production).

-- Create and/or intensify backward or forward linkages in the industrial sector.

-- Export-oriented production.

-- Substitute a new product for an imported product, provided that the new product presents a quality/price ratio deemed acceptable by the appropriate entity and comprises a total production cost of at least 60 percent of the value added in Haiti, including the cost of local inputs used in its production.

-- Prepare, modify, assemble, or process imported raw materials or components for finished goods that will be re-exported.

-- Utilize local inputs at a rate equal or superior to 35 percent of the production cost.

For investment that matches one or more of the criteria described above, the Haitian government provides customs duty and tax incentives. Companies that enjoy tax exemption status are required to submit annual financial statements. Fines or withdrawal of tax advantages may be assessed to firms failing to meet the Code's provisions.

A progressive tax system applies to income, profits, and capital gains earned by individuals. The tax rates on individuals are as follows (43.5 HTG/USD):

Income (Gourdes)	Rate (percent)
Up to 60,000	0
60,001 to 240,000	10
240,001 to 480,000	15
480,001 to 1,000,000	25
Over 1,000,000	30

The tax rate on corporate income is 30 percent. The Haitian government receives technical assistance from the U.S. Department of the Treasury's Office of Technical Assistance and USAID to facilitate increasing the Haitian tax base and the Haitian government's tax collection and enforcement capabilities.

The Haitian government does not impose discriminatory requirements on foreigners who wish to invest. Haitian laws, related to residency status and employment, are reciprocal. Foreigners who are legal residents in Haiti and wish to engage in trade have, within the framework of laws and regulations, the same rights granted to Haitian citizens. However, Article 5 of the Decree on the Profession of Merchants reserves the function of manufacturer's agent for Haitian nationals.

A foreigner who wishes to obtain residential status to conduct business in Haiti must deposit HTG 50,000 (USD 1,150) in a blocked account at the BRH. A professional identity card, issued by the Ministry of Commerce and Industry, is also required. Transient business persons and those temporarily in the country must be accompanied by locally licensed agents when visiting clients or soliciting business.

Foreigners working in Haiti are subject to property restrictions. Foreigners, excluding foreign corporations, may not own more than one residence in the same district or own real estate without prior authorization from the Ministry of Justice. Land ownership is limited to 1.29 hectares (about 3 acres) in urban areas and 6.45 hectares (about 16 acres) in rural areas. Additionally, foreigners may not own property or buildings near the border. Foreigners who establish Haitian corporations with corporate offices located in Haiti are not affected by restrictions on ownership of property or buildings adjacent to the border with the Dominican Republic.

Right to Private Ownership and Establishment Return to top

Investors in Haiti can create the following types of businesses: sole proprietorship, limited or general partnership, joint-stock company, public company (corporation), subsidiary of a foreign company, and co-operative society. Corporations are the most commonly used business structure in Haiti.

Foreign investors are permitted to own 100 percent of a company or subsidiary. As a Haitian entity, such companies enjoy all rights and privileges provided under the law. Additionally, they are permitted to operate businesses without equity-to-debt ratio requirements. Accounting law allows foreigners to capitalize using tangible and intangible assets in lieu of cash capital investments.

Foreigners are free to enter into joint ventures with Haitian citizens. The distribution of shares is a private matter between two partners. However, the sale and purchase of company shares are regulated by the state.

Entrepreneurs are free to dispose of their properties and assets and to organize production and marketing activities in accordance with local laws.

Protection of Property Rights Return to top

Haitian law protects copyrights, patent rights, and inventions, as well as industrial designs and models, special manufacturers' marks, trademarks, and business names. The law penalizes individuals or enterprises involved in infringement, fraud, or unfair competition. Haiti is a signatory to the Buenos Aires Convention of 1910, the Paris Convention of 1883 regarding patents, and the Madrid Agreement regarding trademarks. Haiti has ratified the Bern Copyright Convention.

The current draft trademark law appears to reflect the Haitian government's determination to revise its intellectual property legislation in line with its international agreements. As noted, weak enforcement mechanisms, inefficient courts, and judges' inadequate knowledge of commercial law may significantly impede the effectiveness of statutory protections.

Real property interests are handicapped by the absence of a comprehensive civil registry. Bona fide property titles are often non-existent. If they do exist, they are often in conflict with other titles for the same property. Verification of property titles can take several months or more. The Embassy regularly receives reports of fraudulent or fraudulently recorded land titles. Mortgages exist, but real estate mortgages are expensive and involve cumbersome procedures. They are not always recorded against the debtor or creditors.

Transparency of Regulatory System

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Haitian laws are transparent and theoretically universally applicable, but legal enforcement is not universally applied nor observed. The bureaucracy and "red tape" in the Haitian legal system is often excessive.

Haiti does not have laws to specifically foster competition. Tax, labor, health, and safety laws and policies are theoretically universally applicable. However, they are not universally applied, observed, or enforced. Many in the private sector provide services, such as health care, for employees that are not provided by Haitian government agencies.

Efficient Capital Markets and Portfolio Investment

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The scale of financial services remains modest in Haiti. In principle, there are no limitations on foreigners' access to the Haitian credit market and credit is available through commercial banks. The free and efficient flow of capital is hindered by the difficulties in obtaining financing and by Haitian accounting practices, which often fall below international standards. While there are no restrictions on foreign investment through mergers or acquisitions, there is no Haitian stock market, so there is no way for investors to purchase shares in a company outside of direct transactions.

The standards that govern the Haitian legal, regulatory, and accounting systems often fall below international norms. Haitian laws do not require external audits of domestic companies. Local firms calculate taxes, obtain credit or insurance, prepare for regulatory review, and assess real profit and loss. Accountants use basic accounting standards set by the Organization of Certified Professional Accountants in Haiti (OCPAH).

Practices in the banking sector, however, are superior to other sectors. Under Haitian law, banks are not required to comply with internationally recognized accounting standards nor to be audited by internationally recognized accounting firms. Haiti's Central Bank, BRH, requires only that banks be audited. Nonetheless, most private banks follow international accounting norms and use consolidated reporting.

The trend in the banking sector has been the proliferation of branches to capture deposits and remittances and the concentration of credit mainly in trade financing. Telebanking now provides access to banking services for many Haitians holding bank accounts for the first time. Three major banking institutions hold 83 percent of total banking sector assets, valued at HTG 170 billion (nearly USD 4 billion) in September 2012 – more than one third of GDP. The three major commercial banks also hold almost three-quarters of total loan portfolios, while 70 percent of total loans are monopolized by 10 percent of borrower, which increases the Haitian banking system's vulnerability to systemic credit risk and restricts the availability of capital. The gross loan portfolio of the banking system in September 2012 was HTG 53 billion (USD 1.23 billion), representing about a 30 percent increase from FY 11. The quality of the loan portfolios in the banking system, measured by the ratio of nonperforming loans over total loans, improved significantly over the past two years, valued at 2.4 percent in September 2012 from 3.7 percent last year, and a 9 percent average during 2006-2010. The improvement of the quality of the loan portfolio over the past years resulted mainly from the cancellation of SOCABANK's nonperforming loans by the state-owned commercial bank BNC. SOCABANK, a privately-owned commercial bank, was taken over by BNC in 2007, which caused the latter to become the third largest bank in the system.

In 2011-12, the Central Bank's main challenge was to maintain monetary stability while public authorities urged it to maintain anti-inflationary measures in response to soaring world commodity prices, the lingering global economic downturn, the reverse effects from the spring drought and both Hurricanes Isaac and Sandy. In order to stimulate credit to the private sector and facilitate loan restructuring, the Central Bank relaxed its loan requirements on residential and commercial property loans and lowered the reserve requirement ratios on liabilities denominated in U.S. dollars.

There are no legal limitations on foreigners' access to the domestic credit market. Credit is available on market terms through commercial banks. However, banks demand a pledge of real property to grant loans. Given the lack of effective cadastral and civil registries, loan applicants face daunting challenges in obtaining credit. The banking sector is extremely conservative in its lending practices. Banks typically lend exclusively to their most trusted and credit-worthy clients. In addition, the high concentration of assets does not allow for product innovation at major banks.

In order to give greater financial services access to individuals and prospective investors, the Haitian government adopted a chattel law in 2009 and a new banking law in 2012 that both recognize tangible movable property (ex. portable machinery, furniture, tangible personal property) as collateral for loans. These laws allow individuals to buy condominiums and banks to accept personal properties, such as cars, bank accounts, etc., as a pledge for loans. USAID/Haiti has a portfolio guarantee program with a diversified group of financial institutions in order to encourage them to expand credit to productive small and medium enterprises and rural micro-enterprises. The Haitian government plans to establish a credit rating bureau to disseminate data on the total indebtedness and concentration of credit risks of businesses and individuals in the financial sector, but to date there has been little progress in setting up the bureau.

Competition from State Owned Enterprises Return to top

In October 1996, the Haitian government established legislation on the privatization of public enterprises, which allows foreign firms to invest in the management and/or ownership of Haitian state-owned enterprises. The Haitian government established the Commission for the Modernization of Public Enterprises (CMEP) in 1996 to facilitate the privatization process by creating strategies to privatize Haitian state enterprises. Despite initial enthusiasm in both the public and private sectors for privatization, progress has been slow. To date, three Haitian state-owned enterprises have been privatized, and two other privatizations are under consideration.

In 1998, two U.S. companies, Seaboard and Continental Grain, purchased 70 percent of the state-owned flourmill. Currently, each partner owns 23 percent of the new company known today as "Les Moulins d'Haiti". In 1999, a consortium of Colombian, Swiss, and Haitian investors purchased a majority stake in the national cement factory. In April

2010, a Vietnamese corporation, Viettel, officially acquired 60 percent of the state telecommunications company Teleco (now operating as Natcom), with the Haitian government retaining 40 percent ownership. Several schemes are envisaged for the privatizations of the National Port Authority (APN) and the state electricity company EDH.

The Haitian government has allowed private sector investment in electricity generation to compensate for the state electricity company's (Electricite d'Haiti - EDH) inability to supply sufficient power. For example, the Haitian firm E-Power opened a 32 megawatt, USD 56 million fuel-oil power plant in Port-au-Prince that began providing electricity in early 2011. The Haitian government has also allowed limited private sector investment in selected seaports, and has expressed interest in privatizing the Port-au-Prince airport.

Corporate Social Responsibility

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Awareness of corporate social responsibility among producers and consumers is limited, but growing. Irish-owned telecoms company Digicel, for example, sponsors an Entrepreneur of the Year program and has built 75 schools in Haiti. Les Moulins d'Haiti, partially owned by U.S. firm Seaboard Marine, provides some services including electrical power to surrounding communities. In the aftermath of the January 2010 earthquake, many firms provided logistical or financial support to humanitarian initiatives, and many continue to contribute to reconstruction efforts. Haiti's various chambers of commerce have become more supportive of social responsibility programs as well.

Political Violence

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Haiti's political situation has improved in recent years, but remains fragile. The uncertainty that periodic vacancies in the prime minister's position, cabinet changes, and infighting in Parliament created has hindered both reconstruction efforts and passage of important legislation. However, political violence is rare, and recent statistics suggest increasing capacity of law enforcement officials to deter and prosecute violent crime.

There have been no recent cases of political groups targeting foreign projects and/or installations. Historically, and continuing into 2012, politically motivated civil disorder, such as periodic demonstrations and labor strikes, sometimes interrupted normal business operations. Land invasions by squatters are a problem in both urban and rural areas, and requests for help to law enforcement authorities often go unanswered.

For additional Information:
http://haiti.usembassy.gov/service/us-citizen-services/travel-warning.html

Corruption

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Corruption, including bribery, raises the costs and risks of doing business. Corruption has a corrosive impact on both market opportunities overseas for U.S. companies and the broader business climate. It also deters international investment, stifles economic growth and development, distorts prices, and undermines the rule of law. Haiti achieved a significant step in its fight against corruption with the Senate's vote in March 2013 of an anti-money laundering law, and additionally an anti-corruption law in mid-May 2013. Both laws now await the Chamber of Deputies' approval.

It is important for U.S. companies, irrespective of their size, to assess the business climate in the relevant market in which they will be operating or investing, and to have an effective compliance program or measures to prevent and detect corruption, including foreign bribery. U.S. individuals and firms operating or investing in foreign markets should take the time to become familiar with the relevant anticorruption laws of both the foreign country and the United States in order to properly comply with them, and where appropriate, they should seek the advice of legal counsel.

The U.S. Government seeks to level the global playing field for U.S. businesses by encouraging other countries to take steps to criminalize their own companies' acts of corruption, including bribery of foreign public officials, by requiring them to uphold their obligations under relevant international conventions. A U.S. firm that believes a competitor is seeking to use bribery of a foreign public official to secure a contract should bring this to the attention of appropriate U.S. agencies, as noted below.

U.S. Foreign Corrupt Practices Act: In 1977, the United States enacted the Foreign Corrupt Practices Act (FCPA), which makes it unlawful for a U.S. person, and certain foreign issuers of securities, to make a corrupt payment to foreign public officials for the purpose of obtaining or retaining business for or with, or directing business to, any person. The FCPA also applies to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States.

For more detailed information on the FCPA, see the FCPA Lay-Person's Guide at: http://www.justice.gov/criminal/fraud/docs/dojdocb.html.

Other Instruments: It is U.S. Government policy to promote good governance, including host country implementation and enforcement of anti-corruption laws and policies pursuant to their obligations under international agreements. Since enactment of the FCPA, the United States has been instrumental to the expansion of the international framework to fight corruption. Several significant components of this framework are the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (OECD Antibribery Convention), the United Nations Convention against Corruption (UN Convention), the Inter-American Convention against Corruption (OAS Convention), the Council of Europe Criminal and Civil Law Conventions, and a growing list of U.S. free trade agreements. This country is party to the UN Convention and the OAS Convention, but generally all countries prohibit the bribery and solicitation of their public officials.

OECD Antibribery Convention: The OECD Antibribery Convention entered into force in February 1999. As of April 2012, there are 39 parties to the Convention including the United States (see http://www.oecd.org/dataoecd/59/13/40272933.pdf). Major exporters China, India, and Russia are not parties, although the U.S. Government strongly endorses their eventual accession to the Convention. The Convention obligates the Parties to criminalize bribery of foreign public officials in the conduct of international business. The United States meets its international obligations under the OECD Antibribery Convention through the U.S. FCPA. Haiti is not a party to the OECD Convention.

UN Convention: The UN Anticorruption Convention entered into force on December 14, 2005, and there are 164 parties to it as of November 2012 (see http://www.unodc.org/unodc/en/treaties/CAC/signatories.html). The UN Convention is the first global comprehensive international anticorruption agreement. The UN Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption. The UN Convention goes beyond previous anticorruption instruments, covering a broad range of issues ranging from basic forms of corruption such as bribery and solicitation, embezzlement, trading in influence to the concealment and laundering of the proceeds of corruption. The Convention contains transnational business bribery provisions that are functionally similar to those in the OECD Antibribery Convention and contains provisions on private sector auditing and books and records requirements. Other provisions address matters such as prevention, international cooperation, and asset recovery. Haiti is a party to the UN Convention.

OAS Convention: In 1996, the Member States of the Organization of American States (OAS) adopted the first international anticorruption legal instrument, the Inter-American Convention against Corruption (OAS Convention), which entered into force in March 1997. The OAS Convention, among other things, establishes a set of preventive measures against corruption, provides for the criminalization of certain acts of corruption, including transnational bribery and illicit enrichment, and contains a series of provisions to strengthen the cooperation between its States Parties in areas such as mutual legal assistance and technical cooperation. As of November 2012, the OAS Convention has 34 parties (see http://www.oas.org/juridico/english/Sigs/b-58.html). Haiti is a party to the OAS Convention.

Council of Europe Criminal Law and Civil Law Conventions: Many European countries are parties to either the Council of Europe (CoE) Criminal Law Convention on Corruption, the Civil Law Convention, or both. The Criminal Law Convention requires criminalization of a wide range of national and transnational conduct, including bribery, money-laundering, and account offenses. It also incorporates provisions on liability of legal persons and witness protection. The Civil Law Convention includes provisions on compensation for damage relating to corrupt acts, whistleblower protection, and validity of contracts, inter alia. The Group of States against Corruption (GRECO) was established in 1999 by the CoE to monitor compliance with these and related anti-corruption standards. Currently, GRECO comprises 49 member States (48 European countries and the United States). As of December 2012, the Criminal Law Convention has 47 parties and the Civil Law Convention has 47 (see http://www.business-anti-corruption.com/about-corruption/coe/). Haiti is not a party to the Council of Europe Conventions.

Free Trade Agreements: While it is U.S. Government policy to include anticorruption provisions in free trade agreements (FTAs) that it negotiates with its trading partners, the anticorruption provisions have evolved over time. The most recent FTAs negotiated now require trading partners to criminalize “active bribery” of public officials (offering bribes to any public official must be made a criminal offense, both domestically and trans-nationally) as well as domestic “passive bribery” (solicitation of a bribe by a domestic official). All U.S. FTAs may be found at the U.S. Trade Representative Website: http://www.ustr.gov/trade-agreements/free-trade-agreements. Haiti does not have an FTA with the United States, but benefits from trade preference programs.

Local Laws: U.S. firms should familiarize themselves with local anticorruption laws, and, where appropriate, seek legal counsel. While the U.S. Department of Commerce cannot provide legal advice on local laws, the Department's U.S. and Foreign Commercial Service can provide assistance with navigating the host country's legal system and obtaining a list of local legal counsel.

Assistance for U.S. Businesses: The U.S. Department of Commerce offers several services to aid U.S. businesses seeking to address business-related corruption issues. For example, the U.S. and Foreign Commercial Service can provide services that may assist U.S. companies in conducting their due diligence as part of the company's overarching compliance program when choosing business partners or agents overseas. The U.S. Foreign and Commercial Service can be reached directly through its offices in every major U.S. and foreign city, or through its Website at www.trade.gov/cs.

The Departments of Commerce and State provide worldwide support for qualified U.S. companies bidding on foreign government contracts through the Commerce Department's Advocacy Center and State's Office of Commercial and Business Affairs. Problems, including alleged corruption by foreign governments or competitors, encountered by U.S. companies in seeking such foreign business opportunities can be brought to the attention of appropriate U.S. government officials, including local embassy personnel and through the Department of Commerce Trade Compliance Center "Report A Trade Barrier" Website at tcc.export.gov/Report_a_Barrier/index.asp.

The U.S. Commercial Service (USCS) and the U.S. Department of State started in 2011 a "Partner Post" program in Haiti where USCS does not have its own operations. Through this program, the U.S. Embassy in Haiti provides U.S. companies with standard Commercial Service products and services (e.g. International Partner Search and Gold Key Services) at a cost. More information can be found on the U.S. Export Assistance (USEAC) website at http://www.export.gov/.

Guidance on the U.S. FCPA: The Department of Justice's (DOJ) FCPA Opinion Procedure enables U.S. firms and individuals to request a statement of the Justice Department's present enforcement intentions under the anti bribery provisions of the FCPA regarding any proposed business conduct. The details of the opinion procedure are available on DOJ's Fraud Section Website at www.justice.gov. Although the Department of Commerce has no enforcement role with respect to the FCPA, it supplies general guidance to U.S. exporters who have questions about the FCPA and about international developments concerning the FCPA. For further information, see the Office of the Chief Counsel for International Counsel, U.S. Department of Commerce, Website, at http://www.ogc.doc.gov/trans_anti_bribery.html. More general information on the FCPA is available at the Websites listed below.

Exporters and investors should be aware that generally all countries prohibit the bribery of their public officials, and prohibit their officials from soliciting bribes under domestic laws. Most countries are required to criminalize such bribery and other acts of corruption by virtue of being parties to various international conventions discussed above.

Public sector corruption, including bribery of public officials, remains a major challenge for U.S. firms operating in Haiti. Transparency International's Corruption Perception Index for 2012 ranked Haiti the most corrupt country in the Caribbean region, albeit improving on its 2012 global ranking from 175th to 165th. The Haitian government has made incremental progress in enforcing public accountability and transparency, but substantive institutional reforms are still needed. In 2004, the Haitian government established the Specialized Unit to Combat Corruption (ULCC) in the Ministry of Economy and Finance. In February 2008, the law on disclosure of assets by civil servants and high public officials prepared by ULCC was approved by Parliament. The ULCC is preparing a code of ethics for the civil service, and its anti-corruption bill was adopted by Parliament in March 2009.

In 2005, the Haitian government created the National Commission for Public Procurement (CNMP) to ensure that Haitian government contracts are awarded through competitive bidding and to establish effective procurement controls in public administration. The CNMP publishes lists of awarded Haitian government contracts. In 2009, the Haitian government enacted a procurement law that requires contracts to be routed through CNMP. In 2012, however, a presidential decree substantially raised the threshold at which public procurements must be managed by the CNMP, decreasing transparency for many smaller government contracts.

U.S. firms have complained that corruption is a major obstacle to effective business operation in Haiti. They point to requests for payment by customs officials in order to clear import shipments as examples of solicitation for bribes. Some importers reportedly "negotiate" customs duties with inspectors.

Haitian law, applicable to individuals and financial institutions, criminalizes corruption and money laundering. Bribes or attempted bribes toward a public employee are a criminal act and are punishable by the criminal code (Article 173) for one to three years of imprisonment. The law also contains provisions for the forfeiture and seizure of assets.

Anti-Corruption Resources

Some useful resources for individuals and companies regarding combating corruption in global markets include the following:

• Information about the U.S. Foreign Corrupt Practices Act (FCPA), including a "Lay-Person's Guide to the FCPA" is available at the U.S. Department of Justice's Website at: http://www.justice.gov/criminal/fraud/fcpa.

• Information about the OECD Antibribery Convention including links to national implementing legislation and country monitoring reports is available at: http://www.oecd.org/department/0,3355,en_2649_34859_1_1_1_1_1,00.html. See also new Antibribery Recommendation and Good Practice Guidance Annex for companies: http://www.oecd.org/dataoecd/11/40/44176910.pdf.

• General information about anticorruption initiatives, such as the OECD Convention and the FCPA, including translations of the statute into several languages, is available at the Department of Commerce Office of the Chief Counsel for International Commerce Website: http://www.ogc.doc.gov/trans_anti_bribery.html.

• Transparency International (TI) publishes an annual Corruption Perceptions Index (CPI). The CPI measures the perceived level of public-sector corruption in 180 countries and territories around the world. The CPI is available at: http://www.transparency.org/policy_research/surveys_indices/cpi/2009. TI also publishes an annual Global Corruption Report which provides a systematic evaluation of the state of corruption around the world. It includes an in-depth analysis of a focal theme, a series of country reports that document major corruption related events and developments from all continents and an overview of the latest research findings on anti-corruption diagnostics and tools. See http://www.transparency.org/publications/gcr.

• The World Bank Institute publishes Worldwide Governance Indicators (WGI). These indicators assess six dimensions of governance in 212 countries, including Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law and Control of Corruption. See http://info.worldbank.org/governance/wgi/sc_country.asp. The World Bank Business Environment and Enterprise Performance Surveys may also be of interest and are available at: http://go.worldbank.org/RQQXYJ6210.

• The World Economic Forum publishes the Global Enabling Trade Report, which presents the rankings of the Enabling Trade Index, and includes an assessment of the transparency of border administration (focused on bribe payments and corruption) and a separate segment on corruption and the regulatory environment. See http://www.weforum.org/en/initiatives/gcp/GlobalEnablingTradeReport/index.htm.

• Additional country information related to corruption can be found in the U.S. State Department's annual Human Rights Report available at http://www.state.gov/g/drl/rls/hrrpt/.

• Global Integrity, a nonprofit organization, publishes its annual Global Integrity Report, which provides indicators for 92 countries with respect to governance and anti-corruption. The report highlights the strengths and weaknesses of national level anti-corruption systems. The report is available at: http://report.globalintegrity.org/.

Bilateral Investment Agreements

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In May 2008, the U.S. Congress passed the Haitian Hemispheric Opportunity through Partnership Encouragement Act (HOPE II) to enable the Haitian textile industry to benefit from tariff advantages on the condition that the Haitian government and eligible producers comply with internationally recognized labor standards. HOPE II allows for duty-free entry into the United States for a limited number of garments imported from Haiti, provided that 50% of the value when imported originates in Haiti, the United States, or another country that has a free-trade agreement with the United States. This percentage increases to 55% in the fourth year and 60% in the fifth year of HOPE II implementation. In 2010, the U.S. Congress responded to the Haitian apparel industry's needs following the earthquake by amending the HOPE Act with the Haiti Economic Lift Program (HELP) Act. HELP extends HOPE II tariff advantages until 2020. HOPE/HELP has stimulated job creation within the garment industry, which has added approximately 8,000 jobs since 2008, bringing the assembly sector overall employment to about 28,690. The HOPE and HELP Acts are critical in Haiti's recovery and will help create sustainable support for Haiti's economy.

Haiti has signed mutual investment protection treaties or conventions with the U.S. (1953, 1983), France (1973, 1984), Germany (1975), and Canada (1980). The

December 1983 treaty with the U.S. and Haiti on the Reciprocal Encouragement and Protection of Investment (OPIC bilateral agreement) has been ratified by Parliament on May 7, 2013. Haiti intends to deepen its regional integration efforts with its neighbors by participating in agreements and treaties with countries in the region. Haiti, a CARIFORUM member, signed an economic partnership agreement (EPA) with the European Union (EU) in December 2009. The EPA allows the export of products from Haiti to EU countries without tariffs or quotas. Haiti is a member of the Caribbean Community (CARICOM), and assumed chairmanship of CARICOM on January 1, 2013. The CARICOM Single Market and Economy (CSME), which was created in 1989 and aims to advance the region's integration into the global economy by facilitating free trade in goods and services and the free movement of labor and capital, became operational in January 2006 among twelve of the fifteen Member States. Haiti -- a member of CARICOM, but not yet a participant in CSME -- has expressed an interest in participating fully in CSME. In November 2009, a new tariff schedule went into effect in Haiti, based on the Haitian government's prior announcement that tariffs would be increased to meet CARICOM requirements. The schedule provides for significant increases in tariffs on many products, averaging between three and a half and five percent.

OPIC and Other Investment Insurance Programs

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Overseas Private Investment Corporation (OPIC) offers insurance against political risks and financing programs for U.S. investments in Haiti. OPIC financing includes two programs: direct lending and investment guarantees. Direct loans are available to investment projects sponsored by or significantly involving U.S. small businesses. Investment guarantees are available to U.S. eligible investors of any size. OPIC has invested more than USD 223 million in 78 projects in Haiti over 40 years, in infrastructure, renewable resources, and other sectors.

OPIC has an on-lending facility with Citibank available to several Caribbean countries, including Haiti. OPIC participation in this facility is through loan guarantees totaling USD 100 million, with up to 20 percent of this amount available for Haiti. The OPIC risk share for the facility ranges from 25 to 75 percent for each loan.

The Haitian government has ratified and completed its accession to the WB's Multilateral Investment Guarantee Agency (MIGA) that can now operate in Haiti.

Labor

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Haiti has an abundance of unskilled labor. In October 2012, the Haitian government enacted a minimum wage increase, as provisioned by the 2009 minimum wage law (Minimum wage law). Measures are currently underway to enhance the technical skills of the Haitian workforce and thereby facilitate the transfer of technology. In August 2010, the Haiti Apparel Training Center (HAC) officially opened in the Parc Industriel Metropolitain in Port-au-Prince, providing professional training for workers in the garment industry. This new center was funded by USAID and has trained more than 2,000 workers annually. With USAID support in 2012, Haitian vocational training center INDEPCO trained more than 600 people on basic sewing skills in northern Haiti.

Labor unions are generally receptive to investment that creates new jobs, and support from the international labor movement including the AFL-CIO and ITUC is building the capacity of unions to represent workers and engage in social dialogue. As of December 2012, the Ministry of Labor and Social Affairs is revising a new labor code that will be more in compliance with international labor standards.

Labor-management relations in Haiti have at times been strained. In some cases, however, industries have autonomously implemented good labor practices. For example, the apparel assembly sector established its own voluntary code of ethics to encourage its members to adopt good labor practices. In addition to local entities, the International Labor Organization (ILO) has an office in Haiti and operates an on-going project with the assembly industry to improve productivity through improvement in working conditions. In October 2009, the ILO officially launched the Better Work Program, designed to ensure compliance with labor standards and create jobs in the garment sector in Haiti over the next ten years. Better Work Haiti's biannual report is available at http://www.betterwork.org/EN/countries/Pages/Haiti.aspx.

Foreign-Trade Zones/Free Ports Return to top

A law on Free Trade Zones (FTZ) entered into force on July 2002. It sets out the conditions for operating and managing economic FTZs, together with exemption and incentive regimes granted for investment in such zones. The law is not specific to a particular activity. The law defines FTZs as geographical areas to which a special regime on customs duties and controls, taxation, immigration, capital investment, and foreign trade applies and where domestic and foreign investors can provide services, import, store, produce, export, and re-export goods.

FTZs may be private or joint venture. The law provides the following incentives and benefits for enterprises located in FTZs:

-- Full exemption from income tax for a maximum period of 15 years, followed by a period during which there is partial exemption that gradually decreases;

-- Customs and fiscal exemptions for the import of capital goods and equipment needed to develop the area, with the exception of tourism vehicles;

-- Exemption from all communal taxes (with the exception of fixed occupancy tax) for a period not exceeding 15 years; and

-- Registration and transfer of the balance due for all deeds relating to purchase, mortgages, and collateral.

In 2003, a FTZ was established in the northeastern city of Ouanaminthe, where a Dominican company, Grupo M, manufactures clothing for a variety of U.S. companies -- Sarah Lee, Nautica, Dockers, Fruit of the Loom and Levi Strauss -- at their CODEVI facility. Three additional FTZs were established between February 2012 and March 2013 in the suburbs areas of Port-au-Prince, one of which will house a Korean apparel manufacturer. In October 2012, the Government of Haiti with the support of the Inter-American Development Bank (IDB) and the United States Government opened a 617-acre Caracol Industrial Park (CIP) mixed industrial zone located in proximity to the town of Caracol in Haiti's northern region. As of December 2012, two companies already began operating in CIP: the Korean garment company S&H Global and a Haitian paint manufacturer Peinture Caraibe. Other companies, including another apparel manufacturer a Haitian candle, door, and construction material companies, and a sesal processing plant are slated to begin operations in 2013.

In addition, the International Finance Corporation and the WB's Investment Climate Advisory Services are supporting the Haitian government's plans to implement integrated economic zones (IEZ) throughout Haiti. The project, partly funded by the Netherlands, is expected to generate more than 380,000 jobs and 100,000 home sites in Haiti over the next two decades following implementation. The Haitian government is currently working on developing an IEZ law and the regulatory framework to pilot the program under a public-private partnership approach.

Foreign Direct Investment Statistics **Return to top**

OAS trade sanctions in 1991 and a comprehensive UN trade embargo in 1994 led to significant divestment of foreign holdings. Since the lifting of international sanctions in October 1994, new foreign direct investment (FDI) has been limited. In general, FDI remains low. Total FDI inflows amounted to USD 150 million in 2010 and USD 181 million in 2011. FDI inflows declined by 1 percent in 2012 to USD 178.7 million, partly because of global economic conditions.

Statistics on direct foreign investment by country of origin and sector are not available. Detailed and reliable statistics on total investment are also difficult to retrieve.

Major Foreign Investors

U.S. Companies:

- Access Haiti
- American Airlines
- Amerijet
- Ashbritt
- Avis Rent-a-Car
- Best Western
- Budget Car Rental
- Citibank
- Compagnie de Tabac Comme Il Faut (Luckett Inc.)
- Continental Grain/ Les Moulins d'Haiti
- Crowley Maritime
- Culligan
- Delta Airlines
- Dollar
- Dominos Pizza
- FedEx
- Fox River Caribe
- Haiti Building Solutions
- Haytrac
- Hertz
- IBC Airways
- Island Apparel

- Leopard Capital
- Newmont Mining
- Quick Response Manufacturing
- Radio Shack
- Royal Caribbean- Tropical Telecom
- Sante Shipping Lines
- Seaboard Marine
- SIMACT
- Spirit Airlines
- The Sol Group (Puerto Rico)
- UPS
- VCS Mining
- Western Union

Other countries:

- Elf Acquitaine (France)
- Scotia Bank – Air Transat (Canada)
- Royal Caribbean (UK/Norway)
- Digicel (Ireland)
- Total (France)
- Viettel (Vietnam)
- Insel air (Curacao)
- Empresas Estrella (Dominican Republic)
- S&H Global (South Korea)
- DHL (Germany)

Resident U.S. citizens own light manufacturing assembly sector plants in Haiti. Other manufacturing plants operate as subsidiaries of U.S. manufacturing companies. The Haitian government does not consider these firms as major investors since they generally occupy leased facilities, and capital investment is often limited to sewing machines and office equipment. Some smaller agribusiness enterprises and hotels, partly owned by U.S. citizens, also operate in Haiti.

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Chapter 7: Trade and Project Financing

How Do I Get Paid (Methods of Payment)

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Foreign exporters to Haiti have access to a wide range of payment arrangements (advances, letters of credit, bank guarantees) and are free to use domestic or foreign financing.

How the Banking System Operates

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The Haitian financial sector consists of a dozen commercial banks concentrated in the Port-au-Prince area. There are five locally incorporated banks (Sogebank, Unibank, Banque de l'Union Haitienne, Capital Bank and Banque Industrielle et Commerciale d'Haiti) and two foreign banks (Scotiabank and Citibank). There are also two state-owned banks (Banque Populaire Haitienne and Banque Nationale de Credit), a private development finance institution (SOFHIDES), and one mortgage bank (Sogebel). Commercial banks have opened many branches to capture deposits, provide loans, and offer other banking services. However, their credit policy supports mainly trade financing and remains very concentrated. On average, 11 percent of borrowers hold over 70 percent of the formal loan portfolios.

These banks offer a full range of banking services including demand deposits, checking services, savings and time deposits, purchase and sale of foreign currency, opening and amending of letters of credit, safety deposit services, bid and performance bonds for bidding competitions, discounting of commercial paper, warrants, lines of credit, etc. Citibank runs the GSM program - a program offering credit guarantees for agricultural exports from the U.S. Citibank also finances the OPIC facility for micro financing, administered by ProCredit Holding AG, which offers loans to Haitian and American business enterprises for investment in Haiti.

A 2002 Investment Code removed all discriminatory treatment against foreign investors regarding rights, privileges, and obligations. However, foreign investors who reside in Haiti must obtain a residence permit. Bond and securities markets and equity financing are not available. Dollar accounts, including certificates of deposit, are available, and approximately half of the banking system deposits and loans are in dollars. Long-term financing is constrained by the short-term structure of deposits.

The Bank of the Republic of Haiti (BRH), an autonomous government agency, functions as Haiti's Central Bank, and is responsible for:

- Advising the government in matters of monetary policy
- Regulating the money supply
- Administering and managing exchange reserves
- Controlling and directing the distribution of credit
- Issuing bank notes, minting coinage, and creating representative money
- Providing all appropriate services as banker for the government
- Recording public debt transactions
- Administering the activities of the clearinghouse for inter-bank payments

Commercial and mortgage banks are required to hold legal reserves in the form of currency or deposits at the Central Bank. The Central Bank has rediscount and lending facilities for the commercial banks and there is also an active inter-bank market.

Foreign-Exchange Controls Return to top

Haiti has a liberal foreign exchange regime with no limitations on cross-border payments. There are controls on the movement of cash into and out of Haiti, with reporting requirements for transactions of more than USD 10,000.

U.S. Banks and Local Correspondent Banks Return to top

- Capital Bank: Bank of New York (NY)
- BPH: Bank of America (NC), Citibank International (NY)
- BUH: Bank of New York (NY) , First Union (FL)
- BNC: Bank of New York (NY)(NC)
- Sogebank: Bank of America (FL and NY),
- Unibank: Bank of America (FL), Bank of New York (NY), JPMorgan Chase Bank (FL)

Project Financing Return to top

Investors in Haiti have access to a limited variety of credit instruments, ranging from short-term loans, to generate working capital, to medium- and long-term credit arrangements to finance the construction or purchase of buildings, or to purchase and replace production equipment and fixtures.

Other non-commercial institutions, created and financed largely with the support of international donors, provide credit to micro-entrepreneurs. Their purpose is to mobilize financial resources for working capital and fixed-asset investment of priority sector enterprises. These banks offer longer-term loans and assume risks that commercial banks decline.

GSM credit guarantees are available to companies doing business with Haiti; however, Ex-Im Bank financing is not currently available. Insurance programs through the World Bank's Multilateral Investment Guarantee Agency (MIGA) are now available to U.S. investors. Private Haitian insurance companies and agents representing foreign insurance companies cover risks associated with overland, maritime, and air transportation. Several local companies that meet international operation standards provide export insurance.

U.S. Overseas Private Investment Corporation (OPIC) financing is available for suitable projects in Haiti. Standard commercial financing is available from Haitian and foreign banks; however, long-term financing is constrained by the short-term structure of deposits. SOFIHDES, a private financial corporation founded with USAID support, finances small- and medium-sized investments in agribusiness and export industries.

International financing is available to potential investors through the following financial institutions:

- Banque Européenne d'Investissement (BEI) under the Lomé Convention
- Caribbean Export Development Agency (European Union)
- U.S. Overseas Private Investment Corporation (OPIC)
- Inter-American Investment Society/Inter-American Development Bank (IIS/IDB)
- International Finance Corporation (IFC)/World Bank

Multilateral development banks are also active in financing various projects. The Inter-American Development Bank (IDB) and the World Bank have set aside funding for several projects for infrastructure development (e.g., sanitation, water management, waste disposal, energy, road construction, and rehabilitation). The IDB and World Bank also fund other projects designed for municipal development and institutional strengthening. Contact information for the World Bank and the IDB can be found in Chapter 9: Contacts, Market Research and Trade Events.

Country Limitation Schedule: USAID is also involved in financing various productive sectors that have traditionally been underserved in terms of credit. USAID works through a mechanism known as the Development Credit Authority (DCA) and guarantees up to 50% of a loan portfolio. The DCA is a partial loan guarantee to local financial institutions and commercial banks which gives the necessary protection to banks to provide loans to borrowers in markets such as agriculture, handicrafts, tourism, garment industry, waste management and construction/infrastructure.

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Export-Import Bank of the United States: http://www.exim.gov

OPIC: http://www.opic.gov

Trade and Development Agency: http://www.tda.gov/

SBA's Office of International Trade: http://www.sba.gov/oit/

USDA Commodity Credit Corporation: http://www.fsa.usda.gov/ccc/default.htm

U.S. Agency for International Development: http://www.usaid.gov

Chapter 8: Business Travel

Facilities for visiting business persons have improve significantly with the opening of two additional hotels in Petion-Ville, a suburb of Port-au-Prince. These hotels offer a full range of business services, including internet connectivity and voicemail, notably Hotel Karibe, El Rancho, Kinam Hotel, Visa Lodge, Royal Oasis, Best Western and the Villa Creole. Reservations can be made by telephone, fax, e-mail or online (only the Best Western and Royal Oasis hotel provides the online booking service).

The construction of the Marriott Hotel located in the area of Turgeau will help meet high demand for hotel rooms in the downtown area of Port-au-Prince. The Mariott Hotel will be open for the public in 2015.

Business Customs Return to top

Haitians are open to working with foreign investors and are particularly well disposed towards American investors. Most Haitian businesspersons speak English fluently. Appointments with Haitian business operators should be made in advance. Invitations to restaurants for meetings are appreciated and business is usually discussed in restaurants and hotels as much as in offices.

Travel Advisory Return to top

Visit the following site for the latest travel advisory on Haiti:
http://travel.state.gov/travel/cis_pa_tw/tw/tw_917.html
http://haiti.usembassy.gov/information_sheet_consular_october_2008.html

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Visitors are required to have a valid passport. Visitors from the U.S., U.K., France, and Germany may not require a visa, however if a U.S. Citizen expects to be in the country for more than 90 days they need to apply for an extension of stay with the Haitian Immigration Service in order to obtain an exit visa. It is highly recommended to do this procedure prior to the 90 days expiration date. An airport tax of USD 30.00 plus USD 5.00 is required from foreigners departing Haiti, and is included in the price of airline tickets.

A publication ("Guide for Business Representatives") is available for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC, 20402, telephone 202-512-1800, or fax 202-512-2250. Business travelers to Haiti seeking appointments with U.S. Embassy officials in Port-au-Prince should contact the Economic Section in advance of their arrival date by calling 509-2-229-8000 and ask to be transfer to the Economic section, by fax at 509-2-229-8024 or via e-mail at Papecon@state.gov

Haitian Immigration Service
Avenue John Brown, Lalue
Port-au-Prince, Haiti
Tel: 2244-1737

More information may be found at:
http://www.travel.state.gov/

U.S. Companies that require travel of foreign businesspersons to the United States should direct potential Haitian travelers to the following links.

State Department Visa Website: http://travel.state.gov/visa/visa_1750.html

U.S. Embassy Port-au-Prince Consular Section: http://haiti.usembassy.gov/visas.html

http://haiti.usembassy.gov/service/information-on-obtaining-an-exit-visa.html

Telecommunications

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The number of telephones has significantly increased since 2007. The top cellular company is Digicel as they bought their biggest competitor Comcel. Digicel use GSM wireless cellular phone technology. Haitel is second cell phone company in Haiti, but they are almost nonexistent and is under the procedure of being both by the private sector. Haitel uses a third generation CDMA telecommunication network system,. Cellular and prepaid cellular ltelephones are available for rent and can be purchased very cheaply. Natcom a Vietnamese/Haitian state joint venture, created in April 2010, is Digicel main competitor. Natcom is providing a high-speed bandwidth through its network of 3,500 kilometers of fiber optic cable broadband throughout Haiti, which allows high-speed stability and a high-quality connection. Access Haiti, one of the country's largest internet service providers may soon join the mobile phone market.

Transportation

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The major car rental agencies located in Port-au-Prince include Hertz, Avis, Budget, Dollar, and Secom. Air travel is possible from Port-au-Prince to most of the provinces. Though distances are short, travel in Haiti specifically in the Port-au-Prince area is extremely slow. Many national highways have been constructed and many more are being built, which makes traveling to the cities outside of Port-au-Prince much easier. Privately operated taxicabs and other public transportation vehicles are not recommended for use (U.S. Embassy officers are not allowed to use public transportation.) Visitors are advised to hire a driver for ground transportation.

Language

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French and Haitian Creole are the official languages of Haiti; however, English is widely spoken in the business community and Spanish is also spoken to lesser extent.

Health

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Medical facilities are limited, particularly in areas outside of the capital. Doctors and hospitals often expect immediate cash payment for health care services. U.S. medical insurance is not always valid or accepted outside the United States. Travelers should confirm the validity of their insurance coverage before departing the U.S. The Medicare/Medicaid program does not provide for payment of medical services outside the United States. It is prudent to have medical evacuation coverage.

Local Time, Business Hours, and Holidays

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Government and commercial offices typically open between 8:00 AM and 9:00 AM and close between 3:30 PM and 5:00 PM Retail businesses remain open until 6:00 PM Supermarkets, depending on the area might close at 7:00 PM and 8:00 PM.

Haitian Holidays for 2013:

January1, New Year's Day
January 2, Ancestors' Day
February 12, Carnival
March 29, Good Friday
May 1, Labor and Agriculture Day
May 30, Corpus Christi
August 15, Assumption Day
October 17, Death of Dessalines
November 1, All Saints' Day
November 18, Battle of Vertieres Day
December 25, Christmas

Temporary Entry of Materials and Personal Belongings

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There is no fee for the entry of personal belongings. However, a 0.25 percent unique rate is applied to goods entering under diplomatic concessions and for those that are on "temporary entry."

Goods that will be in the country temporarily must be imported under the temporary entry regime. Temporary entry refers to goods that will be processed before being re-exported. These goods are subject to a security deposit equivalent to one and a half times the duties and taxes payable under the release for consumption regime. This deposit is paid in the form of a *chèque de direction* (banker's check) that will be released once the goods are re-exported. Goods that enter the country under the temporary entry regime and are then used for consumption purposes are taxed on the amount of their depreciation when they are re-exported.

All imported goods are subject to verification fees and administrative costs.

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Chapter 9: Contacts, Market Research, and Trade Events

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U.S. Department of Commerce
Office of Latin America and the Caribbean
Haiti Desk, Room 3204
Washington, D.C. 20230
Tel: (202) 482-0704
Fax: (202) 482-0464
http://www.buyusa.gov

U.S. Department of State
Haiti Desk
2201 C Street NW
Room 4906
Washington, D.C. 20520
Tel: (202) 647-5088
Fax: (202) 647-2901
http://www.state.gov/p/wha/ci/ha/

U.S. Agency for International Development (USAID)
Bureau for Latin America and the Caribbean Affairs
Room 5-8-90
Ronald Reagan Building, 1300 Pennsylvania Avenue, NW
Washington, D.C. 20523-5900
Tel: (202) 712-0000 / 712-4810,
Fax: (202) 216-3524
http://www.usaid.gov/who-we-are/organization/bureaus/bureau-latin-america-and-caribbean

USAID Haiti Office
Boulevard du 15 Octobre
Tabarre 41
Tabarre, Haiti
P.O. Box 1761
Port-au-Prince, Haïti
Tel: (509) 2-229-8000
Fax: (509) 2-229-8024
http://haiti.usaid.gov/

U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, D.C. 20250

Foreign Agriculture Service
Trade Assistance and Promotion Office
Room 3246 South Building
Washington, D.C. 20250
Tel: (202) 720-7420
Fax: (202) 690-3982
http://www.fas.usda.gov/

U.S. Trade and Development Agency (USTDA)
Regional Director for Latin America and the Caribbean
1000 Wilson Blvd., Suite 1600
Arlington, VA 22209
Tel: (703) 875-4357
Fax: (703) 875-4009
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http://usembassy.state.gov/posts/ha1/wwwhhome.html

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Minister of Youth and Sports

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Minister in Charge of Relations with Parliament
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Minister of National Education
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Secretary of State for Public Security
Mr. Reginald Delva
c/o Ministry of Justice
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(Mr. Charles Castel, Governor)
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(Mr. Dider Fils Aime, President)
(Mrs. Christine Boncy, Executive Director)

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National Association of Microfinance Institutions of Haiti (ANIMH)
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Association of Travel Agencies
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Chapter 10: Guide to Our Services

The U.S. Commercial Service offers customized solutions to help your business enter and succeed in markets worldwide. Its global network of trade specialists will work one-on-one with you through every step of the exporting process, helping you to:

- Target the best markets with our world-class research
- Promote your products and services to qualified buyers
- Meet the best distributors and agents for your products and services
- Overcome potential challenges or trade barriers

For more information on the services the U.S. Commercial Service offers U.S. businesses, please click on the link below.

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