



Doing Business in Haiti:

2018 Country Commercial Guide for U.S. Companies

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Doing Business in Haiti

Market Overview

Haiti is one of the most open economies in the Caribbean with a number of sectors that are seeking foreign direct investment. Although the business climate is challenging, Haiti's legislation encourages foreign direct investment and the Haitian investment code provides the same rights, privileges, and equal protection to local and foreign companies. The Government of Haiti provides two types of incentives for foreign investment: customs duty incentives and income tax incentives. Import and export policies are non-discriminatory and are not based on nationality.

President Jovenel Moïse has designated agriculture, energy, transportation, and water as key investment sectors and announced his "Seven Priority Axes" for development in Haiti. The seven axes are:

- Reform the state apparatus and maintain political and social stability,
- Transform Haiti into an investment destination,
- Increase agricultural production and improve the environment,
- Build energy, transportation, and port infrastructure,
- Reinforce water and sanitation infrastructure,
- Improve the infrastructure and quality of the education system,
- Promote stability through social projects.

The United States is one of Haiti's top trading partners. In 2017, imports from the United States represented 24 percent of Haiti's total imports with approximately \$2 billion in trade between the two nations in 2017.

The Haitian garment sector, through the HOPE/HELP legislation, continues to perform well with exports to the U.S. totaling \$960.1 million in 2017. With the extension of HOPE/HELP through 2025, Haiti's garment sector remains of interest to large-scale manufacturing operations. U.S. companies should consider exporting to Haiti for the following reasons:

- The Haitian economy is one of the most open economies in the Caribbean.
- Haiti offers great proximity to the U.S. and most Haitian businesspeople speak fluent English.
- Haiti has preferential access to major markets including Canada, the U.S., and the European Union.
- U.S. imports represent over 24 percent of total imports.
- Four major international security-certified ports - Port-au-Prince, Cap-Haitien, Lafito, and St. Marc - provide maritime access to Haiti.
- Two international airports offer multiple daily flights between Haiti and the United States. The one in the northern city of Cap-Haitien facilitates commercial and cultural ties between Haiti's second city and the United States. It also provides quick access to the CARACOL and CODEVI industrial parks located in free zones in the northeastern region of Haiti.
- There are few government controls or subsidies.

Haiti's total imports reached \$4.392 billion during FY 2017, while total exports were only valued at \$960.1 million. Imports represent more than 70 percent of goods sold on the market. The top exports are:

- Apparel (\$833.95 million),
- Essential oils (\$28.27 million),
- Fruits and nuts (\$1.4 million), and
- Seafood (\$6.99 million).

The transport, telecommunications and oil sectors attract most of the investors. More recently, construction, textile, and the manufacture of automotive components have also attracted foreign investment.

Haiti's economic growth moderately slowed in 2017:

- Haiti's real GDP is valued at \$8.41 billion.

- The total population is 10.98 million and the per capita GDP is \$765.93.

According to the World Bank, the Haitian economy grew by 1.8 percent in 2017 as of the third trimester of the fiscal year, compared to Fiscal Year (FY) 2017 when the economy grew at a rate of 1.17 percent. This growth is attributed partly to:

- The 8 percent increase in salaries and wages in public administration,
- The 15 percent increase in the private sector,
- While investment, the other component of aggregate demand, also contributed to the improvement of growth, which reached \$92 million, a 0.9 percent increase.

This increase reflects, among other things, the contribution of foreign direct investment which increased significantly compared to FY 2017, as well as the increase in loans granted by banking institutions in the private sector.

Public expenditures increased to rebuild critical infrastructure after Hurricane Matthew in 2016 and the 2017 hurricane season. Resource mobilization continues to be a challenge with internal revenues only reaching 12.9 percent of the GDP. In addition, although in 2017 Hurricanes Irma and Maria were less damaging than 2016 Hurricane Matthew and caused agricultural output to fall by 5.1 percent over the first half of the fiscal year, sector production increased by 0.8 percent by the end of the year.

Haiti has taken significant steps to prepare for inevitable natural disasters. While the recent storms Irma and Maria skirted the island of Hispaniola, initial assessments showed that the Government was better prepared and had incorporated lessons learned from the experience with Hurricane Matthew.

During FY 2018, the World Bank expects growth to accelerate to 2 percent. As of December 2017, Haiti experience an annualized consumer price inflation of 13 percent. The inflation is attributed to:

- Weak domestic production,

- Chronic budget deficit,
- Depreciation of the Haitian gourde against the USD.

The depreciation of the Haitian gourde against the dollar continues, decreasing from an average of 62.85 gourdes to one U.S. dollar in October 2017 to 67.45 gourdes by June 2018.

In the second quarter of the fiscal year 2017-2018, the Central Bank noted a slowdown in the rate of inflation despite the relatively high level of monetary financing resulting from the sharp increase in public spending compared to state revenue.

At the external sector level, data for the beginning of the second quarter of fiscal year 2018 indicates a deterioration in the trade balance, and an increase in private transfers received from abroad. For the first four months of the year, the trade deficit reached \$1.03 billion, an increase of 26.78 percent over the same period last year. This increase in the trade deficit is due to higher imports compared to exports. For the period under review, imports grew by 24.06 percent to \$1.36 billion and exports grew by 16.24 percent to \$350.50 million.

Market Challenges

Although Haiti is one of the most open economies there are certain barriers to the development of foreign investment in the country, such as corruption, long-term political instability, and burdensome bureaucracy. Haiti is ranked 181st out of 190 in the 2018 [Doing Business report](#) issued by the World Bank.

The most common concerns expressed by foreign investors include:

- Haiti's need for improved port entry. Haiti's port fees remain the highest in the Western hemisphere.
- The impact of political instability on both capital investments and productivity.
- The sporadic nature and expense associated with the unreliable electricity.

- The impact of widespread corruption that pose a constant challenge to doing business in Haiti; particularly since some Haitian government officials view bribes as a normal part of doing business.
- Lack of transparency in governmental tender procedures.
- The high obstacles to credit, given the lack of effective cadastral and civil registries or a national credit bureau.
- High unemployment, which continues to suppress domestic spending due to weak levels of disposable income.
- Generally deteriorated infrastructure despite improvements made by the government of Haiti in the last few years.

The business environment for Foreign Direct Investment (FDI) in Haiti remains a challenge. However, in FY 2017 the amount of foreign direct investment in Haiti reached \$375 million per the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) in its latest annual report on Foreign Direct Investment (FDI). This is compared to \$104 million in 2016, \$105 million in 2015, and \$104 million in 2016.

The considerable increase in FDI in Haiti in 2017 is mainly attributable to the acquisition by the French Rubis Group of 100 percent of the shares of "National Distributors SA" (DINASA) and its subsidiary SODIGAZ, the leading distributors of petroleum products in Haiti.

Market Opportunities

Despite the challenges, there are significant business opportunities in the Haitian market for small-to-medium sized U.S. businesses. The apparel sector is the most promising opportunity in the manufacturing sector in Haiti. Through its modern industrial park and free zone facilities, the apparel sector has grown dramatically with total exports valued at \$833.95 million, making Haiti one of the best prospect markets in the Caribbean region.

In 2017, Haitian total imports (goods and services) were valued at \$4.392 billion. Imports have continued to increase:

- Imports reached an all-time high of 440.39 USD million in October 2017.

- Imports were \$366.03 million in February of 2018
- Imports increased to \$408 million in March 2018

Per the Central Bank of Haiti, exports by the end of May 2018 increased by 4 percent while imports increased by 34 percent. The value of goods imported currently stands at 4.7 times that of exports.

The top import categories include:

- cereals (\$265.9 million)
- commodities of all types (\$2.9 billion)
- fabric and apparel (\$833.95 million) and
- iron and steel (\$107.3 million).

Haiti mostly imports rice, cotton fabric, vegetable oils, wheat, cane sugar, milk, iron and steel, chicken, vehicles, and fuel. Haiti's main imports partners are the Dominican Republic, the United States, Netherland Antilles, and China.

U.S. imports from Haiti under the HOPE/HELP provisions increased by 7.5 percent to \$535 million in 2017. More than 60 percent of duty-free imports of textiles and apparel from Haiti now utilize the HOPE/HELP preferences rather than the older but more narrowly defined Caribbean Basin Trade Partnership Act (CBTPA) preferences.

Emerging sectors in Haiti are construction, agribusiness, and energy through contract opportunities to U.S. manufacturers and construction firms. These sectors require the following: power generation equipment, packaging and food processing equipment, energy efficient and smart grid systems, and construction materials.

In addition, tourism is another emerging sector in Haiti. Although 2017 posed challenges, it has slowly grown and figures show that, the number of tourists, notably via cruiselines, have moderately increased over the last five years.

Finally, with the government of Haiti's recent efforts to improve telecommunication infrastructure and internet connectivity, there is a growing interest in call centers (Business Process Outsourcing - BPO) in Haiti. Haiti's relatively low labor cost and large pool of young multilingual workers offer a comparative advantage for investment in BPO services.

Market Entry Strategy

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 U.S., 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.

The Commercial Section at the U.S. Embassy in Port-au-Prince, Haiti is a partner of the U.S. Department of Commerce, which allows it to offer a range of commercial services to U.S. companies seeking to do business in Haiti. The U.S. Commercial Service, for example, may assist U.S. companies in performing their due diligence when choosing local business partners. Please visit the following sites: [Export Information](#) and [Economic Data on Business in Haiti](#)

Political Environment

Political Environment

President Jovenel Moïse was inaugurated on February 7, 2017; Prime Minister Jean Henry Ceant and a new cabinet took office in September 2018. The U.S. partners with Haiti to strengthen the rule of law and enhance public security; pursue economic growth through increased domestic resource mobilization and support for private investment; and strengthen good governance, and anti-corruption efforts.

The Haitian National Police (HNP) continues to improve its ability to maintain public security, although in July 2018 violent demonstrations in and around Port-au-Prince occurred in response to an announced fuel price hike. Violent crime remains a concern for the general population

and criminal gangs control a number of Port-au-Prince's marginalized areas. The Department of State has issued a [Travel Warning for Haiti](#).

Selling U.S. Products & Services

Using an Agent to Sell U.S. Products and Services

Many foreign firms conduct business in Haiti through local agents and distributors. Under Haitian law, two parties are free to negotiate a contractual agreement and do not require the government of Haiti's 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. Other fee based services include company profile reports, the Gold Key Service, single company promotions, and contact lists.

Establishing an Office

The Center for the Facilitation of Investment (CFI) is a "one-stop" investment facilitation center that encourages potential investment in Haiti and streamlines the process. It is now possible to purchase an "off-the-shelf" company from CFI, allowing firms to establish their business more efficiently:

- All companies incorporated in Haiti must have a minimum of three shareholders; one must be a Haitian national and a company board member.
- Haitian legislation does not establish a minimum requirement for Haitian nationals to own shares of capital stock.
- The founding members of the corporation must establish nominal value for the capital stock:
 1. A minimum of 25,000 Haitian Gourdes (HTG) (\$367.64) if the corporation is limited to services and commercial operations
 2. A minimum of 100,000 HTGs (\$1470.58) if the corporation is involved in industrial and agricultural activities

Franchising

There are no specific regulatory laws for franchising. The government of Haiti 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), Culligan Water Technologies, Coca Cola, Pepsico, NAPA Auto Parts, Avis Rent-a-Car, Hertz, Dollar, Budget Car Rental, Domino's Pizza, Marriott, and Best Western. Still, franchising is relatively new to Haiti with only a few U.S. businesses penetrating the Haitian market.

Direct Marketing

Direct marketing has improved tremendously over the past few years, with several new companies using a variety of advertising techniques including text messaging, emails, flyers, magazine display ads, and promotional events. Direct mail marketing is practically non-existent considering the inefficiency of Haiti's postal service. Haiti has several well equipped marketing agencies including Blue Mango Studios and Dagmar.

Joint Ventures/Licensing

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. Foreign companies are free to own private property in Haiti and there are no restrictions on the repatriation of profits. However, the law does not permit foreigners to own property or buildings alongside national borders, including the Haiti/DR border and maritime borders.

Selling to the Government

Many government agencies finance public works projects by borrowing from Multilateral Development Banks. Tenders are often used to open bidding on Haitian government contracts

and are advertised through newspapers and on some government 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.

The Commercial Service maintains Commercial Liaison Offices in each of the main Multilateral Development Banks, including the Inter-American Development Bank and the World Bank. These institutions lend billions of dollars to developing countries on projects aimed at accelerating economic growth and social development by reducing poverty and inequality, improving health and education, and advancing infrastructure development. The Commercial Liaison Offices help American businesses learn how to get involved in bank-funded projects, and advocate on behalf of American bidders. For more information, please visit the following:

Web Resources

- Commercial Liaison Office to the Inter-American Development Bank: <http://export.gov/idb>
- Commercial Liaison Office to the World Bank: <http://export.gov/worldbank>

Distribution & Sales Channels

U.S. companies have several options for entering the Haitian market, including direct exporting, franchising, licensing, wholesaling, and through representatives. The five main regional markets in Haiti are: the North province including the city of Cap-Haitien; the Artibonite Department and its main cities, Saint-Marc and Gonaives; the West Province where the capital, Port-au-Prince, is located; the Central Plateau with the cities of Hinche and Mirebalais; and the South and Southern Provinces and its main cities, 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. IBC Airways, based out of Florida, provides cargo flights to Cap-Haitien. American Airlines, Delta Airlines, JetBlue, and Spirit all have daily flights between Port-au-Prince and Miami, Fort Lauderdale, Atlanta, New York, Boston, and Orlando.

Air France offers flights from Port-au-Prince to Miami International airport 5 days a week. In addition, American Airlines has international daily round trip flights connecting Cap-Haitien to Miami, Florida. Spirit Airlines offers round trip flights connecting Cap-Haitien to Fort-Lauderdale 3 times a week (Sunday, Tuesday, and Thursday). During the summer, some airlines offer direct flights from Boston to Port-au-Prince. These flights provide another opportunity to strengthen commercial ties between South Florida and Northern Haiti.

Express Delivery

Reliable courier services are available in certain areas of the country, mainly in Port-au-Prince, through international and local express delivery companies. The most popular ones include DHL, FedEx, TNT, and UPS. The average delivery time from the U.S. to Port-au-Prince and vice-versa is 1 to 3 days, with a few days delay for packages that require customs clearance. Haitian customs may apply a 30 percent tax on packages valued over \$50.

Selling Factors & Techniques

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.

E-Commerce

Overview

E-Commerce is a slow-growing sector in Haiti, constrained by limited internet infrastructure and regulation. Hainet and U.S. owned company Access Haiti have been successful with wireless Internet Service Providers (ISP) and have helped expand interest in further development. Natcom, a joint venture between the Vietnamese telecoms company Viettel and the government of Haiti provides both cellular and internet service, and is working to expand its services nationwide. Cellular provider Digicel also offers internet service. E-Commerce is available in the hospitality and transportation sectors as consumers are able to make hotel and bus reservations online. More companies are

investing in local e-commerce infrastructure to expand their marketing efforts. The government is also working to modernize the law that governs credit banking practices, security instruments, and laws on collateral. In early 2017, the Parliament enacted legislation making electronic signatures and electronic transactions legally binding. However, Haiti's court system is not legally able to allow the development of e-commerce. To take advantage of the new law, the Haitian government will need to provide a legal framework necessary to adapt its system to international standards, and to modernize the economy.

Online Payment

Cash payments, checks, and bank transfers are the preferred methods of payment used in Haiti. Phone and online payment are only offered by a few companies. As of November 2015, the government launched a new e-governance initiative, allowing individuals to pay for taxes and to renew their car insurance online.

E-Commerce Intellectual Property Rights

There are currently no laws in place to regulate electronic IPR.

Mobile E-Commerce

Mobile money is a slow growing market in Haiti. The sector is composed of the country's two cell-phone providers, Digicel and Natcom. Under a mandate from the Haitian Central Bank (BRH), both providers are using a bank-led partnership to deliver their mobile money services to their customers. The standard services including cash in/cash out, airtime purchases, formal bill payment, international remittances, and repayment loans. The providers are actively looking to expand coverage beyond the metropolitan area.

Digital Marketing

Digital marketing is slowly growing. A few companies are taking advantage of social media platforms to maximize their online presence and boost their brand visibility.

Social Media

Social media has expanded in Haiti. Haitians turn to social media for breaking political news, critiquing the government and/or for connecting with loved ones. Social media was particularly helpful during Hurricane Matthew in 2016, and in the 2017 Irma and Maria storms.

Trade Promotion & Advertising

While there is a growing number of advertising professionals and commercial producers in Haiti, the media reports that advertising revenue has declined in 2017. Billboards and TV commercials are popular advertising venues, and marketing companies typically use commercial flyers to target the higher social strata. While in Port-au-Prince, billboard fees can cost thousands of dollars, in the outlying municipalities, advertisers pay billboard fees to the mayors of the municipalities where the billboards are displayed. As most Haitians acquire information via radio, radio still dominates the advertising sector. There are about 200 legal commercial, religious, and independent radio stations in Haiti, out of which 53 AM/FM are located in Port-au-Prince per CONATEL/HPN. Most radio stations broadcast 17 to 19 hours a day. There are approximately 106 television stations operating in Haiti. There are 32 TV stations in Port-au-Prince, 30 others in the provinces and more than 40 radio-television stations. Advertising is regularly viewed in the daily newspapers, such as “Le Nouvelliste,” and “Le National” or through local Haitian TV channels. Television-based advertisements have been increasing over the years, but this occurs primarily in Haiti’s larger cities. Cable TV subscriptions are available through three cable providers: Tele Haiti, NuTV, and Canal+. To cater to a wider audience, cable providers also offer up to 200 foreign (Latin, European, and Caribbean) and American channels such as CBS, ABC, NBC, FOX, HBO, and CNN. However, some remote areas in the countryside still lack access to cable TV. The lack of any rating system makes actual audience reach by radio or broadcast television hard to assess. Cell phone penetration in Haiti remains high with the ITU estimating over 60 percent penetration rates in 2016, and SMS advertising grows as a viable advertising tool. Digicel maintains the majority of the market share in the tightly owned and operated SMS advertising sector.

Number of radio stations and cable providers per department.

<u>Department</u>	<u>AM</u>	<u>FM</u>	<u>Cable</u>
OUEST	11	42	3
SUD-EST	3	14	2
NIPPES	0	5	1
SUD	3	14	2
GRANDE-ANSE	5	12	1
CENTRE	2	6	2
ARTIBONITE	6	41	2
NORD-EST	1	9	1
NORD	7	20	3
NORD-OUEST	3	13	1
TOTAL	34	176	-

Pricing

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 sale price of imported products.

Sales Service/Customer Support

Most companies operating in Haiti are limited in their customer service capabilities and are generally only available during regular business hours, mostly from 8AM to 4PM and from 9AM to 5PM. The use of ATM machines, which only a few banks offer, is limited to urban areas, and mainly at banks, super markets, and few gas stations and the Port-au-Prince international airport. Most types of automated customer support, particularly outside of business hours, are not offered. However, some cable and internet providers and banking institutions provide customer assistance after hours.

Protecting Intellectual Property

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 certain formalities, such as registration with the Ministry of the Interior and Territorial Communities. The Constitution recognizes certain scientific, literary, and artistic intellectual property rights. Weak enforcement mechanisms, inefficient courts, and judges' poor knowledge of commercial law compromise 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.

In any foreign market, companies should consider several general principles for effective management of their intellectual property. For background on these principles, please link to our article on [Protecting Intellectual Property](#) and also [Corruption](#).

IP Attaché Contact:

Jerry Todd Reeves

First Secretary for Intellectual Property

Regional IPR Attaché for Mexico, Central America and the Caribbean

United States Embassy, Mexico City

Tel: (52) (55) 5080-2000 X 2189

Fax: (52) (55) 5566-1115

Email: todd.reeves@trade.gov

Due Diligence

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 phone calls, and business and/or personal e-mail. Post also offers specific assistance to U.S. businesses and investors interested in doing business in Haiti. Our commercial services include: International Company Profile reports, International Partner Search, Gold Key service, and single company promotions.

Local Professional Services

A number of small enterprises offer varied professional service support to small and medium-sized enterprises. Several business and industry associations in Haiti offer mechanisms to identify business partners. The most common type of professional services include consultation services, accounting services, translation and legal services.

Principal Business Associations

Several business and industry associations in Haiti offer mechanisms to identify business partners. The most prominent associations include:

The American Chamber of Commerce in Haiti (AmCham)

Angle Rue Panamericaine et Impasse des Hotels

Ritz Kinam

Pétion-Ville, Haïti

HT6140

Tel: (509)2940-3024

Fax: (509) 2811-9092

Email: info@amchamhaiti.com / lsaintcyr@aic.ht

Web: www.amchamhaiti.com

(Mr. Laurent Saint-Cyr, President)

For additional information please visit the AmCham website: <http://amchamhaiti.com/home/>

Haitian Manufacturers Association (ADIH)

21, Rue Borno, Pétion-Ville, Haiti
B.P. 15199
Tel. (509) 2514 0184
Email: adminidtration@adih.ht / info@adih.ht
Web: www.adih.ht
(Mr. Georges Sassine, President)
(Ms. Beatrice Ilias, Executive Director)

Haitian Canadian Chamber of Commerce and Industry (CCIHC)

Hotel Visa Lodge, Suite 219
Rue des Nimes
Route de l'Aéroport
Port-au-Prince, Haïti
Tel: (509) 2813-0773
Email: Direction@ccihc.com/ secretariat@ccihc.com
Web: www.ccihc.com
(Mr. Claude Martin Jr., President)
(Mrs. Martine Denis Chandler, Executive Director)

Chamber of Commerce and Industry of Haiti (CCIH)

Adresse: 4ème étage, Immeuble Digicel, #151 angle Ave Jean Paul II & imp. Duverger, Turgeau
Port-au-Prince, Haïti
Tel: (509) 2946-7777 / 2943-1173
Email: directionexecutive@ccih.org.ht
Website: <http://www.ccih.org.ht>
(Ms. Frantz Bernard Craan, President)
(Ms. Kim Sassine , Executive Director)

Association Haïtienne pour le Développement des Technologies de l'Information et de la Communication (AHTIC)

29 Zieme Ruelle Nazon
Petion- Ville, Haïti

Tel: (509) 2942-1966

E-mail : info@ahtic.ht

(Mr. Max Larson Henry, President)

Haitian Tourism Association (ATH)

18 Rue Moïse

Petion-Ville, Haïti

Tel: (509) 2946-8484

E-mail: athaiti@gmail.com

(Mrs. Nicole Gardere, Presidente)

(Mrs. Claude Valerie Louis, Executive Director)

Franco-Haitian Chamber of Commerce and Industry (CFHCI)

5 Rue Goulard

HT 6140

Petion-Ville - Haïti

Tel: (509) 3949-5449 / 2227-3436

Email: cfhci@yahoo.fr

Website: www.chambrefrancohaitienne.com

(Mr. Gregory Brandt, President)

(Mrs. Ella Alexandra Joseph, Executive Director)

Association for Micro-Enterprise Corporations (ACME)

4, impasse Pierre Legrand

Puits-Blain

Petion-Ville, Haiti

Tel : (509) 2813-0545 / 2813-1972 / 2949-0101 / 2940-1364

E-mail : bdebrouwer@acmehaiti.org

Website: www.acmehaiti.org

National Association of Microfinance Institutions of Haiti (ANIMH)

7 Impasse Price-Mars, Rue Boisrond Canal

Freres

Petion-Ville, Haiti

Tel : (509) 2941-6464 / 3648-5767

(Chantal Mascary)

E-mail : chantalmascary@yahoo.com

info@animhati.net

Board of Conciliation and Arbitration of Haiti (CCAH)

4eme etage Building Digicel, 151, Angle Ave. Jean Paul II et imp. Duverger

Turgeau, Haiti

Tel: 2940-5142 / 2940-5144

Email: ccah-haiti@hotmail.com

Haitian Association of Construction Companies

108, Rue Lambert

Petion-Ville, Haiti

Tel: (509) 3933-5707

E-mail: ahec1996@yahoo.fr

Association Nationale des Medias Haitiens (ANMH)

20, Ave Lamartiniere, Apt 9

Port-au-Prince, Haiti

Tel : (509) 3410-5596 / 3727-8539

Email: jadesro@yahoo.fr

National Association of Importers and Distributors of Pharmaceutical Products (ANIDPP)

41, Rue Lambert, 3eme etage

Petion-Ville, Haiti

Tel: (509) 3449-5575 / 3487-6641

Email: anipdd@gmail.com

National Association of Distributors of Petroleum Products (ANADIPP)

401, Route de Delmas
Local Dubois Shopping Center
BP 1379
Port-au-Prince, Haïti
Tel: (509) 3462-1296
Email: anadipp@hainet.net

Professional Association of Banks (APB)

133, Rue Faubert
Petion-Ville, Haïti
HT6140
Tel: (509) 3748-8852
Email: apbhaiti@hotmail.com

Chamber of Maritime Companies Association (AMARH)

360 Boulevard la Saline,
Port-au-Prince, Haïti
Tel: (509) 3175-1177
Email: ebaussan@agemar.com / ebaussan2@gmail.com
(Mr. Edouard Baussan, President)

Association of Mango Exporters (ANEM)

Santo 20, Route National #3
Croix des Bouquets, Haïti
Tel: (509) 4240-3919

Chamber of Commerce and Industry of the Professionals of the North (CCIPNNE)

115, Rue 13 B
Cap-Haitien, Haïti
Tel: (509) 3754-2939 / 3457-1001
Email: jodesir70@yahoo.fr

Chamber of Commerce, Industry and the Professionals of Croix-des-Bouquets

11, Rue Republicaine

Croix-des-Bouquets

Port-au-Prince, Haiti

Tel: (509) 3734-0094 / 2238-8001

E-mail: jjerrickbrutus@hotmail.com

Chamber of Commerce, Industry and the Professionals of the South

Quai des Cayes

Les Cayes, Haiti

Port-au-Prince Contact:

c/o Agrisupply, 172 Rue du Centre, Port-au-Prince

Tel: (509) 2940-0034

E-mail: chambredecommercesud@hotmail.com / chambredecommercesud@yahoo.com

Société Nationale des Parcs Industriels (SONAPI)

Bldv Toussaint Louvertue

Route de l'Aéroport

Port-au-Prince, Haïti

Tel: (509) 3750-2323 / 2141-4200 / 2141-4700

E-mail: parcindustriel@yahoo.com

Caracol Industrial Park (PIC)

Route de Caracol

Caracol, Dept du Nord Est

Tel : (509) 2941-0290 / 3750-2323

Email: info.caracol@ute.gouv.ht

Website: <http://www.ute.gouv.ht/caracol>

Cosa Industrial Park

B.P. 1310

Route Nationale No. 1

Port-au-Prince, Haïti

Tel: (509) 2816-0107 / 3701-0077

Email: Shodecosa@yahoo.com / info@shodecosa.com

Website: www.shodecosa.com

(Mrs. Yuri Mevs, General Director)

Airport Industrial Park

Rue Sol SOLON

Tabarre 36

Port-au-Prince, Haiti

Tel: (509) 2245-9616

Center for Investment Facilitation

116, Ave. Jean Paul II, Turgeau

Port-au-Prince, Haiti

Tel : (509) 28 11 62 34

E-mail: info@cfihaiti.com

Website: <http://www.cfihaiti.com/>

Ms. Tessa Jacques Antoine, General Director

To view market research reports by the U.S. Commercial Service visit the following website: <http://export.gov/mrktresearch/index.asp> and click on Country and Industry Market Reports. Please note that these reports are only available to U.S. citizens' companies. There is no fee but registration to the site is required. Please click on the link below for information on trade events: <http://export.gov/tradeevents/index.asp>.

Limitations on Selling US Products and Services

Haiti is one of the most open economies in the region. The government of Haiti does not impose discriminatory requirements on foreign products and services. However, investment in certain sectors, such as health and agriculture, requires special authorization from the government of Haiti. Investment in "sensitive" sectors, such as electricity, water, and telecommunications,

requires Haitian government concession as well as authorization from the appropriate state agency. In general, natural resources are considered to be the property of the state. As a result, prospecting, exploring, or exploiting mineral and energy resources requires 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.

Web Resources

The American Chamber of Commerce in Haiti (AMCHAM)

18 Rue Moïse

Pétion-Ville, Haïti

HT6140

Tel: (509)2940-3024

Fax: (509) 2811-9092

Email: lsaintcyr@aic.ht / vlaborde@amchamhaiti.com

Web: www.amchamhaiti.com

(Ms. Laurent St-Cyr, President)

(Mr. Vladimir Laborde, CEO)

Haitian Manufacturers Association (ADIH)

21, Rue Borno, Pétion-Ville, Haiti

B.P. 15199

Tel. (509) 2514 0184

Email: adminidtration@adih.ht / info@adih.ht

Web: www.adih.ht

(Mr. Georges Sassine, President)

(Ms. Beatrice Ilias, Executive Director)

Haitian Guide to Investment

Haitian Embassy in Washington, D.C.

<http://haiti.org/>

Center for the Facilitation of Investments (CFI)

<http://www.cfihaiti.net>

Le Nouvelliste newspaper:

<http://www.lenouvelliste.com/>

Haitian Ministry of Commerce and Industry

<http://www.mci.gouv.ht/>

Haiti Business

103, Rue Villate, (Place Boyer)

Pétion-Ville, Haiti.

Phone 2: (509) 28 13 03 90

Phone 3: (509) 37 02 20 02

Phone 4: (509) 37 02 20 03

haitianpub@gmail.com

info@haitibusiness.com

<http://www.haitibusiness.com/>

Leading Sectors for U.S. Exports & Investments

Energy

Overview

Haiti has substantial renewable energy potential. Still, the country faces significant challenges to gaining access to clean and renewable energy. On average, 85 percent of electricity is produced from imported fossil fuels. The underutilized opportunities for small hydropower, smart grid, and biomass systems make Haiti an interesting renewable energy prospect. Much of the population relies on biomass such as charcoal and wood fuel as their main source of energy. Although solar and wind resources are available throughout the country, very little of this potential has been developed. The most significant contribution of renewables to Haiti's energy source comes from hydropower, and one of the government's priorities is to develop this sector.

Local demand for U.S. electrical machinery and equipment was valued at \$5 million in FY 2016. Electricite d'Haiti (EDH), an underperforming, largely government-owned company, provides about 5 to 13 hours of electricity per day throughout the country. Port-au-Prince itself gets less than 20 hours of electricity per day. EDH only collects \$50 million annually, which is not enough to finance the company's daily operations. The government of Haiti provides an annual grant of \$200 million to keep the company afloat.

There is an urgent need to repair and expand existing power plants throughout the country. Haiti has an installed capacity of 250 to 400 Megawatts (MW) but only 60 percent of the installed capacity is reliable, as many generation units need rehabilitation and repair work. Total unmet demand for residential and commercial electricity in the country is estimated at approximately 500 MW per day. Only 38.5 percent of Haitians have access to electricity, with an average annual consumption of just 21 Kilowatts (KWH) per person.

Even for those with access to electricity, reliability is inconsistent. This lack of reliability requires many businesses and households to install diesel generators. Although residential tariffs in Haiti are relatively low compared with other fossil-fuel dependent countries in the region, commercial and industrial tariffs are amongst the highest. This lack of access to affordable and reliable power hinders investment, constrains the development of productive businesses, and degrades living standards for residential customers. It is reported that for every 100 Haitians, less than 30 have access to electricity.

The fuel of choice for food preparation for the bulk of households in Haiti is charcoal, including wood (main cause of deforestation). The annual consumption of wood products by Haitians is estimated at 4 million metric tons (MT), of which about one-third is transformed into charcoal to meet the cooking fuel needs of urban consumers. Apart from the negative environmental impact of cutting trees for fuel, cooking with firewood

and charcoal exposes the populace, especially women and young children, to smoke and indoor air pollution.

There are various sources of energy in Haiti including:

- 506 million KWH produced from two private companies using diesel fuel
- 284 million KWH generated from EDH power plants including 131.4 million KWH produced from the Péligre hydro-electric plant located in the Artibonite Department
- 334 million KWH produced from three heavy fuel oil power plants developed under a Cuba-Venezuela-Haiti tripartite agreement
- 10,000 KWH power plant with transmission and distribution of uninterrupted (24/7) electricity that serves the Caracol industrial Park

Please note that more recent data on electricity generation is not available. The government hopes to modernize EDH and improve its performance. Recent efforts that sought to grant a concession to investors for the production and distribution of electricity in the South-East and North-West region through an international tender were unsuccessful. The tender did not receive bids from any firms, as they found the terms to be prohibitive.

	2014	2015	2016	2017
Total Local Production	0	0	0	0
Total Exports	0	0	0	0
Total Imports / World	176	143	119	120
Imports from the US	69	44	45	52
<u>Total Market Size</u>	176	143	119	140
Exchange Rates	44.37	50.85	63.05	67.45

(total market size = (total local production + imports) - exports)

Leading Sub-Sectors

Electrical blackouts occur frequently in Haiti. Residential owners drive demand for low cost electrical generation equipment because of severe limits on local generating capacity. There is also a consistent residential demand for solar energy equipment and smart grids, as well as demand from private businesses. According to Haitian dealers' records, 50 percent of power generators come from the U.S. Other suppliers include Japan, France, China, and South Korea.

In Haiti, only 38.5 percent of the population have consistent access to electricity although the Ministry of Public Works estimates that the coverage could be higher when irregular connections are considered. In urban areas, the total electrification rate is 72 percent but only 15 percent in rural areas.

Some towns in Haiti, such as Fort-Liberté, the capital of Nord-Est, have an electricity distribution network, but have been effectively abandoned by the national utility EDH for about a decade. Users thus have to rely entirely on small, privately owned generators to meet their electricity demand.

Opportunities

EDH's inability to provide reliable, centrally-supplied power continues to drive demand for power generation equipment, such as new electrical power systems, generators, inverters, solar panels, and batteries, as well as maintenance for the equipment. U.S. electrical companies, including those that supply generators, parts, and service, may find opportunities in Haiti. There is also a market for U.S. firms interested in contracting with EDH to repair existing equipment and to install additional electrical equipment in Port-au-Prince power plants. The World Bank has financed the Electricity Loss Reduction Project (PREPSEL) to increase production and strengthen the management of the electric network in Haiti. With Haiti's tropical climate and high percentage of daily sunlight, the country could be a prime candidate for wind and solar power generation projects. There are also opportunities to generate energy from small hydropower and biomass projects. In 2017, total imports of electrical and electronic materials were valued at \$120 million.

USAID funded the construction of a 10 megawatt (MW) power plant with transmission and distribution facilities to serve the Caracol Industrial Park tenants as well as commercial and residential customers in the surrounding villages. The 10MW power plant provides uninterrupted 24/7 electricity to 8,000-metered customers.

The utility in the north has made in-roads in reducing electricity theft, and properly installing connections and improving collection of electricity bills for customers with working meters. For those customers with regularized electricity service (proper connections and meters), the collection rates for electricity bills is above 90 percent, compared to below 25 percent for those customers in other parts of the country with electricity provided by the national electric utility.

Web Resources

Electricite d’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

(Mr. Hervé Pierre-Louis , 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

<http://www.epowerhaiti.com>

Sogener S.A.

30, Boulevard Toussaint Louverture,
Route de l'Aéroport
Port-au-Prince, Haïti
Tel: (509) 3707-0000 / 3708-0000
E-mail: sogeneradmin@sogener.com
<http://www.sogener.com>

HayTrac (Haitian Tractor & Equipment Co S.A.)

51, Blvd. Toussaint Louverture
Route de l'Aéroport
Port-au-Prince, Haïti
Tel: (509) 2814-8000
E-mail: haytrac@haytrac.com

Agricultural Sector

Overview

The exodus of Haiti's rural population to its major cities, coupled with a lack of agricultural capitalization, has hindered the development of food crops. There is a strong demand for U.S. agribusiness firms to invest in Haiti and help boost domestic food production. Haiti does not produce enough food to meet domestic demand, and must import a significant portion of the agricultural products it consumes. The infrastructure required to transport food within Haiti is also poor. Major food imports include 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 Global Trade Atlas (GTA) figures, Haiti's food imports were valued at \$881.60 million in 2017. Food imports increased 14 percent between FY 2016 and FY 2017, as the Haitian economy began to slowdown in FY 2017.

The U.S. Department of Agriculture (USDA) authorizes credit guarantees to Haiti under the Commodity Credit Corporation's (CCC) Export Credit Guarantee Program (referred

to as GSM-102). More information on USDA's GSM-102 program can be found at <https://www.fas.usda.gov/programs/export-credit-guarantee-program-gsm-102>, or contact the Foreign Agriculture Service's Office of Agricultural Affairs in Port au Prince (Fritzner.Cledo@fas.usda.gov).

Sectors

- Rice
- Cereal products; malt, starch, wheat gluten
- Poultry, meat and edible meat offal
- Animal and vegetable fats, oils
- Miscellaneous food preparations

Rice

Rice is a staple food for a majority of Haitians. Although previously self-sufficient in this area, eighty percent of rice now consumed in Haiti is imported. The U.S. is especially competitive in long grain milled rice (less than 10 percent of whole or broken kernels of medium and short grain rice).

- The total amount of rice imported was valued at \$213 million in 2017, which represented an 8.67 percent increase over 2016.
- Of that amount, \$204 million of the imported rice came from the U.S. U.S. exports of milled rice are typically 4 percent broken and packaged in 50 kg bags.

Cereal Products - Malt, Flour, Starch, and Wheat Gluten

Cereal products, especially wheat and flour, are major components of the Haitian diet. Haiti, however, does not produce sufficient milled grains to satisfy domestic demand. After rice, other cereal products are the second largest category of U.S. agricultural exports to Haiti. The U.S. remains Haiti's largest supplier of wheat, corn, sorghum and millet as well as rice. U.S. exports of all cereal products increased from \$206.85 million in 2016 to \$239.71 million in 2017, representing a 15.89 increase.

	2014	2015	2016	2017

Total Local Production	**	**	**	77.85
Total Exports	0	0	0	0.43
Total Imports / World	301.30	283.28	238.00	302.50
Imports from the US	222.60	216.40	206.87	239.71
Total Market Size	301.30	283.28	238.00	337.35
Exchange Rates	44.70	50.85	63.05	67.57

(Total market size = (total local production + imports) - exports

Poultry, Meat and Edible Meat Offal

The U.S. is Haiti's second major supplier of poultry. Over the past several years, decreases in the availability of local livestock and increasing feed prices that forced Haitian farms out of business have also factored into the rising demand for poultry imports. Following the detection of the H5N2 avian flu virus in the Dominican Republic, on January 7, 2008, the government of Haiti instituted a ban on Dominican poultry and egg products. In June 2013, the Minister of Trade and Industry declared that the government of Haiti raised the ban on the meats but the exporters have to fulfill the requirements of the Haitian government before exports. Haiti imported \$85.77 million worth of meat and edible meat offal during FY 2017, a 7.2 percent increase in comparison to 2016.

Miscellaneous Processed Food

The total value of prepared foods exported to Haiti from the U.S. was \$10.72 million in 2015 and \$11.31 million in 2017. Processed food imports from the U.S. increased to \$23.25 million in 2017. Haitian production of miscellaneous processed food products is controlled by the informal sector and accurate figures are unavailable for local production and exports.

	2014	2015	2016	2017
Total Local Production	**	**	**	**

Total Exports	**	**	**	**
Total Imports / World	139.15	87.89	22.42	104.95
Imports from the US	11.36	10.72	11.31	23.25
<u>Total Market Size</u>	139.15	87.89	22.42	104.95

(Total market size = (total local production + imports) - exports)

Leading Sub-Sectors

The Haitian agriculture sector has high potential for organic product development that could sustain exports to the U.S. and the European markets. As a member of the African, Caribbean and Pacific trade agreement, and under the Bali Accord, Haiti enjoys duty free and preferential access to the European markets for most agricultural products. Haiti's soil is less impacted by chemical fertilizers and pesticides and its climate is suitable for the cultivation of tropical fruits, cocoa, sorghum, and beans, providing high developmental potential for food processing and agribusiness.

The best product prospects include: mangoes, sisal, bananas, vetiver oil, Arabica coffee, and cacao. Vetiver oil is an "essential oil" used for the production of cosmetics, perfumes, and medicinal products.

- Total exports of coffee were valued at \$742,700 in 2017, lower than 2015, when exports reached \$951,000.
- Total exports of cacao were valued at \$9 million, representing an increase of 23.29 percent over 2016.
- Total exports of essential oils were valued at \$43.62 million, a 36 percent increase over \$32.07 million in 2016.

Opportunities

The government of Haiti has identified agribusiness and the expansion of agricultural investment as a priority for economic development. A number of private investments are already underway in different regions of the country, including:

- A \$50 million World Bank funded project to strengthen Haiti's agricultural sector and increase farmers' accesses to agricultural extension services;
- Dole Food Company's \$45 million project in production of bananas for national and export markets and;
- A \$5 million sisal project in southern Haiti.

In addition to the aforementioned products, areas for priority investment include: sugar cane and its derivatives, citrus, rice and aquaculture. In 2017, the total value of vegetables, dairy produce, beverages, fruits, and nuts imported was \$117.25 million.

Approximately 60,000 low-income micro-entrepreneurs are insured against natural disasters through an IFC/Micro/Fonkoze partnership. This helps protect their livelihoods against weather-related risks and natural disasters.

Web Resources

Individuals or firms interested in exporting agricultural or food products to Haiti should be aware that there is an office of USDA's Foreign Agricultural Service (FAS) located in the U.S. Embassy in Port-au-Prince. Contact information for the FAS Office of Agricultural Affairs (OAA) is as follows:

USDA-Office of Agricultural Affairs

U.S. Embassy

Port au Prince, Haiti

Phone: (509) 2229-8401

E-mail: Fritzner.Cledo@fas.usda.gov

Website: <http://www.FAS.USDA.gov>

Haitian Chamber of Commerce and Industry (CCIH)

Adresse: 4ème étage, Immeuble Digicel, #151 angle Ave Jean Paul II & imp. Duverger, Turgeau

Port-au-Prince, Haïti

Tel: (509) 2946-7777 / 2943-1173

Email: directionexecutive@ccih.org.ht

Website: <http://www.ccih.org.ht>

(Ms. Carline Joseph President)

(Ms. Kim Sassine, Executive Director)

Inter-American Development Bank (IDB)

Puits Blain 6, vers Frere

Port-au-Prince, Haiti

Tel: (509) 2812-5000 / 2812-5009 / 2812-5060 / 2812-5012

E-mail: bidhaiti@iadb.org

Website: www.iadb.org

Minister of Agriculture, Natural Resources and Rural Development

Joubert C. Anglad

Damien. Rte Nationale #1

Croix des Missions

Port-au-Prince, Haïti

Tel: (509) 2510-3916/ 2943-2851

Fax: (509) 2298 3014

Minister of Environment

H.E. Pierre Simon Georges

Pacot Rue 4

Port-au-Prince, Haïti

Tel: (509) 2245-7572 2244-2338

Fax: (509) 2245-7360

Quarantine Department/Ministry of Agriculture

Charlemagne Pierre

Rue Chabiscot, Clercine 20

Port-au-Prince Haiti

Tel: (509) 3128-7333 3479-3517

Construction

Overview

In Haiti, construction is often viewed as one of the most dynamic sectors with multiple stakeholders actively engaging in several types of infrastructure projects, as companies face very few regulatory issues in this sector. Public infrastructure projects are one of the largest employers in the Haitian economy. Low interest oil agreements from Venezuela, known as Petro Caribe, funded many large-scale government infrastructure projects; however, this aid has decreased considerably in recent years.

There are roughly 300 firms and building contractors operating in Port-au-Prince as well as a handful of subcontractors and certified engineers scattered throughout the country. The sector also includes hundreds of retail stores selling in their immediate communities after purchasing from wholesalers who import large containers from Miami. A majority of contractors prefer the quality of imported materials, especially from the U.S., over the locally produced products.

Prefabricated components, electrical equipment, construction material, and heavy equipment are imported from the U.S., Taiwan, and China. This suggests that opportunities exist for U.S. firms and suppliers to capitalize on their ability to supply a large volume of quality materials, and their capacity to manage large-scale and complex infrastructure projects. Other lucrative markets include iron bars, ceramic, lime, and cement, with imports valued at \$109 million in 2017.

	2014	2015	2016	2017
Total Local Production	0	0	0	0
Total Exports	0	0	0	0
Total Imports / World	154.44	154.74	70.91	109
Imports from the US	15.68	16.05	13.01	12.7

Total Market Size	154.44	154.74	70.91	109
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(Total market size = (total local production + imports) - exports)

Leading Sub-Sectors

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, in which new road machinery and equipment were necessary. Although the intensity of the construction process has slowed, there is still a market for U.S. manufacturers of heavy equipment for roads, construction and watershed protection. There is also a market for machinery and automotive parts and service equipment. In the construction sector, the most commonly imported materials include: construction materials, soft and hardwood, cement, finished hardwood and pre-fabricated components, iron bars, and ceramic products.

The total value of construction materials imported to Haiti in 2017 was estimated at \$109 million. Imports remained relatively stable at \$70.91 million in 2017. Construction material imports decreased during 2016, and were valued at \$70.91 million. Major landmarks including the Presidential palace, the cathedral and the administrative city of Port-au-Prince are still in need of reconstruction. Additionally, there are projects for water and drainage work, road improvements, environmental protection, sanitation, a communications network, and reconstruction of the old city of Port-au-Prince, including the National Palace.

Opportunities

Opportunities exist for international construction firms to undertake infrastructure projects, including commercial buildings, ports, and roads in Haiti. There is a lucrative market for house furnishings and appliances, with imports valued at \$20 million in 2017. Total imports for prefabricated building reached \$6.52 million with 72 percent of the value coming from the U.S.

Web Resources

Direction National de l'Eau Potable et de l'Assainissement (DINEPA)

Angle rue Metellus et Route Ibo lélé, No 4 Pétion-Ville, HT6140, Haïti

Tel: (509) 509-2813-1282 / 509-2813-1283 / 509-2813-1285

E-mail: communication@dinepa.gouv.ht

Website: <http://www.dinepa.gouv.ht>

(Mr. Guito Edouard, General Director)

Commission Nationale des Marchés Publics

4, Rue Coutilien, Musseau, Bourdon

PO BOX 15220

Port-au-Prince, Haiti

Phone: (509) 2943-0545

Website: <http://www.cnmp.gouv.ht/message/index>

Minister of Public Works, Transports and Communications

H.E. Fritz Caillot

Laboratoire National (Delmas 33)

Port-au-Prince, Haïti

Tel: (509) 2228-2528/7508 2222-3230

Fax: (509) 2223-4519

Website: <http://www.mtptc.gouv.ht/>

Haitian Association of Construction Companies

108, Rue Lambert

Pétion-Ville, Haiti

Tel: (509) 3933-5707

E-mail: ahec1996@yahoo.fr

Mining and Minerals

Overview

It has been reported that Haiti's territory may contain significant deposits of silver, copper, and gold that could be worth billions. Nevertheless, the Haitian mining sector is dormant and has remained underdeveloped for many years. Recently, the government of Haiti designated the development of mining resources as one of the priority sectors that has the potential to contribute to Haiti's economic development. To revitalize the sector, the Haitian government, with the assistance from the World Bank's Extractive Industries Technical Advisory Facility, initiated new legislation to reform the mining law (convention system) that dated back to 1976. Under the current draft law, exploration permits and mining projects will no longer require the approval of the Haitian Parliament, but only authorization from the Prime Minister along with the Minister of Finance and the Bureau of Mining. However, the legislation is still pending in Parliament with no timeframe for passage.

Key obstacles include:

- The government of Haiti exercises legal authority over the extraction of revenue-generating natural resources, including mining, quarrying, sea and oil exploration.
- Inadequate infrastructure (e.g. roads, water, and power), land tenure issues, poor technology, and an inadequate legal framework jeopardizes the Haitian government's ability to grant exploration and underground drilling permits.

	2014	2015	2016	2017
Total Local Production	**	**	**	**
Total Exports	13.13	7.83	4.37	4.62

Total Imports / World	1.95	1.38	1.32	1
Imports from the US	1.20	.925	.824	0.8
<u>Total Market Size</u>	11.93	6.90	3.55	3.82

(total market size = (total local production + imports) - exports)

Leading Sub-Sectors

Several local companies are exploiting marble, limestone, and clay, as well as construction aggregates, but only a handful of firms, mostly foreign, are currently conducting surface-level exploration for gold, silver and copper. In recent years, several new companies expressed interest in the mining sector following reports of potential gold deposits, but Haiti's outdated mining code does not provide an adequate framework for extensive investment in the sector.

Opportunities

A total of six firms operate in the mining sector: two U.S.-based companies, Newmont Mining, which holds preliminary prospect and research permits, and VCS Mining, which received permits to mine a gold deposit in the North department. Eurasian Minerals also holds a research permit. Majescor Resources, a Canadian firm, received a permit to mine a copper deposit in the Northeast and the government of Haiti issued prospect and research permits to two new Haitian companies, Sono Global and Caribbean General Trading. Although the Haitian government issued permits to all of the firms in 2012, none of them have begun commercial drilling because the Senate placed a temporary hold on all mining operations until the government of Haiti reforms the sector. There are still opportunities for foreign firms to seek exploration and extraction permits and licenses.

Telecommunications

Overview

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. The government mandate requiring all local TV stations to eliminate analog television in favor of digital television was originally proposed for 2016. The order took effect at the end of 2017. CONATEL is also exploring the implementation of a local number portability system, which would allow cell phone users to keep their existing phone numbers even if they switch companies. This is slowly taking effect on the market.

Before 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. The opening of a third private cellular phone company allowed Haiti to reach a mobile density of approximately 350 telephones per 1000 people. Access to fixed-line broadband is underdeveloped mainly because of low personal computer penetration rates and the low-income level of the population. Natcom, one of Haiti's two largest telecommunication companies, has built a 6,500 km fiber backbone to expand fixed-line broadband services in major cities. The World Bank reported that, to date, 65 percent of the population has access to a mobile phone. Haiti's main suppliers for telecommunications services and equipment are the U.S., China, and Sweden. There is a growing market for telephones for cellular networks and other wireless networks. In 2016, U.S. exports of telephone sets to Haiti reached \$13.51 million, an increase of 37.29 percent over \$9.84 million in 2015. Total telephone set imports for the same year reached \$26.07 million.

The telecommunications market is highly concentrated in Port-au-Prince, its suburbs, and, to a lesser extent, in other major cities. The private sector expects that it will expand in the interior of the country at a rate of approximately 25 to 30 percent a year over the next five years. Cyber cafés are mainly concentrated in Port-au-Prince and offer access to low-speed internet connections for long distance communications and internet browsing.

	2014	2015	2016	2017
Total Local Production	0	0	0	0
Total Exports	0	0	0	0
Total Imports / World	45.61	30.98	26.07	26.07
Imports from the US	20.25	9.84	13.51	13.51
<u>Total Market Size</u>	45.61	30.98	26.07	26.07

(Total market size = (total local production + imports) - exports)

Leading Sub-Sectors

The telecommunications sector is growing at a steady pace with increased competition between Natcom and Digicel since Natcom's arrival to the sector in 2010. A growing demand for diversified telecommunication services has accompanied the rapid expansion of the telecommunications market. Approximately ten firms offer internet access and data transmission services, which rely on internet based systems. According to the World Bank, in FY 2017 new telecommunications technology has increased internet penetration to 11.4 percent, and 65 percent of the population has access to a cell phone with many having access to internet via their phone, a marking increase. Mobile-cellular telephone services are expanding rapidly due, in part, to the introduction of low-cost services. Only 2 percent of the population is using encryption technology for their internet transactions.

Digicel and Natcom have become home internet providers, laying new fiber optic cables and building antennas to expand their internet networks. Natcom provides fiber optic cable internet, which facilitates improved internet connection speeds and allows for Voice over Internet Protocol (VoIP). Although internet at home is growing, most Haitians use internet based applications such as Google Voice, Skype, Viber, and WhatsApp on their mobile phones. These applications allow Haitians to communicate with friends and conduct business. Mobile money transfers are also expanding. Today, mobile money such as Tcho-Tcho mobile and Lajan Cash are used for emergency transfers, to make purchases, and are used to receive remittances.

Opportunities

The existence of two cellular companies in the telecommunications market opens up opportunities for other investors, which may result in greater competition. With the introduction of 3G services, and one telecommunications company, Natcom, already testing 4G/LTE connectivity, providers will have an opportunity to offer faster mobile internet access speeds. This would allow for an expanded market for internet services. CONATEL's intention to require portability should also spur improved quality service, and greater competition within the industry. Recent efforts to improve telecommunication infrastructure and the installation of two undersea fiber cables have significantly enhanced the country's attractiveness for business processing outsourcing (BPO) service investments. In free-zones, investors have access to locations that offer abundant bandwidth connectivity suitable for the establishment of IT services and call centers and other BPO. This includes the Lafito Global Business Park, the Caracol Industrial Park, and the Triangular Business Park.

Web Resources

CONATEL

Mr. Jean David Rodney

4, Ave Christophe, B.P. 2002,

Port-au-Prince, HAITI

Tel: (509) 2227-5454 / (509) 3612-2162

<http://www.conatel.gouv.ht>

Access Haiti:

www.accesshaiti.com

Natcom:

www.natcom.com.ht

Digicel:

www.digicelhaiti.com

Travel and Tourism

Overview

The most successful tourism “hot spot” is Labadie, near Cap Haitian, where Royal Caribbean Cruise lines maintain a private beach exclusively for its cruise passengers. The company is also considering facilitating excursions to the Citadelle, situated nearby, so cruise ship passengers and tourists can enjoy the UNESCO World Heritage Site. Otherwise, the Labadie enclave is cordoned off from the rest of Haiti with very little interaction with other businesses on the north shore or elsewhere. To date, cruise passengers only spend the day at Labadie, although there are plans to make it an overnight stop.

To revive its tourism sector, the government of Haiti focused on bolstering capacity in the hotel sector with the help of private sector representatives. Today Haiti has a total capacity of 4495 rooms, which range from \$120 to \$150 per night during the high season for a standard room. There are several small hotels along the Côte des Arcadins, north of Port-au-Prince, that attract the Haitian diaspora, faith based organizations, middle-class Haitians, and some international visitors. Little investment has gone into these hotels although tourists arriving in Haiti through packaged tours often stay there for one or two nights. Airbnb’s are also now increasingly available throughout Haiti’s major metropolitan areas.

International organizations, aid workers, and non-profit organizations have kept occupancy rates at hotels in Port-au-Prince in the range of 50 percent. In February 2015, a new \$45 million, 175-room Marriott hotel was inaugurated in Port-au-Prince and, along with the Karibe, El Rancho, and Montana, makes up the four major hotels in Haiti that offer conference facilities.

As a boost to Haiti’s growing northern corridor, the Marriott is renovating the Habitation Jouissant in Cap-Haitien, which will become part of the Marriott Autograph Collection

once it has been completed. The project is expected to be completed by January 2019. Club Indigo Beach Resort, the former Club Med on the Côte des Arcadins, underwent a major renovation and has been transformed into an all-inclusive resort under the Colombian brand Royal Decameron. Royal Decameron has 380 rooms and offers stays for as low as \$75 a night.

Revival of the tourism sector is a Haitian government priority. The sector reportedly accounts for 5 percent of Haiti's GDP. In the last five years, the government of Haiti has made much progress in the tourism sector. Several international travel agencies, including Wild Frontiers, offer small-group tours to Haiti's historical landmarks, including Bassin Bleu, the Citadelle, and the Sans-Souci Palace.

The Caribbean Tourism Organization (CTO) reported that 685,064 cruise passengers transited Haiti in 2016, up from 673,501 in 2015. The number of stay-over tourist arrivals to Haiti was 412,058 in 2016. The CTO reported that Haiti had a 20.11 percent drop in international arrivals in 2016. The slowdown is largely attributed to political turmoil, and Hurricane Matthew during the peak summer season, that resulted in cancellations.

Leading Sub-Sectors

To improve Haiti's tourism sector, the government of Haiti must improve basic infrastructure such as roads, hospitals, and power grids, throughout the country and improve the construction of hotels outside of Port-au-Prince.

Opportunities

Opportunities in the tourism sector are closely linked to other sectors—telecommunications, electrical power systems, and transportation. The government is exploring the addition of new destination sites including the construction of 150 miles of roads that lead to the Saut-d'Eau and Bassin Zim waterfalls in Haiti's Center Department. During the past four years, the government invested over \$345 million dollars in the tourism industry, and additional measures are also underway to facilitate further major investments.

Web Resources

Association of Travel Agencies

24, Ruelle Berne
Port-au-Prince, Haïti
Tel: (509) 2942-0038

Ministry of Tourism

H.E. Colombe Emilie Jessy Menos
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
<http://www.haititourisme.gouv.ht/>

Tourist Association of Haiti: <http://www.ldiasporahaitienne.com/detail/l--association-touristique-d--haiti-ath-901.html>

Customs, Regulations & Standards

Trade Barriers

High costs at Haiti's state-owned international seaports are the major non-tariff barrier confronting American exporters. Poor physical infrastructure and lax management also contribute to high warfage and taxes. Please contact the International Trade Administration for more information on trade barriers:

International Trade Administration

Enforcement and Compliance
(202) 482-0063
ECCcommunications@trade.gov

<http://trade.gov/enforcement/>

Import Tariff

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. This decree is still in effect.

In March of 2017, Haiti announced its intention to renegotiate its tariff rates in an effort to make the country compliant with CARICOM regulations. The proposal is still under consideration.

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 original copies, signed by the captain, must be presented to Customs upon arrival.

Customs valuation is based on:

- 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.

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 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 5 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 (French acronym TCA): The 10 percent TCA is a general tax on the 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, and 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 is applied at the rate of 2 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; 2 percent of CIF on fuel oil; 2 percent of CIF on lubricants; and 3 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 5 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 (~\$518).
- A 20 percent tax is applied on vehicles valued over HTG 75,000 (~\$1,100).
- A 5 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 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 (not all products are listed):

- Powdered milk
- Certain bones and horn-cores
- Malt (not roasted)
- 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

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

- 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

Other products and duties:

Cereal based products obtained from blow molding or roasting: 15 percent. Food preparation based on unroasted cereal flakes: 30 percent

- 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 number 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 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; however, NGOs must first obtain certification 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, local fees, and Funds for Management and Development of Local Authorities (Contribution au Fond de Gestion et de Développement des Collectivités Territoriales) 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 government of Haiti signed a pre-shipment inspection agreement with Société Générale de Surveillance (SGS) on May 5, 2003. Under this agreement, all imports with a value of at least \$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 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 of Haiti does not generally 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). See [Prohibited & Restricted Imports](#) section below for further discussion of the importation of used clothing. All used items are subject to the same import tax treatment as new items. However, used cars are subject to an additional tax of 10 percent of CIF.

Import Requirements & Documentation

The government only requires a license for 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.

Labeling/Marking Requirements

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.

U.S. Export Controls

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

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 bank 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.

Prohibited & Restricted Imports

Imports of weapons, waste, drugs, and agricultural products must have an authorization from the government. In June 2013, the Minister of Trade and Industry removed the ban only on poultry meat but imports of eggs are still prohibited 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, particularly used clothing coming from the U.S. and the Dominican Republic. 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 Quarantine Department of 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

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 in Port-au-Prince and the Haitian Customs Authority.

Standards for Trade

Overview

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.

Standards

Three bodies will guide and coordinate the national quality system: The National Quality Council (CNQ), The Standards Centre (CNS), and The National Commission for Official Quality Control (CNCOQ).

The National Quality Council (CNQ), composed of public and private sector representatives and civil society, defines national quality policy. A small executive structure assists the CNQ and they will also receive support from 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. One of its main roles is to advise Haitian entrepreneurs. The Haitian Treasury finances the CNS with technical assistance from 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/>

Testing, inspection and certification

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.

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

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

Contact Information

Direction Quality Control

Ministry of Commerce and Industry (Ministère du Commerce et de l'Industrie)

Parc Industriel Métropolitain (SONAPI)

Port-au-Prince, Haïti

Tel: (509) 3724-0520 / 3473-4898

E-mail: dcqpc_mci@yahoo.fr

(Mrs. Roberta Jean- Baptiste, General Director)

Trade Agreements

Haiti acceded to CARICOM in July 1999, negotiating a ten-year period as a Least Developed Country to fully integrate into CARICOM. The government of Haiti is looking to accelerate Haiti's readiness for participation in the Caricom Single Market and Economy to enable Haiti to fully re-engage in the process of regional integration in the Caribbean Community. The legislation on the Common External Tariff is still pending Parliament approval. In addition, Haiti benefits from three preferential trade programs, including the Caribbean Basin Initiative (CBI), the Caribbean Basin Trade Partnership Agreement (CBTPA), 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 went into effect 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 towards 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 3 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 passed 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, 2025.

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 helps create sustainable support for Haiti’s economy by expanding tariff benefits for certain Haitian textile and apparel exports to the United States. HELP also allows the expansion of duty-free access to the U.S. market for Haitian textile and apparel exports and extends existing trade preference programs for Haiti.

Current Preference Highlights

- Duty-free access, with some exclusions, for up to 70 million square meter equivalents (SME) of knit apparel and 70 million SMEs of woven apparel without regard to the country of origin of the yarn, fabric or components, as long as the apparel is wholly assembled or knit-to-shape in Haiti; once the 70 million SME limits for knit and woven apparel are hit, the limits increase up to 200 million SMEs;
- Duty-free treatment for apparel wholly assembled or knit-to-shape in Haiti with between 50 and 60 percent value from Haiti, the United States, a U.S. free trade agreement partner or preference program beneficiary, or a combination thereof; this preference is currently set to expire in 2018;
- Duty-free treatment of knit or woven apparel under a “two for one” earned import allowance program: for every two SMEs of qualifying fabric (sourced from the United

States or certain trade partner countries) used to produce exports for the U.S. in Haiti, one SME of non-qualifying fabric can also be used;

- Duty-free treatment for certain brassieres, luggage, headgear, and certain sleepwear; and
- Permission for Haitian goods to enter the United States duty-free if shipped either directly from Haiti or through the Dominican Republic.
- More information on these programs is available from the U.S. Department of Commerce, Office of Textiles and Apparel (OTEXA).

The Lomé Convention Trade Advantages

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, three additional free trade zones were established in Port-au-Prince, bringing the 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.

Licensing Requirements for Professional Services

Non-nationals are required to have a work permit in Haiti. The Ministry of Labor and Social Affairs (Ministère du Travail et des Affaires Sociales) issues work permits. To obtain a work permit, American Citizens should contact the Ministry of Social Affairs directly:

Ministry of Labor and Social Affairs

Stéphanie Auguste

7, Ave. Charles Sumner

Port-au-Prince, Haïti

Tel: (509) 2940-1095/ 2519-0069/ 2940-0905

Fax: (509) 2221-0717/3853

Web Resources

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

Investment Climate Statement

Executive Summary

Haiti, one of the most urbanized nations in Latin America and the Caribbean region, occupies the western third of the island of Hispaniola. A private sector-led and free market system, the Haitian economy traditionally relies on its agricultural, construction, and commerce sectors, as well as the textile industry. Under Haitian law, Haiti's business climate affords equal treatment to women entrepreneurs, minorities and foreign investors. The government of Haiti continues its efforts to achieve macroeconomic stability and establish a legal framework for sustainable private sector-led and market-based economic growth. The government of Haiti aims to transform Haiti into an emerging economy by 2030. It is also focusing on reinforcing public financial management, the de-dollarization of the economy, and on improving the business environment for private sector development. The Haitian government's ultimate objective is to create jobs and encourage economic development through foreign trade and investment. The Haitian central bank (BRH) continues to follow a contractionary monetary policy concentrated on containing inflation and tightening legal reserve requirements. BRH's main challenge, however, is to maintain monetary stability while public authorities urge it to uphold anti-inflationary measures in response to a chronic budget deficit, the depreciation of the national currency (the Gourde), and increasing global commodity prices.

Foreign direct investment (FDI) inflows reached USD 374 million in 2017, a significant improvement from FY 2016 (USD 105 million). However, despite favorable policies toward FDI, Haiti's rates of FDI inflow indicate a slow-growing economy and an unstable political environment. The government of Haiti has designated tourism, agriculture, construction, energy, and manufacturing as key investment sectors, and supports sector-focused investment promotion, public spending, and special economic zones. In 2006, the government of Haiti established the Center for Facilitation of Investments (CFI) to improve Haiti's investment

climate, and to assist investors interested in doing business in Haiti. CFI has introduced a series of measures, including pre-registered services, to expedite the processes for starting a business. To further simplify the process, in January 2018 CFI launched a “one-stop shop,” which will facilitate local and foreign firms’ incorporation processes. This program will eventually allow entrepreneurs to fill out all incorporation forms in one location, eliminating individual trips to separate public agencies.

In 2017, Haiti’s economy grew by 1.1 percent, a deceleration from FY 2016 when the economy grew at a rate of 1.44 percent. The value of imports grew to USD 3.3 billion. The downtick in the GDP growth rate and increase in imports are due in part to a volatile exchange rate, the continued reduction of external financial assistance, and slow and destabilized agricultural production. Annualized consumer price inflation fell slightly to 12.9 percent at the end of March 2018, but remains above targets because of weak domestic production, a chronic budget deficit, food price pressures, and the depreciation of Haitian Gourde against the USD. Haiti’s net international reserves stand at USD 889 million as of late March 2018. The World Bank (WB) predicts that gross domestic product will grow at a rate of 2.2 to 2.4 percent in 2018. Improving the investment outlook for Haiti requires the enactment of institutional and structural reforms that can improve Haiti’s business and political environment.

Table 1

Measure	Year	Index/Rank	Website Address
TI Corruption Perceptions Index	2017	157 of 175	http://www.transparency.org/research/cpi/overview
World Bank’s Doing Business Report “Ease of Doing Business”	2017	181 of 190	http://www.doingbusiness.org/rankings
Global Innovation Index	2017	N/A	https://www.globalinnovationindex.org/analysis-indicator

U.S. FDI in partner country (M USD, stock positions)	2017	N/A	http://www.bea.gov/international/factsheet/
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World Bank GNI per capita	2017	USD 780	http://data.worldbank.org/indicator/NY.GNP.PCAP.CD
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1. Openness To, and Restrictions Upon, Foreign Investment

Policies Toward Foreign Direct Investment

Haiti's legislation encourages foreign direct investment. Import and export policies are non-discriminatory and are not based on nationality. Haitian and foreign investors have the same rights, privileges and protections under the 1987 investment code. The government of Haiti has made some progress in recent years to improve the legal framework, create and strengthen core public institutions, and enhance economic governance. The BRH continues to work with the International Monetary Fund (IMF) and the World Bank to implement measures aimed at creating a stable macroeconomic environment. Policies include reducing interest rates to facilitate access to credit and stabilizing the exchange rate. The government of Haiti recently passed a law that requires all business transactions to be in Haitian Gourde. As of September 2017, foreign debt reached USD 2.1 billion, mainly in support of the country's infrastructure and rebuilding efforts. 75 percent of this debt is owed to Venezuela through the Petro Caribe program.

The government of Haiti is working on new laws to improve the legal framework and incentives for investment in Haiti. The government of Haiti passed anti-money laundering and anti-corruption laws to ensure that Haiti's legislation corresponds with international standards. In early 2017, the Parliament enacted legislation making electronic signatures and electronic transactions legally binding. Other pieces of legislation that may improve Haiti's investment climate are pending parliamentary approval, including incorporation procedures, a new mining

code, and an insurance code. The government of Haiti also continues to improve Haiti's infrastructure by rebuilding and rehabilitating its roads, hospitals, and ports.

CFI was established to promote investment opportunities in Haiti. CFI's main initiatives include streamlining the investment process by simplifying procedures related to trade and investment, providing updated economic and commercial information to local and foreign investors, and promoting investment in priority sectors. The government of Haiti encourages investment that will spur job creation and boost national production in agriculture, textile, business process outsourcing (BPO), and tourism. The government of Haiti seeks to redirect CFI's focus towards legal reform, and promotion of domestic and international investment with continued emphasis on public relations. CFI also offers tailored services to large investors interested in Haiti.

CFI's Director General oversees the agency, including decisions to offer tax incentives to new businesses. The Director of Promotion works to attract investment in Haiti, while the Director of Facilitation coordinates with public sector agencies and administrative entities to ensure that CFI is following-up with businesses in a timely fashion.

Limits on Foreign Control and Right to Private Ownership and Establishment

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. The most commonly used business structures in Haiti are corporations. The Societies de Droits law, which would facilitate the creation of other types of businesses in Haiti, such as LLCs, has been drafted and is currently pending Parliamentary approval.

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, foreign investors 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 investments.

Foreign investors are free to enter into joint ventures with Haitian citizens. The distribution of shares is a private matter between the two parties. However, the State regulates the sale and purchase of company shares. Investment in certain sectors, such as health and agriculture, requires special government of Haiti authorization. Investment in "sensitive" sectors such as electricity, water, telecommunications, and mining requires a Haitian government's concession as well as authorization from the appropriate state agency. In general, natural resources are the property of the state. Mining, prospecting, and operating permits may only be granted to companies established and resident in Haiti.

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

The government of Haiti does not impose discriminatory requirements on foreign investors. Haitian laws related to residency status and employments 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.

Foreign firms are also encouraged to participate in government-financed development projects. Performance requirements are not imposed on foreign firms as a condition for establishing or expanding an investment, unless indicated in a signed contract.

Other Investment Policy Reviews

During the past three years, the government of Haiti has not undergone any third-party investment policy reviews (IPRs) through any multilateral organization. In general, Haiti's political instability, weak institutions, and inconsistent economic policies impede the country's ability to drive foreign direct investment. The International Finance Corporation and the WB's Investment Climate Advisory Services support the Haitian government's plans to implement integrated economic zones (IEZ) throughout Haiti. Haiti is also working with the United Nations Conference on Trade and Development (UNCTAD) to implement an investment promotion

strategy that will foster the expansion of bilateral trade, and the development of border-zone industrial parks to make Haiti more competitive.

The World Trade Organization's (WTO) 2015 Trade Policy Review reveals that Haiti's Investment Code and Law on Free Trade Zones is fully compliant with the Agreement on Trade-Related Investment Measures (TRIMs).

Business Facilitation

The Minister of Commerce and Industry's (MCI) internet registry 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 one-stop shop. The one-stop shop 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. At present, it takes between 70 and 90 days to complete registration with the Commercial Registry at the MCI and obtain the authorization of operations (Droit de fonctionnement). However, CFI also offers a service providing pre-registered and fully authorized companies in manufacturing, agribusiness, and real estate the opportunity to reduce their registration time. Once the Inter-Ministerial Investment Commission validates these established companies, the shares are transferred to the new owners.

Businesses, both foreign and domestic, can register at Haiti's Center for Facilitation of Investments (CFI): <http://cfihaiti.com/>. All businesses must register with the Ministry of Commerce, the Haitian tax office, the quasi-governmental Banque Nationale de Credit, the social security office, and the retirement insurance office. According to the World Bank's 2017 Ease of Doing Business Report, the average time to start a business in Haiti is 189 days.

Haiti defines micro-enterprises as less than five employees, and medium sized enterprises as less than 20. MCI offers some technical and financial assistance to small and medium sized businesses. The micro park program, supported by IDB and the European Union (EU), also includes the use of business incubators that offer technical, administrative and financial support to enhance job creation and domestic production. The program calls for the creation of 42 micro-parks focused on agribusiness, mechanical engineering, biotechnology and

manufacturing over the course of five years. One of these micro-parks is currently operational: Digneron in Croix-des-Bouquets.

Outward Investment

Neither the law nor the government of Haiti restricts domestic investors from investing abroad. Still, Haiti's outward investment is limited to a few enterprises with small investments. The profile of these investors includes businesspersons with dual citizenship and others of Haitian origin who presently reside in the country in which their firms operate. The majority of these firms are service providers and not investment firms. There is no current program or incentive in place to encourage Haitian entrepreneurs to invest abroad.

2. Bilateral Investment Agreements and Taxation Treaties

Haiti and the United States are party to the Caribbean Basin Trade Promotion Act (CBTPA), a trade preference program enacted in October 2000 that is set to expire in 2020. CBTPA provides duty-free treatment to apparel wholly assembled, knit or knit-to-shape in certain beneficiary countries in the Caribbean, as long as the apparel uses U.S. fabrics and yarns.

In December 2006, Congress enacted the Haitian Hemispheric Opportunity for Partnership Encouragement Act of 2006, commonly referred to as HOPE. HOPE amended the Caribbean Basin Economic Recovery Act (CBERA) and authorized the President to extend additional trade preferences to Haitian-manufactured apparel. HOPE preference programs are separate programs added as part of CBERA and do not replace those provided by CBTPA.

In June 2008, Congress enacted the Food, Conservation, and Energy Act of 2008 (Public Law 110-246). Title XV, Subtitle D, Part I of the Act contains amendments to the established special rules for imports of apparel and other textile articles from Haiti, which can be found in 19 U.S.C. §2703a. Commonly known as the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II), these amendments expanded the preferences originally established under HOPE, and created four new preference programs for Haitian-manufactured apparel.

HOPE II enables the Haitian textile industry to benefit from tariff advantages with the condition that the government of Haiti and eligible producers comply with internationally recognized labor standards. HOPE II allows for duty-free entry into the United States of a limited number of garments imported from Haiti, provided that 50 percent 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 will increase to 60 percent in December 2018. The Haiti Economic Lift Program (HELP), an act passed by the U.S. Congress in 2010 in response to the apparel industry's needs, extends HOPE II tariff advantages through 2025. The HOPE and HELP Acts are critical in Haiti's recovery and create sustained economic growth for Haiti's economy. Efforts are underway to secure the renewal and the expansion of the program.

Haiti, a CARIFORUM member, signed an economic partnership agreement (EPA) with the European Union (EU) in 2009 but the Haitian parliament has not yet ratified the agreement. The EPA allows the export of products from Haiti to EU countries without tariffs or quotas.

Haiti does not have a double taxation treaty with the United States.

3. Legal Regime

Transparency of the Regulatory System

Haitian laws are written to allow for transparency and to be applied universally. However, Haitian officials do not widely enforce these laws and the bureaucratic "red tape" in the Haitian legal system is often excessive.

Tax, labor, health, and safety laws and policies are also loosely enforced. The private sector often provides services, such as health care, to employees that are not entitled to coverage under government of Haiti agencies or institutions. All regulatory processes are managed exclusively by the government and do not involve the private sector and non-governmental organizations.

Draft bills or regulations are available to the public through *Le Moniteur*, the official journal of Haiti and some information is available online. *Le Moniteur* contains public agency rules, decrees, and public notices that the *Les Presses Nationales d’Haiti* (PNd’H) publishes.

International Regulatory Considerations

Haiti is a member of the Caribbean Community (CARICOM). The CARICOM Single Market and Economy (CSME), created in 1989, 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. CSME became operational in January 2006 in twelve of the fifteen Member States. Haiti, as a member of CARICOM, has expressed an interest in participating fully in CSME. However, to become eligible, Haiti must amend its customs code to align with the CARICOM and WTO standards. In March of 2017, Haiti notified the WTO of its intent to adjust its tariff rates to align them with CARICOM Common External Tariffs (CET). These changes are currently under negotiation.

Haiti also adheres to the compulsory jurisdiction of the International Court of Justice on issues of international law, and of the Caribbean Court of Justice (CCJ) for the settlement of trade disputes within CARICOM.

Haiti is an original member of the WTO. As such, it has made several commitments to the WTO in regards to the financial services sector. These commitments include allowing foreign investment in financial services, such as retail, commercial, investment banking, and consulting. Only one foreign bank, Citibank, still operates in Haiti. Haiti has committed to notifying the WTO Committee on Technical Barriers to Trade (TBT) of all draft technical regulations. However, Haiti is not party to the Trade Facilitation Agreement (TFA).

Legal System and Judicial Independence

As a former French colony, Haiti adopted the French civil law system. The Supreme Court, also known as the Superior Magistrate Council, is the highest court of the nation, followed, in descending order, by the Court of Appeals and the Court of First Instance. Haiti's commercial

code dates back to 1826 and underwent significant revisions in 1944. There are few commercial laws in place and there are no commercial courts. 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. Haitian 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 years. Bonds to release assets frozen through litigation are unavailable. Business litigants often pursue out-of-court settlements.

The Haitian Chamber of Commerce and Industry (CCIH), in partnership with the government of Haiti and with funding from the EU, has a commercial dispute settlement mechanism, known as the Arbitration and Conciliation Chamber, that provides a mechanism for conciliation and arbitration in cases of private commercial disputes.

Haiti's legal system often hinders Americans trying to resolve legal disputes. There are persistent allegations that some Haitian officials use their public office to influence commercial dispute outcomes for personal gain. However, with international assistance, the government of Haiti is actively working to increase the credibility of the judiciary and the effectiveness of the national police.

Laws and Regulations on Foreign Direct Investment

The Investment Code prohibits fiscal and legal discrimination against foreign investors. The code explicitly recognizes the crucial role of foreign direct investment in promoting economic growth. It also aims to facilitate, liberalize, and stimulate private investment, and contains exemptions to promote investment that enhance competitiveness in sectors deemed priorities, especially export-oriented sectors. Tax incentives, such as reductions on taxable income and tax exemptions, are designed to promote private investment. Additionally, the code grants Haitian and foreign investors the same rights, privileges and equal protection. Foreign investors must be legally registered and pay appropriate local 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 Prime Minister, or his delegate, chairs the CII, which is composed of representatives of the Ministries of Economy and Finance, Commerce, and Tourism, as well as those ministries that oversee specific areas of investment. The CII must authorize all business sales, transfers, mergers, partnerships, and fiscal exemptions within the scope of the code. The CII also manages the process of fining and sanctioning enterprises that disregard the code.

Investment in certain sectors, such as health and agriculture, requires special government of Haiti authorization. Investment in "sensitive" sectors, such as electricity, water, and telecommunications, requires a Haitian government concession as well as an authorization from the appropriate state agency. In general, the government of Haiti considers natural resources as State property. Accordingly, exploring or exploiting mineral and energy resources requires concessions and permits from the Ministry of Public Works' Bureau of Mining and Energy. Mining, and operating permits may only be granted to firms and companies established in Haiti.

The following areas are often noted as limitations within Haitian law: operation of the judicial system; 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; rather, they appear to affect both foreign and local companies equally.

Competition and Anti-Trust Laws

There is currently no law to regulate competition. Haiti is one of the most open economies in the region. The investment code provides the same rights, privileges and equal protection to local and foreign investors. Anti-corruption legislation also criminalizes nepotism and the dissemination of inside information on public procurement processes. However, Haiti does not have Anti-Trust legislation.

Expropriation and Compensation

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 often insecure. The government of Haiti established the National Institute of Agrarian Reform (INARA) to implement expropriations of private agricultural properties with appropriate compensation. The agrarian reform project, initiated under the 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. Moreover, a 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. A recent partnership between the private sector, the Haitian government, and international organizations developed a useful guide formalizing land tenure.

Dispute Settlement

ICSID Convention and New York Convention

In 2009, Haiti ratified the 1965 International Convention on the Settlement of Investment Disputes between states and nationals of other states (ICSID). Under the convention, foreign investors can call for ICSID arbitration for disputes with the state. The government of Haiti appears to recognize that weak enforcement mechanisms and a lack of updated laws to handle modern commercial disputes severely compromises the protections and guarantees that Haitian law extends to investors.

Haiti is not a signatory to the Inter-American-U.S. convention on International Commercial Arbitration of 1975 (Panama Convention).

Investor-State Dispute Settlement

Haiti is 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 investment disputes. Under the convention, Haitian courts can enforce such an agreement by referring the parties to arbitration. 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.

The law provides mechanisms on the procedures a court should follow to enforce foreign arbitral awards issues. In recent years, there have not been any investment dispute cases involving the government of Haiti and foreign investors.

International Commercial Arbitration and Foreign Courts

International arbitration is strongly encouraged as a means of avoiding lengthy domestic court procedures. The Haitian Arbitration and Conciliation Chamber (CAAH) provides mechanisms for conciliation and arbitration in private commercial disputes. Foreign judgments are enforceable under local courts. During the past ten years, there have not been any major commercial disputes between local and U.S. firms.

Haiti is actively working with the international community to create a domestic culture that accepts international arbitration as an effective means for dispute resolution. In 2005, CCIH and IDB jointly developed the CAAH.

Bankruptcy Regulations

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

Generale des Impots, 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 between the parties.

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 often futile. Banks frequently require that loans be secured in U.S. dollars. Debts are normally paid in local currency.

4. Industrial Policies

Investment Incentives

In order to attract investment to certain industries, the Investment Code created a privileged status for some manufacturers. Under the Code, eligible firms can benefit from customs, tax, and other advantages. 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 five- to ten-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, if 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 investments that match one or more of the criteria described above, the government of Haiti provides customs duty and tax incentives. Companies that enjoy tax exempt 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.

Foreign Trade Zones/Free Ports/Trade Facilitation

A law on Free Trade Zones (FTZ) was established in 2002. The law defines the conditions for operating and managing economic FTZs, with exemption and incentive regimes granted to investment in such zones. The law is not specific to a particular activity. Instead, it 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 of 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
- Registration and transfer of the balance due for all deeds relating to purchase, mortgages, and collateral

A FTZ has been 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 its CODEVI facility.

In October 2012, the government of Haiti, with the support of the Inter-American Development Bank (IDB) and the United States Government, opened the 617-acre Caracol Industrial Park (PIC) located near the town of Caracol in Haiti's northeastern region. In 2012, two companies began operating in PIC: the Korean garment company S&H Global and a Haitian paint manufacturer, Peintures Caraibes. A jean manufacturer and a Haitian paint producer began operations in 2013 at CODEVI and Caracol, respectively. Several other companies, including a fragrance and cosmetics manufacturer, and a Haitian garment manufacturer, started up in 2014 at PIC.

In 2015, two major FTZ's were added to the list: Agritrans, the first agricultural free trade zone in Haiti, which launched in 2015, and Port Lafito, a USD 150 million Panamax port and industrial park. The Lafito port is part of a comprehensive development project that includes an industrial free zone, hospital, residential-commercial area, and leisure amenities to include a boutique hotel, a beach club and a marina. Lafito is located 12 miles from the port of Port-au-Prince, and the owners, the GB Group, expect that the industrial park, once operational, will have the potential to generate over 3,000 jobs in the apparel sector. The Panamax port was completed and began operations in 2015.

In 2016, various Asian-based firms, including MAS Holdings, a USD 1.6 billion conglomerate with 48 manufacturing facilities across 15 countries, and Reliable Source Industrial International (RSI), one of the leading manufacturers of sportswear and swimwear apparel in Asian, expressed concrete interest in establishing operations in Haiti and both firms are now present in Haiti. MAS began operations at PIC in early 2018.

The Haitian government's Ministry of Commerce and Industry added two new FTZs in Port-au-Prince. This includes, FTZ 1 (Digner on in Croix-des-Bouquets), which is expected to create between 12,000 and 15,000 jobs, FTZ 2 (Santo du Jour in), is expected to provide 10,000 jobs and FTZ 3 (Lafito, just outside of Port-au-Prince), which is expected to create between 10,000 and 15,000 jobs.

Performance and Data Localization Requirements

Foreign firms are encouraged to participate in government-financed development projects. However, performance requirements are not imposed on foreign firms as a condition for establishing or expanding an investment, unless indicated in a signed contract.

Under Haitian laws, foreign investors operate their businesses and use their assets to organize production freely. Companies are not forced to localize or to use local raw materials for the production of goods. Foreign IT providers are not required to turn over source code or keys for encryption to any public agencies.

5. Protection of Property Rights

Real Property

Real property interests are affected by the absence of a comprehensive civil registry. Lease agreement and regulation are the same for locals and foreign investors. Legitimate property titles are often non-existent. If they do exist, they often conflict with other titles for the same property. Property legally purchased does not automatically revert to other owners. Squatting is not a common practice, but was popular in the aftermath of the 2010 earthquake. Verification of property titles can take several months or longer. The Embassy regularly receives reports of fraudulent or fraudulently recorded land titles. Mortgages exist, but real estate mortgages are expensive and involve cumbersome procedures. Additionally, mortgages are not always properly recorded under the debtor or creditor's name. Affordable Housing Institute (AHI), the World Council of Credit Unions, USAID, and Habitat for Humanity jointly launched the Home Ownership and Expansion (HOME) Program in 2015. The HOME project works with local financial institutions and housing developers to promote access to affordable housing to low-medium income households through long-term financing.

Intellectual Property Rights

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; however, enforcement is weak. 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 government of Haiti's determination to revise its intellectual property legislation in accordance with its international agreements. Perceived weak enforcement mechanisms, inefficient courts, and judges' inadequate knowledge of commercial law may impede the effectiveness of statutory protections.

Resources for Rights Holders

For more information concerning intellectual property rights, please contact the U.S. Embassy's Economic and Commercial Specialist at PAPECON@state.gov.

Local lawyers list:

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

Haitian Copyright Office (BHDA)

Ministry of Culture and Communication

31, Rue Cheriez

Canape-Vert

Port-au-Prince

HAITI (West Indies)

(509) 2811 0535

(509) 2811 5626

bhda.gouv@gmail.com; contact@bhda.gouv.ht

Director General/Directrice Generale: Mrs. Emmelie Phropheete Milce

Industrial Property Offices

Intellectual Property Service, Department of Legal Affairs

Ministry of Trade and Industry

<http://www.mci.gouv.ht/>

Parc Industriel Metropolitain (SONAPI),

Route de l'aeroport

Port-au-Prince

mcihaiti@yahoo.fr

Director of Legal Affairs/Directeur des Affaires Juridiques: Mr. Rodrigue Josaphat

For additional information about treaty obligations and points of contact at local IP offices, please see WIPO's country profiles at <http://www.wipo.int/directory/en/>.

6. Financial Sector

Capital Markets and Portfolio Investment

The scale of financial services remains modest in Haiti. The banking sector is well-capitalized, profitable, and gross international reserves are able to cover over three months of imports. As of March 2018, Haiti's stock of net international reserves is approximately USD 860 million. In principle, there are no limitations to foreigners' access to the Haitian credit market, and credit is available through commercial banks. However, free and efficient flow of capital is hindered by Haitian accounting practices, which are 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 do not comply with 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).

Administrative oversight in the banking sector is superior to oversight in other sectors. However, under Haitian law, banks are not required to comply with internationally recognized accounting standards, and they are often not audited by internationally recognized accounting firms. Nevertheless, Haiti's Central Bank (BRH) requires that banks apply internal audit procedures. As part of their corporate governance all private banks also have in-house audit functions. Most private banks follow international accounting norms and use consolidated reporting principles. The BRH is generally viewed as one of the well-functioning Haitian government's institutions.

Money and Banking System

The banking sector has concentrated credit in trade financing and in the proliferation of branches to capture deposits and remittances. Telebanking now provides access to banking

services for Haitians that are first-time account holders. Foreign banks are free to establish operations in Haiti. Three major banking institutions (Unibank, Sogebank and BNC) hold 80 percent of total banking sector assets. With the acquisition of the Canadian Bank-Scotiabank in 2016, Unibank became Haiti's largest banking company with a deposit market share of 34 percent. As part of the deal, Scotiabank remains one of Unibank's international correspondent banks. U.S.-based Citibank also has a correspondent banking relationship with Unibank.

The three major commercial banks hold 75 percent of the total loan portfolio, while 70 percent of total loans are monopolized by 10 percent of borrowers. This increases the Haitian banking system's vulnerability to systemic credit risk and restricts the availability of capital. The quality of the loan portfolios in the banking system, measured by the ratio of nonperforming loans over total loans, has improved over the years due to the recent modernization of the regulatory and supervisory framework of the financial sector. The measure requires that BRH conduct regular inspections to ensure that financial institutions are in compliance with minimum capital requirements, asset quality, currency, and credit risk management.

The Central Bank's main challenge is maintaining sound monetary policy in the context of a larger-than-expected government deficit and a depreciating local currency. As of early May 2018, BRH's reference rate was approximately 65.86 Gourdes for one U.S. dollar. Inflation is currently at 12.9 percent and continues to trend downwards. The exchange rate suffers from continued pressure on the foreign exchange market. To ease the pressure on the local currency, the Central Bank proceeded with the sale of USD 150 million in the foreign exchange market during FY 2016-2017, while maintaining the reserve requirement ratios of commercial banks at 49.5 percent for deposits held in U.S. currency and 44 percent for deposits in local currency.

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 numerous 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.

To provide greater access to financial services for individuals and prospective investors, the government of Haiti's banking laws recognize tangible movable property (such as portable machinery, furniture, and tangible personal property) as collateral for loans. These laws allow individuals to buy condominiums, and banks to accept personal property, such as cars, bank accounts, etc., as a pledge for loans. USAID has a loan portfolio guarantee program with a diversified group of financial institutions to encourage them to expand credit to productive small and medium enterprises, and rural micro-enterprises. The government of Haiti seeks 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 this bureau does not currently exist.

Foreign Exchange and Remittances

Foreign Exchange

The Haitian gourde (HTG) is convertible for commercial and capital transactions. Banks and currency exchange companies set their rates at the market-clearing rate. 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 market determines the exchange rate for the HTG. The difference between buying and selling rates is generally less than five percent. Declining aid inflows and low domestic production led to a significant depreciation of the HTG.

Remittance Policies

The government of Haiti does not impose restrictions on the inflow or outflow of capital. The Law of 1989 governs international transfer operations and remittances. Remittances are Haiti's primary source of foreign currency and account for an estimated one quarter of GDP. There are no restrictions or controls on foreign payments or other fund transfer transactions, and foreign exchange is readily available. While restrictions apply on the amount of money that may be withdrawn per transaction, there is no restriction on the amount of foreign currency

that residents may hold in bank accounts, and there is no ceiling on the amount residents may transfer abroad.

The government of Haiti is now putting in place stricter measures to monitor money transfers in accordance with Haiti's efforts to deter illicit cash flows, as mandated by the 2013 Anti-Money Laundering Act and the forthcoming implementation of the United States Foreign Account Tax Compliance Act (FATCA).

Sovereign Wealth Funds

To date Haiti does not have a Sovereign Wealth Fund (SWF). However, several entities are currently working with the Haitian diaspora to fund a SWF, which could be used to modernize the country's public education and/or sanitation system. The SWF would be funded with remittances received from Haitian who are living overseas. Some analysts also suggest that revenue could come from taxing the remittances sent by the diaspora. Haitians send approximately USD 2 billion in remittances annually to support their families.

7. State-Owned Enterprises

Before the privatization efforts that began in the mid-1990s, the government of Haiti fully owned and operated State-Owned Enterprises (SOE). The Haitian commercial code governs the operations of the SOE's. The sector included a flourmill, a cement factory, a telephone company (TELECO), the electricity company (EDH), the national port authority (APN), the airport authority (AAN), and two commercial banks: Banque Nationale de Credit (BNC) and Banque Populaire Haitienne (BPH). The law defines SOE as autonomous enterprises that are legally authorized to be involved in commercial, financial and industrial activities. All SOEs operate under the supervision of a sectorial ministry, and are expected to create economic and social return. Today, some SOE's are fully owned by the state, while others are mixed-enterprises. The Haitian parliament has strict authority to liquidate state enterprises that are underperforming.

Today, the non-financial SOEs that remain in the public portfolio includes the electrical company (EDH), the national airport authority (AAN), the sugar factory, the port authority (APN), the social security office (ONA), the postal office, and the vehicle insurance company (OAVCT). The majority of SOEs are financially sound, with the exception of EDH. EDH is receiving substantial annual subsidies from the government of Haiti to stay in business.

Privatization Program

With the economic difficulties of the late 1990's and mismanagement of the SOE's, the government was forced to liberalize the market and allow foreign firms to invest in the management and/or ownership of Haitian state-owned enterprises. To accompany the initiative, the government established the Commission for the Modernization of Public Enterprises (CMEP) in 1996 to facilitate the privatization process, while creating strategies to privatize all SOE's.

In 1998, two U.S. companies, Seaboard and Continental Grain, purchased shares of the state-owned flourmill. Each partner currently 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 2010, a Vietnamese corporation, Viettel, officially acquired 60 percent of the state telecommunications company Teleco (now operating as Natcom), with the government of Haiti retaining 40 percent ownership. Competition is not distorted in favor of state-owned enterprises to the detriment of private companies.

To further liberalize the economy, the government provided fiscal incentives to the GB Group to build Haiti's first Panamax container port. This project received its first ship in late 2015.

The government of Haiti has allowed private sector investment in electricity generation to compensate for EDH's inability to supply sufficient power. Three private power producers generate electricity for EDH. The most recent entry, E-Power, opened a 32 megawatt, USD 56 million, IFC-financed heavy fuel-oil powered generation plant in Port-au-Prince in 2011. The government has allowed limited private sector investment in selected seaports, and expressed interest in the USAID-backed Cap-Haitian Port rehabilitation project, and in privatizing the

Port-au-Prince and Cap-Haitien airports. Despite initial enthusiasm in both the public and private sectors for privatization, progress has been slow. To date, out of nine State-Owned Enterprises three enterprises have been privatized, and two other privatizations are under consideration.

8. Responsible Business Conduct

Awareness of responsible business conduct among producers and consumers is limited but growing. Though rather informal, some Haitian firms have a Corporate Social Responsibility (CSR) component to their business plan. Irish-owned telecommunications company Digicel, for example, sponsors an Entrepreneur of the Year program and has built 120 schools in Haiti. Natcom provides free internet service to several public schools throughout the country. 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 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 also become more supportive of social responsibility programs.

The government of Haiti has not established any incentives to encourage adherence to Responsible Business Conduct (RBC).

9. Corruption

Haitian law, applicable to individuals and financial institutions, criminalizes corruption and money laundering. Bribes or attempted bribes toward a public official 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.

Corruption, including bribery, raises the costs and risks of doing business in Haiti. U.S. firms have complained that corruption is a major obstacle to effective business operation in Haiti. They frequently 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.

Transparency International's Corruption Perception Index for 2017 ranked Haiti one the most corrupt countries in the Caribbean region, ranking 157th out of 177 countries worldwide, and with little improvement from last year. The government of Haiti has made some progress in enforcing public accountability and transparency, but substantive institutional reforms are still needed. Since 2004, the government of Haiti established the Specialized Unit to Combat Corruption (ULCC) in the Ministry of Economy and Finance. In 2008, the law on disclosure of assets by civil servants and high public officials prepared by ULCC was approved by Parliament, but, to date, compliance has been almost nonexistent.

The government of Haiti created the National Commission for Public Procurement (CNMP) to ensure that government of Haiti contracts are awarded through competitive bidding and to establish effective procurement controls in public administration. The CNMP publishes lists of awarded government of Haiti contracts. The procurement law of 2009 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. Moreover, the government frequently enters into no-bid contracts, sometimes issued using “emergency” authority derived from natural disasters, even when there is no apparent connection between the alleged emergency and the government contract.

Haiti is not a party to the OECD Anti-Bribery Convention.

Resources to Report Corruption

Any corruption-related activity can be reported to the Haitian Anti-Corruption Unit, responsible for combatting corruption or to Transparency International's branch in Haiti, Haiti Heritage Foundation, which monitors corruption:

David Basile
Director General
Unite de Lutte Contre la Corruption
13, rue Sapotille, Pacot, Port-au-Prince, Haiti

Telephone: (509) 2811-0661 / (509) 4890-3647

Email address: info@ulcc.gouv.ht/
david.basile@ulcc.gouv.ht

Marilyn B. Allien

President

Fondation Heritage pour Haiti

Petion-Ville, Haiti

Telephone: (509) 3701-7089

Email address: admlfhh@yahoo.com/heritagehaiti@yahoo.com

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 Anti-bribery Convention including links to national implementing legislation and country monitoring reports is available at: http://www.oecd.org/departement/0,3355,en_2649_34859_1_1_1_1_1,00.html. Please also see the new Anti-bribery Recommendation and Good Practice Guidance Annex for companies: <http://www.oecd.org/investment/anti-bribery/anti-briberyconvention/44884389.pdf>
- General information about anti-corruption 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.oecd.org/site/adboecdanti-corruptioninitiative/>
- 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/cpi2014>. TI also

publishes an annual Global Corruption Report that 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. For more information, please visit <https://www.transparency.org/research/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. For additional information, please visit: <http://info.worldbank.org/governance/wgi/pdf/WGI.pdf>. The World Bank Business Environment and Enterprise Performance Surveys are also available at: <http://data.worldbank.org/data-catalog/BEEPS>.

- 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. Please see: <http://www.weforum.org/> for more information.

- 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/j/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 and is available at: <http://report.globalintegrity.org/>.

10. Political and Security Environment

Haiti returned to constitutional order in February 2017, with the democratic election and inauguration of President Jovenel Moïse. Haiti's political situation remains fragile. Moïse's administration faces challenges due to an inexperienced government, the lack of political will, poor relations between Parliament and the Executive branch, widespread corruption, weak rule

of law, and a feeble economy have hindered both reconstruction efforts and the passage of important legislation. Moïse's government has focused on a new development assistance paradigm and requested that the U.S. government and other donors provide direct assistance to the government of Haiti in seven priority areas (electricity, transportation infrastructure, agriculture, education, health, environment, and social programs).

The HNP has largely succeeded in maintaining security since the October 2017 MINUSTAH withdrawal, which coincided with large and at times violent protests in Port-au-Prince against the government's new budget. Historically, and continuing into early 2018, politically and socio-economically motivated civil disorder, such as periodic demonstrations triggered by government proposals to increase fuel prices and labor strikes, sometimes interrupted normal business operations. Establishing and safeguarding real property rights in Haiti remains a very significant problem, given extremely weak registry and judicial capacity in country. There have been no cases of political groups targeting foreign projects and/or installations. While significant improvements in the police force's technical and operational capabilities have reduced kidnapping and homicide in recent years, other violent crimes remain a serious problem. The U.S. government and other international partners have called for the Haitian government to invest more in the police to ensure its continued development. There is a shortage in the capacity of Haitian law enforcement to deter and prosecute violent crime. However, it has been making positive strides in strengthening its local law enforcement.

11. Labor Policies and Practices

The special legislation of the Labor Code of 1984 establishes and governs labor regulations. Under the Code, the Minister of Social Affairs (MAST) enforces the law and maintains good relationships with employers and workers. Normal working hours consist of 8-hour shifts and 48-hour workweeks. In September 2017, the government of Haiti passed a new labor law to permit three eight-hour shifts in a working day. Workers' social protection and benefits include annual leave, sick leave, health insurance, maternity insurance, insurance in case of accident at work, and other benefits for unfair dismissal.

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. The Ministry of Labor and Social Affairs is revising a new labor code that will better comply with international labor standards. Preparations for the 2015 and 2016 elections, as well as multiple changes in the Minister of Labor during the same period, stalled the revision of the labor code.

Relations between labor and management 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 ongoing project with the assembly industry to improve productivity through improvement in working conditions. The initiative prompted ILO to officially launch Better Work Haiti, a program that was designed to ensure compliance with international labor standards and spur jobs creation in the garment sector over the next 10 years.

Since the inception of Better Work Haiti, the garment sector has seen a 50 percent improvement in occupational safety and health across the factories. Employers have doubled their efforts to improve chemical safety, and over 95 percent of local factories have initiated policies to create a safer work environment as well as provide good working conditions to garment workers. Wages vary depending on the economic sector. As of October 2017, the minimum wage for the garment sector was HTG 350 for eight hours of work or (approximately USD 5.49) in the textile industry. These wages are based on production output so workers often earn more than the minimum wage. Better Work Haiti's annual report found the majority of factories in compliance with the labor law. The report is available at: <http://betterwork.org/global/?p=7201>.

Haiti's apparel industry has expanded in recent years, and now counts several local and foreign manufacturers, including U.S., Dominican, and Korean investors, which produce a wide range of clothing articles. The sector offers notable opportunities, such as an abundant workforce, duty-free access to the U.S. market, and a program implemented by the International Labor Organization's Better Work program that ensures good working conditions in factories. Measures

are currently underway to enhance the technical skills of the Haitian workforce. The South Korean International Cooperation Agency (KOICA), for example, funded the construction of an apparel training center in the Caracol Industrial Park in Northern Haiti.

12. OPIC and Other Investment Insurance Programs

The 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 guarantees loans totaling USD 100 million, with up to 20 percent of this amount available to Haiti. The OPIC risk share for the facility ranges from 25 to 75 percent for each loan.

Haiti is a member of the WB's Multilateral Investment Guarantee Agency (MIGA). MIGA guarantees investments against non-commercial risks and facilitate access to funding sources including banks and equity partners for investors.

13. Foreign Direct Investment and Foreign Portfolio Investment Statistics

Table 2: Key Macroeconomic Data, U.S. FDI in Host Country/Economy

Economic Data	Host Country Statistical source		USG or international statistical source		USG or International Source of Data: BEA; IMF; Eurostat; UNCTAD, Other
	Year	Amount	Year	Amount	

Host Country Gross Domestic Product (GDP) (M USD)	2017	USD 8,400	2017	USD 8,400	www.worldbank.org/en/country
Foreign Direct Investment	Host Country Statistical source	USG or international statistical source	USG or international Source of data: BEA; IMF; Eurostat; UNCTAD, Other		
U.S. FDI in partner country (M USD, stock positions)	2017	USD 374	2017	USD 374	BEA data available at http://bea.gov/international/direct_investment_multinational_companies_comprehensive_data.htm
Host country's FDI in the United States (M USD, stock positions)	N/A	N/A	N/A	N/A	BEA data available at http://bea.gov/international/direct_investment_multinational_companies_comprehensive_data.htm
Total inbound stock of FDI as % host GDP	2017	N/A	N/A	N/A	

Table 3: Sources and Destination of FDI

Direct Investment from/in Counterpart Economy Data	
From Top Five Sources/To Top Five Destinations (US Dollars, Millions)	
Inward Direct Investment	Outward Direct Investment
No Data Available	

"0" reflects amounts rounded to +/- USD 500,000.

Table 4: Sources of Portfolio Investment

Portfolio Investment Assets

Top Five Partners (Millions, US Dollars)

Total	Equity Securities	Total Debt Securities
No Data Available		

14. Contact for More Information

Alexis Nieves
 Commercial Attaché
 Embassy of the United States of America
 Boulevard du 15 Octobre, Tabarre 41
 Port-au-Prince, Haïti
 Please address email correspondence to PAPECON@state.gov

Business Travel

Facilities for visiting business persons have improved 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. The hotels include Hotel Karibe, NH Hotels' El Rancho, Kinam Hotel, Servotel, Visa Lodge, Royal Oasis, and Best Western. Reservations can be made by telephone, fax, e-mail or online (only the Best Western, Marriott and Royal Oasis, Karibe, and Kinam hotel provides the online booking service).

Business Customs

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

Visit the following site for the latest travel advisory on Haiti:

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html>

Visa Requirements

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 \$35 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 509-2229-8000 and asking to be transferred to the Economic section 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>

Currency

The Gourde is the national currency of Haiti, with HTG as the currency code. The currency symbol is G, and the top HTG conversion is USD/HTG.

Telecommunications/Electric

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. Natcom a Vietnamese/Haitian state joint venture, created in April 2010, is Digicel's main competitor. Natcom provides 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. The distribution of electricity is sporadic with only 5 to 15 hours of electricity on average on a daily basis.

Transportation

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 making travel to the cities outside of Port-au-Prince much easier, but many more are in bad condition. 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

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

Health

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

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, may close at 7:00 PM or 8:00 PM, and observe their Sunday schedule on National holidays.

Haitian Holidays for 2018:

January 1, New Year's Day

January 2, Ancestors' Day

February 13, Carnival

April 14, Good Friday

May 1, Labor and Agriculture Day

June 15, Corpus Christi

August 15, Assumption Day

October 17, Death of Dessalines

November 1, All Saints' Day

November 2, All Souls' Day

November 18, Battle of Vertieres Day

December 25, Christmas

Temporary Entry of Materials or Personal Belongings

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 bank 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.

Travel Related Web Resources

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/>

