

**EUROPEAN COMMUNITIES – REGIME FOR THE IMPORTATION, SALE AND  
DISTRIBUTION OF BANANAS**

Second Recourse to Article 21.5 of the DSU by Ecuador

**EUROPEAN COMMUNITIES – REGIME FOR THE IMPORTATION, SALE AND  
DISTRIBUTION OF BANANAS**

Recourse to Article 21.5 of the DSU by the United States

Communication from the Appellate Body

The following communication, dated 26 November 2008, from Mr. Luiz O. Baptista, Chairman of the Appellate Body, addressed to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 17.5 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*.

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It is my honour to provide to you the Reports of the Appellate Body in *European Communities – Regime for the Importation, Sale and Distribution of Bananas – Second Recourse to Article 21.5 of the DSU by Ecuador*, WT/DS27/AB/RW2/ECU, and *European Communities – Regime for the Importation, Sale and Distribution of Bananas – Recourse to Article 21.5 of the DSU by the United States*, WT/DS27/AB/RW/USA. The two Reports will be circulated, in the form of a single document, to Members of the World Trade Organization at 4 p.m. today, in accordance with paragraph 5 of Article 17 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes*. It is a confidential document until its circulation. The three Members of the Appellate Body who served on these appeals are: myself, as Presiding Member; Mr. Shotaro Oshima and Mr. David Unterhalter, as Members.

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