

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

Second Recourse to Article 21.5 of the DSU by Ecuador

Communication from the Chairman of the Panel

The following communication, dated 5 December 2007, addressed to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 21.5 of the Dispute Settlement Understanding.

Article 21.5 of the DSU stipulates that a panel established under that provision shall circulate its report within 90 days after the date of referral of the matter to it.

Article 21.5 of the DSU further stipulates that when a panel considers that it cannot provide its report within that timeframe, it shall inform the DSB in writing of the reasons for the delay together with an estimate of the period within which it will issue its report.

On 20 March 2007, the DSB agreed to refer the dispute *European Communities – Regime for the Importation, Sale and Distribution of Bananas: Recourse to Article 21.5 of the DSU by Ecuador* (WT/DS27) to the original Panel, if possible. On 5 June 2007, Ecuador requested the Director-General to determine the composition of the Panel, pursuant to paragraph 7 of Article 8 of the DSU. On 15 June 2007, the Director-General composed the Panel.

The Panel expects to issue its final report to the parties in December 2007, as envisaged in the timetable adopted after consultations with the parties. Following translation, the final report of the Panel is expected to be circulated to WTO Members in February 2008.

The Panel takes the opportunity to note that, on 12 July 2007, the DSB agreed to refer the related dispute *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) to the original Panel, if possible. That panel was composed on 13 August 2007 with the same panelists. Despite the Panel's best efforts, it has not been possible to harmonize the timetables for the processes in both disputes, but in the Panel's view, the timetable adopted after having consulted the parties, respects the requirement of due process and accords equal treatment to all parties.
