

ORGANIZATION

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

Request for Consultations by Guatemala, Honduras, Mexico and the United States

The following communication, dated 28 September 1995, from the Permanent Missions of Guatemala, Honduras, Mexico and the Office of the United States Trade Representative to the Permanent Delegation of the European Commission, is circulated at the request of these Missions and in accordance with Article 4.4 of the DSU.

The Permanent Missions in Geneva of Guatemala, Honduras, Mexico and the United States wish to convey to you, on behalf of their respective governments, a request for consultations with the European Communities pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes, Article XXIII of the General Agreement on Tariffs and Trade 1994, Article 6 of the Agreement on Import Licensing Procedures, and Article XXIII of the General Agreement on Trade in Services regarding the EC regime for the importation, sale and distribution of bananas established by Regulation 404/93 (OJ L 47 of 25 February 1993, p.1) and the subsequent EC legislation, regulations and administrative measures which implement, supplement and amend that regime.

These measures appear to be inconsistent with EC obligations under the General Agreement on Tariffs and Trade 1994, the Agreement on Import Licensing Procedures and the General Agreement on Trade in Services. The EC measures appear to be inconsistent with the following provisions, among others:

- 1) Articles I, II, III, X and XIII of the General Agreement on Tariffs and Trade 1994;
- 2) Articles 1 and 3 of the Agreement on Import Licensing Procedures; and
- 3) Articles II, XVI and XVII of the General Agreement on Trade in Services.

These measures also appear to nullify or impair benefits accruing to Guatemala, Honduras, Mexico and the United States directly or indirectly under the cited agreements, and to impede the objectives of the GATT 1994 and Agreement on Import Licensing Procedures.

We look forward to receiving your reply to this request and to fixing a mutually convenient date for consultations.