

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

Request to Reactivate Consultations of 17 September 1998 by Ecuador

The following communication, dated 13 November 1998, from the Permanent Mission of Ecuador to the Permanent Delegation of the European Commission and to the Chairman of the Dispute Settlement Body, is circulated pursuant to the procedure provided for under Article 21.5 of the DSU.

I refer to your letter of 16 September 1998 relating to the acceptance of the consultations requested jointly and severally by the Government of Ecuador and the Governments of Honduras, Guatemala, Mexico and the United States, without prejudice to our rights under Article 21.5 of the DSU, which does not stipulate that such consultations must be held in order to reconvene the original Panel that examined the Communities' regime for the importation of bananas contained in Regulation (EEC) No. 404/93.

Ecuador's position of principle on the holding of such consultations was stated in the letter sent to you on 18 August 1998 by Ecuador together with the representatives of the above-mentioned Governments.

The consultations requested by Ecuador related not only to its concern with the mandatory compliance by the European Communities with the conclusions and recommendations of the Dispute Settlement Body within the reasonable period of 15 months, i.e. by 1 January 1999, but also to the measures adopted and the aspects of Council Regulation 1637/98 concerning licensing and quota allocations for bananas. It was not possible, during the first stage of the consultations, to reach any understanding that could resolve the dispute between Ecuador and the European Communities on all of the concerns discussed.

However, Ecuador took due note of the mention made during the meeting by the representatives of the Commission of the European Communities of the need to hold another meeting at a later date when certain supplementary provisions on bananas had been adopted.

Recalling that Ecuador did not express any objection to this suggestion and given that the Commission of the European Communities has adopted supplementary implementation measures for the new banana regime<sup>1</sup>, I would like, on instruction from my Government, to request the immediate reactivation of the consultations begun on 17 September 1998 between Ecuador and the European Communities. Indeed, Ecuador would like to meet with the European Communities at their convenience between 17 and 23 November 1998. Finally, I repeat that this request is made without prejudice to Ecuador's rights under Article 21.5 of the DSU.

<sup>1</sup> Commission Regulation (EC) No. 2362/98 of 28 October 1998.