

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

Recourse by the United States to Article 22.7 of the DSU

The following communication, dated 18 February 1999, from the Permanent Mission of the United States to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 22.7 of the DSU.

Pursuant to Article 22.7 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the United States requests authorization from the Dispute Settlement Body (DSB) to suspend the application to the European Communities (EC), and member States thereof, of tariff concessions and related obligations under the General Agreement on Tariffs and Trade 1994 (GATT), in an amount consistent with DSU Article 22.4, as determined by the arbitrator pursuant to DSU Article 22.7 in "EC – Regime for the Importation, Sale and Distribution of Bananas."

The United States previously circulated a request to the DSB for authorization of suspension of concessions pursuant to DSU Article 22.2, in document WT/DS27/43. That request presented the relevant background concerning the EC's failure to implement the DSB's recommendations and rulings concerning the EC's banana regime, the level of nullification or impairment of benefits accruing to the United States, and the measures contemplated by the United States. On 29 January 1999, the DSB referred this matter to arbitration pursuant to DSU Article 22.6. According to Article 22.6 of the DSU and the timetable for the arbitrators' work, the arbitrators' decision is to be issued by 2 March 1999. The United States therefore requests that the DSB authorize it to suspend concessions consistent with the arbitrators' decision.
