

UNITED STATES - SECTIONS 301-310 OF THE TRADE ACT OF 1974

Request to Join Consultations

Communication from Panama

The following communication, dated 4 December 1998, from the Permanent Mission of Panama to the Permanent Mission of the United States, the Permanent Delegation of the European Commission and to the Chairman of the Dispute Settlement Body, is circulated in accordance with Article 4.11 of the DSU.

I have the honour to refer to the request for consultations transmitted to you by the Permanent Delegation of the European Communities on 25 November and circulated to all Members of the World Trade Organization in document WT/DS152/1.

In that communication, the Permanent Delegation of the European Communities requested consultations with regard to Title III, Chapter 1 (sections 301-310) of the Trade Act of 1974, as amended (19 USC, paragraphs 2411-2420) and in particular sections 306 and 305 of that Act (19 USC, paragraphs 2416 and 2415 respectively), on the grounds, *inter alia*, that these sections "... do not allow the United States to comply with the rules of the DSU in situations where a prior multilateral ruling under the DSU on the conformity of implementing measures has not yet been adopted by the DSB".

The request for consultations was made pursuant to Article 4 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU) and Article XXII:1 of the General Agreement on Tariffs and Trade 1994 (GATT 1994).

The holding of consultations on this matter arises from the implementation process of the conclusions and recommendations made in the reports of the Panel and Appellate Body in *European Communities - Regime for the Importation, Sale and Distribution of Bananas* (WT/DS27). As you must be aware, the Republic of Panama has a substantial trade interest in this dispute, which will be significantly affected, in one way or another, by the implementation of the conclusions and recommendations of the two reports. I therefore wish to inform you of my country's wish that it be joined in these consultations, pursuant to Article XXII of GATT 1994, and Article 4.11 of the DSU.
