

**Dispute Settlement Body
2 June 2008**

MINUTES OF MEETING

Held in the Centre William Rappard
on 2 June 2008

Acting Chairman: Mr. Bruce Gosper (Australia)

Prior to the adoption of the Agenda, Amb. Bruce Gosper, the Chairman of the General Council, welcomed delegations and said that he had been asked to chair the present meeting in the absence of Amb. Mario Matus, the Chairman of the Dispute Settlement Body.

Subjects discussed:

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1. European Communities – Regime for the importation, sale and distribution of bananas: Second Recourse to Article 21.5 of the DSU by Ecuador	
(a) Joint request by Ecuador and the European Communities for a decision by the DSB (WT/DS27/87)	

1. The Chairman drew attention to the communication from Ecuador and the European Communities contained in document WT/DS27/87, and invited the representative of Ecuador to speak.

2. The representative of Ecuador said that, first, his delegation wished to thank Amb. Gosper for having accepted to chair the present meeting. The meeting had been called to decide over a draft decision, submitted by Ecuador and the EC, to extend the time-period in Article 16.4 of the DSU, applicable to the dispute: "European Communities – Regime for the Importation, Sale and Distribution of Bananas: Second Recourse to Article 21.5 of the DSU by Ecuador". Ecuador was requesting the support of all Members to agree to this decision due to the interest of the Government of Ecuador to provide more time for the ongoing negotiations in order to resolve this long-standing dispute. Accordingly, Ecuador requested that the DSB adopt the draft decision contained in document

WT/DS27/87. Finally his delegation wished to indicate that the legal rights of the parties to this dispute would be preserved.

3. The representative of the European Communities said that her delegation wished to thank Amb. Gosper for having accepted to chair the present meeting. The request by the EC and Ecuador was deemed to facilitate the constructive negotiations currently ongoing between the EC and the banana suppliers (including Ecuador) on a final settlement to this long-standing dispute. The new proposed deadline of 29 August 2008 would provide the parties with a large margin to conclude those negotiations. The EC believed that negotiating of an agreement, rather than further pursuing litigation, was the only way towards a solution. An agreement was also essential in the context of the ongoing DDA negotiations.

4. The DSB took note of the statements.

5. The Chairman proposed that: "The DSB agree that, upon a request by Ecuador, the DSB shall no later than 29 August 2008, adopt the Report of the Panel in the dispute: *European Communities – Regime for the Importation, Sale and Distribution of Bananas: Second Recourse to Article 21.5 of the DSU by Ecuador* contained in document WT/DS27/RW2/ECU, unless (i) the DSB decides by consensus not to do so or (ii) the European Communities notifies the DSB of its decision to appeal not later than 29 August 2008".

6. The DSB so agreed.

7. The representative of Ecuador said that his country wished to thank all Members for their support and approval of the draft decision. Consequently, Ecuador would be requesting that the special DSB meeting scheduled for 6 June to consider the Panel Report in WT/DS27/RW2/ECU be cancelled. To this effect, his delegation would be sending a letter to confirm this.

8. The DSB took note of the statement.

2. United States – Final anti-dumping measures on stainless steel from Mexico

(a) Statement by the United States

9. The representative of the United States, speaking under "Other Business", recalled that on 20 May 2008 the DSB had adopted the Panel and the Appellate Body Reports in the dispute: "United States – Final Anti-Dumping Measures on Stainless Steel from Mexico" (DS344). As Members would recall, the United States was deeply troubled by the Appellate Body Report in this dispute. The United States did not, however, seek to engage in further discussions of those concerns under this Agenda item. At the present meeting, as provided for in the first sentence of Article 21.3 of the DSU, the United States simply wished to state that it intended to comply in this dispute with its WTO obligations and would be considering carefully how to do so. The United States would need a reasonable period of time for implementation.

10. The representative of Mexico said that his delegation welcomed the statement made by the United States informing the DSB that the United States intended to comply with its WTO obligations in this dispute. Mexico would closely monitor the way in which the United States intended to implement the DSB's recommendations, and stood ready to discuss the matter with the United States in order to reach an agreement on a reasonable period of time for such implementation.

11. The DSB took note of the statements.
