

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

Communication from Ecuador

The following communication, dated 23 April 1999, from the Permanent Mission of Ecuador to the Chairman of the Dispute Settlement Body, is circulated pursuant to the request of that delegation.

On 18 December 1998, Ecuador requested the DSB to reconvene the original panel - European Communities- Regime for the Importation, Distribution and Sales of Bananas - in accordance with Article 21.5 of the DSU to examine the implementation of the DSB recommendations in the light of the General Agreement on Tariffs and Trade (GATT), the General Agreement on Trade in Services (GATS), and the Agreement on Import Licensing Procedures (WT/DS27/41). The DSB, at its special meeting on 12 January 1999, established a panel with the original panel members.

Consequently, Ecuador now requests to convene a DSB meeting on 5 May 1999 to adopt the above-mentioned report contained in document WT/DS27/RW/ECU.

Ecuador is a developing country whose people and economy are significantly dependent upon banana trade and thus on fair opportunities to participate in foreign markets such as the EC. In light of the extremely attenuated history of this dispute, the EC's failure to implement the original Panel and Appellate Body Reports in a fashion consistent with the GATT and the GATS, and the consequent grave and continuing harm done to Ecuador, Ecuador believes that the EC should be prepared to describe at the requested special meeting of the DSB the specific, substantive, and immediate changes it will make in its regime in order finally to come into compliance with the WTO Agreements. In this regard, Ecuador recalls that the EC committed to comply immediately in the event of a finding against its regime in a proceeding under Article 21.5 of the DSU. Finally, Ecuador notes that it will shortly make a formal request to the EC, which Ecuador will provide to the Chairman of the DSB, to enter into negotiations with a view to a prompt agreement on compensation to Ecuador from 1 January 1999, the date by which the EC was to have complied.
