

**EUROPEAN COMMUNITIES – REGIME FOR THE IMPORTATION,
SALE AND DISTRIBUTION OF BANANAS:
SECOND RECOURSE TO ARTICLE 21.5 OF THE DSU BY ECUADOR**

Joint Request by Ecuador and the European Communities
for a Decision by the DSB

The following communication, dated 22 May 2008, from the delegation of Ecuador and the delegation of the European Communities to the Chairman of the Dispute Settlement Body (DSB), is circulated at the request of those delegations.

Ecuador and the European Communities request that a special meeting of the Dispute Settlement Body (DSB) be held on 2 June 2008, as provided in Article 2.3 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), to adopt the following draft decision with respect 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* (WT/DS27).

Draft Decision of the DSB

"The DSB agrees 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* (WT/DS27) 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."

Attached to the letter you will find the text of the procedural agreement between the parties to the dispute.

We would be grateful if you could circulate this document to WTO Members.

**Procedural Agreement between Ecuador and the European Communities
regarding the Time-Period under Article 16.4 of the DSU**

22 May 2008

1. The above parties agree that the 60 day time-period in Article 16.4 of *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU) as 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* (WT/DS27), will be extended to 29 August 2008, and that a decision of the Dispute Settlement Body (DSB) on this extension will be sought at a meeting of the DSB to be requested for 2 June 2008.
2. This extension is agreed on the understanding that the rights of the parties to the dispute with respect to adoption or appeal of the panel report are preserved, as if such adoption or appeal had been requested within 60 days specified in Article 16.4 of the DSU.

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Chargé d' affaires a.i.
Permanent Mission of Ecuador to the WTO

H.E. Eckart Guth
Ambassador
Permanent Representative of the EC
