

# WORLD TRADE ORGANIZATION

RESTRICTED

**WT/DS27/6**

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## EUROPEAN COMMUNITIES - REGIME FOR THE IMPORTATION, SALE AND DISTRIBUTION OF BANANAS

### Request for the Establishment of a Panel

The following communication, dated 11 April 1996, from the Permanent Missions of Ecuador, Guatemala, Honduras, Mexico and the United States to the Chairman of the Dispute Settlement Body, is circulated at the request of these missions.

The European Communities maintains a regime for the importation, sale and distribution of bananas established by Regulation 404/93 (O.J. L 47 of 25 February 1993, p. 1), and subsequent EC legislation, regulations and administrative measures, including those reflecting the provisions of the Framework Agreement on bananas, which implement, supplement and amend that regime. The regime and related measures appear to be inconsistent with the obligations of the EC under, *inter alia*, the General Agreement on Tariffs and Trade 1994 ("GATT 1994"), the Agreement on Import Licensing Procedures, the Agreement on Agriculture, the General Agreement on Trade in Services ("GATS") and the Agreement on Trade-Related Investment Measures ("TRIMs Agreement").

On 5 February 1996, the governments of Ecuador, Guatemala, Honduras, Mexico and the United States requested consultations with the European Communities pursuant to Article 4 of the DSU, Article XXIII of the GATT 1994, Article 19 of the Agreement on Agriculture, Article 6 of the Agreement on Import Licensing Procedures, Article XXIII of the GATS, and Article 8 of the TRIMs Agreement. That request was circulated to Members on 12 February 1996 (WT/DS27/1). Consultations were held pursuant to the request on 14 and 15 March 1996, but failed to settle the dispute.

The Governments of Ecuador, Guatemala, Honduras, Mexico and the United States, acting jointly and severally, each in the exercise of the rights accruing to it as a member of the WTO, therefore, respectfully request the establishment of a panel to examine this matter in light of the GATT 1994, the Agreement on Import Licensing Procedures, the Agreement on Agriculture, the GATS, and the TRIMs Agreement, and find that the EC's measures are inconsistent with the following Agreements and provisions among others:

- (1) Articles I, II, III, X, XI and XIII of the GATT 1994,
- (2) Articles 1 and 3 of the Agreement on Import Licensing Procedures,
- (3) The Agreement on Agriculture,
- (4) Articles II, XVI and XVII of the GATS, and

(5) Article 2 of the TRIMs Agreement.

These measures also produce distortions which nullify or impair benefits accruing to Ecuador, Guatemala, Honduras, Mexico and the United States, directly or indirectly, under the cited Agreements; and these measures impede the objectives of the GATT 1994 and the other cited Agreements.

Ecuador, Guatemala, Honduras, Mexico and the United States ask that this request for the establishment of a panel be inscribed on the agenda of the meeting of the Dispute Settlement Body scheduled to be held on 24 April 1996.