

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

Communication from the Chairman of the Panel

The following communication, dated 17 December 1996 and addressed to the Dispute Settlement Body, is circulated in accordance with Article 12.9 of the DSU.

Article 12.8 of the DSU stipulates that the period in which the panel shall conduct its examination, from the date that the composition and terms of reference of the panel have been decided until the date the final report is issued to the parties, shall, as a general rule, not exceed six months.

Article 12.9 of the DSU states that when the panel considers that it cannot issue its report within six months, it shall inform the Dispute Settlement Body (DSB) in writing of the reasons for the delay together with an estimate of the period within which it will issue its report.

The Panel "European Communities - Régime for the Importation, Sale and Distribution of Bananas" was established by the DSB on 8 May 1996 and, at the request of Ecuador, Guatemala, Honduras, Mexico and the United States, the Director-General announced the composition of the Panel on 7 June 1996. In light of a number of factors including (i) the large number of parties and third parties to the dispute; (ii) the number and complexity of claims presented by the five complainants; (iii) the number of WTO Agreements involved, some of which have been invoked for the first time in dispute settlement proceedings; (iv) the wish of the parties to use the maximum time periods prescribed in the DSU; (v) the agreement of the Panel to requests to extend the time periods in some instances, including a delay in the timing of the first meeting of the Panel with the parties until after the 1996 summer break, and (vi) unforeseen developments with respect to the servicing of the Panel by the Secretariat, the Panel has not been able to issue its report within six months.

The Panel expects to complete its work before the end of April 1997.