

GENERAL AGREEMENT ON

RESTRICTED

TARIFFS AND TRADE

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EEC - IMPORT REGIME FOR BANANAS

Recourse to Article XXIII:2 by Colombia, Costa Rica Guatemala, Nicaragua and Venezuela

The following communication, dated 28 April 1993, has been received from the Permanent Missions of Colombia, Costa Rica, Guatemala, Nicaragua and Venezuela, with the request that it be circulated to contracting parties and inscribed on the Agenda of the Council meeting on 12 May 1993.

On 19 February 1993 the Governments of Colombia, Costa Rica, Guatemala, Nicaragua and Venezuela, acting jointly and severally, each in the exercise of the rights accruing to it as a contracting party to the General Agreement, requested the European Community to hold consultations pursuant to GATT Article XXII:1 concerning Regulation No. 404/93 of the Council of the European Communities, on the Common Organization of the Market in Bananas, adopted on 13 February 1993.

The consultations were conducted between 22 March and 19 April 1993, and failed to achieve a mutually satisfactory solution to this dispute. Accordingly, in accordance with Article XXIII:2 of the General Agreement, and pursuant to paragraph 1 of that Article, particularly subparagraphs (a) and (b), we request that a Panel be established to examine the matter.

Our Governments consider that Regulation 404/93 nullifies or impairs benefits accruing to them under the General Agreement and furthermore infringes a number of the EC's obligations under the GATT, inter alia those set forth in Articles I, II, III, V, VIII, XI, XIII, XVI, XXIV and Part IV.

Our Governments are convinced that in view of the nature of the Regulation in question, and most particularly the extremely serious effects it has already produced, our complaint must be considered as a matter of urgency in accordance with paragraph F(f):5 of the Decision of the CONTRACTING PARTIES of 12 April 1989 concerning Improvement to the GATT Dispute Settlement Rules and Procedures. The foregoing is based on the fact that although the Regulation will enter into force on 1 July next, it has begun to have serious consequences in various parts of the banana production and marketing chain in our countries. It has especially affected investment programmes and planning and development plans and objectives in the banana industry. As a direct consequence of the above, large sectors of the population which depend on this economic activity have

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been adversely affected. This situation is even more serious as bananas are a perishable product.

In view of the decline in production and investment, the rise in unemployment, and the terrible consequences for developing countries such as ours, our complaint must be considered as an emergency matter pursuant to the 1989 Decision.

Our Governments request the establishment of a Panel pursuant to Article XXIII:2 at the Council's next meeting, scheduled for 12 May 1993.