

# GENERAL AGREEMENT ON

# TARIFFS AND TRADE

RESTRICTED

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## EEC - IMPORT REGIME FOR BANANAS

### Communication from the European Communities

The following communication, dated 18 June 1993, addressed to the Permanent Representatives of Colombia, Costa Rica, Guatemala, Nicaragua and Venezuela in Geneva, has been received from the Permanent Representative of the Commission of the European Communities, with the request that it be circulated to contracting parties.

On 16 June 1993, the Council of Representatives has established, on your request, a panel on the import regime provided for in the Common Market organization for Bananas in the Community.

At the same occasion, a number of African, Caribbean and Pacific (ACP) contracting parties have asked to be fully associated to the work of the panel. The Community understands that the ACP contracting parties having made this request wish

- to be admitted to all the meetings of the panel with the parties;
- to receive all written submissions of the parties to the panel;
- to be admitted to make written and oral submissions to the panel.

This would correspond to the precedents established in the panel procedures on citrus fruit and, more recently, on semi-conductors.

Your government has raised reservations against such participation during the meeting of the Council of Representatives on 16 June 1993. However, according to paragraph F (e) 3 of the 1989 Decision on Dispute Settlement Procedures, such participation would be possible if so agreed between the parties to the dispute.

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The Community considers that such participation of the ACP countries is essential both politically and legally, since your complaint is directed against the import regime for bananas under Council Regulation 404/93, which implements the tariff preference provided for in the Lomé Convention to which the ACP countries are signatories. Without such participation, it would be legally and politically impossible to invoke the panel report vis-à-vis these countries in a way affecting their rights in the GATT and under the Lomé Convention.

Under the circumstances, the Community considers that a panel procedure without full participation of the ACP countries having made this request would be fundamentally flawed.

The Community therefore raises a basic objection against the whole panel procedure and ITS RESULTS if the ACP countries having made the corresponding request in the GATT Council of 16 June 1993 are not admitted to participate fully in the procedure before the panel.