

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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COMMUNICATION FROM GUATEMALA

The following text has been received from the Permanent Mission of Guatemala with the request that it be circulated to the CONTRACTING PARTIES.

**JOINT DECLARATION BY THE GROUP OF
LATIN AMERICAN AND CARIBBEAN
BANANA-PRODUCING COUNTRIES**

Guayaquil, 8 April 1994

The Ministerial Meeting of Banana-Exporting Countries: Ecuador, Guatemala, Honduras, Mexico, Panama and the Dominican Republic, held in Guayaquil, Ecuador, on 8 April 1994, which examined the Framework Agreement on Bananas signed by the Commission of the European Union and representatives of several Latin American countries, establishing a regime for banana imports to the community market,

CONSIDERING:

That the active participation of all banana-exporting countries in designing and negotiating such a regime in a pragmatic, open and constructive spirit, is essential in order to give it the necessary legal validity and make it generally acceptable;

That our countries, which account for more than 65 per cent of total banana supplies to the member countries of the European Union, have, contrary to our expectations, been systematically left aside by the Commission of the European Union in the negotiation of the above-mentioned Framework Agreement, despite the approaches made by the Heads of State of Ecuador, Guatemala, Honduras and Panama, with strong support from Mexico, in a spirit of dialogue and open-mindedness;

That, in the same spirit, the above-mentioned Framework Agreement should comply with the principles, rules and disciplines deriving from the General Agreement on Tariffs and Trade, embodied in the Final Act of the Uruguay Round, particularly as regards non-discrimination and the liberalization of the market for agricultural products in general, and bananas in particular;

That, in order to safeguard regional unity, approaches must be found that contribute to guaranteeing fair and adequate access to the European market for all suppliers;

Accordingly, the representatives of Guatemala, Mexico, Honduras, Panama, Dominican Republic and Ecuador hereby adopt the following Ministerial Declaration of Santiago de Guayaquil:

First. We reiterate our disaccord with the clearly discriminatory attitude displayed by the Commission of the European Union in its dealings with our countries throughout the negotiations that culminated in the Framework Agreement on Bananas last March;

Second. We point out to the international community that the trade policy contained in Regulation 404/93, which the Panel found to be inconsistent with the GATT, has not become lawful by reason of its acceptance by certain countries;

Third. We appeal to the spirit of lawfulness and justice of the member countries of the European Union and call on them, to exercise their rights and powers and reject the procedure adopted by the Commission of the European Union in this matter, and hence the above-mentioned Framework Agreement on Bananas, since it is not a lasting, legal or fair solution;

Fourth. We draw the attention of the Trade Negotiations Committee of the GATT Uruguay Round which is to meet in Marrakesh at ministerial level, to our firm rejection of the so-called "improved offer" regarding bananas, because it does not make good the illegalities of Regulation 404/93, it does not solve the problem of discrimination, it imposes new non-tariff barriers by establishing a system of export certificates administered by the Commission of the European Union, and because it disregards the recommendations of the GATT Panel. Furthermore, the Framework Agreement on Bananas wrongfully attempts to extend tariffication to Member States of the European Union which did not have measures warranting tariffication in the framework of the Uruguay Round, and furthermore fails to observe the corresponding modalities.