

# GENERAL AGREEMENT ON

# TARIFFS AND TRADE

RESTRICTED

DS32/4

DS38/2

8 February 1993

Limited Distribution

Original: Spanish

## EEC - IMPORT REGIME FOR BANANAS

### Communication from Colombia, Guatemala, Nicaragua and Venezuela

The following joint communication, dated 8 February 1993, has been received from the Permanent Missions of Colombia, Guatemala, Nicaragua and Venezuela, with the request that it be circulated to contracting parties.

As you know, on 21 September 1992, on behalf of the Governments of Colombia, Guatemala, Nicaragua and Venezuela, we requested you to use your good offices pursuant to the CONTRACTING PARTIES' Decision of 1966 in connection with our dispute with the European Community (EC) concerning the restrictive import régimes for bananas applied by several of its Member States.

Considering that despite your praiseworthy efforts it has not been possible to arrive at a mutually satisfactory solution, in conformity with paragraph 4 of the Decision and on behalf of Colombia, Guatemala, Nicaragua and Venezuela we request you to refer this matter to the next GATT Council. It is our understanding that your report will comprise a detailed and objective account of what occurred during the conciliation period, with all the relevant background information.

As a complementary development, pursuant to paragraph 5 of the Decision of 1966, we understand that quite automatically "upon receipt of the report, the CONTRACTING PARTIES or the Council shall forthwith appoint a panel of experts to examine the matter with a view to recommending appropriate solutions". Accordingly, we hope that the Council of Representatives will proceed to set up the panel on the banana import régimes in force in EC Member States. This panel will carry out its work in accordance with the provisions of the Decision of 1966, whereby its findings and recommendations shall be submitted within a period of sixty days from the date of its establishment.

In addition, we wish to inform you that in view of the EC's refusal of our request for consultations on the common organization of the market, submitted on 28 January, a copy of which was sent to you in due course, we are obliged to request through you that the next GATT Council of Representatives set up a panel to examine this matter in the light of the General Agreement. We make this request under paragraph C.1 of the CONTRACTING PARTIES' Decision of 1989 on improvements in the GATT dispute-settlement system.

The Decision of the Council of Ministers of Agriculture of the EC of 17 December 1992 harms our trade interests and rights as GATT contracting parties, having regard to the fact that the common organization of the market adopted by the EC for entry into force this year violates Articles I, II, XI, XIII, XXIV and Part IV of the General Agreement. As banana exporters we have repeatedly stressed the serious social and economic consequences which this Decision is causing in our countries.

We trust that you will transmit this communication in good time to the GATT Council of Representatives of 9 and 10 February 1993, so that our request may be considered in due fashion.