

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

Communication from Ecuador

*Request for Consultations*

The following communication, dated 17 April 2001, from the Permanent Mission of Ecuador to the Permanent Delegation of the European Commission and to the Chairman of the Dispute Settlement Body, is circulated for information.

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With reference to the still unresolved dispute in the case *European Communities - Regime for the Importation, Sale and Distribution of Bananas (DS27)*, and in view of the announcement that the European Communities and United States have reached a bilateral agreement to settle the dispute among themselves alone, I have been instructed by my Government to request consultations between Ecuador and the European Communities. The purpose of these consultations will be to clarify the scope of the above-mentioned bilateral agreement with respect to the WTO-consistency of the European banana import regime proposed therein and the manner in which it affects Ecuador's rights under the GATT 1994 and the GATS.

Ecuador requests the holding of these consultations without prejudice to the rights accruing to it under Article 21.5 and Article 22.2 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU). Ecuador recalls that, as mentioned in earlier requests for consultations addressed to the European Communities on this subject (documents WT/DS27/18 and WT/DS27/30), Article 21.5 of the DSU does not stipulate that such consultations must be held in order to reconvene the original panel that examined the Communities' regime for the importation of bananas contained in Regulation (EEC) No. 404/93.

It should be stressed that Ecuador has, in a constructive spirit, provided the European Communities with a number of ideas and elements to facilitate the prompt entry into force of a banana import regime that is compatible with the conclusions and recommendations adopted by the Dispute Settlement Body. It should also be recalled that Ecuador has requested that any measures adopted by the European Communities to put the new regime into force should include the elements which Ecuador considers essential to bring the regime into conformity with the WTO rules.

In order to ensure that these consultations are held within a time-limit that facilitates the guidelines which have to be laid down in this respect in the coming days, I wish to inform you that Ecuador would be happy to meet with the European Communities at any date that suits the latter between 19 and 24 April 2001.

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