

**QUESTIONS FROM ECUADOR REGARDING THE REQUEST  
FOR A WTO WAIVER CONCERNING THE NEW  
ACP-EC PARTNERSHIP AGREEMENT**

The following communication, dated 18 October 2001, has been received from the Permanent Mission of Ecuador.

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Please find attached the questions for Ecuador to the European Communities in the preliminary stage of the examination of the waiver requests with regard to Articles I and XIII of the GATT 1994 for implementation of the ACP-EC Partnership Agreement and the European banana import regime.

Ecuador submits these questions without prejudice to its rights under Article IX.3 of the WTO Agreement and the Understanding in Respect of Waivers of Obligations under the GATT 1994, in particular the fact that WTO Members have a period of 90 days in which to examine waiver requests.

Ecuador reiterates that, for the waiver requests concerned, the period of 90 days began on 5 October 2001, according to the decision adopted on the same day by the Council for Trade in Goods. It should be pointed out that the work programme established in the terms of reference of the Working Party for the Examination of the Waiver Requests is merely indicative, and that Ecuador therefore reserves the right to submit further questions at a later date.

Questions by Ecuador

1. Could the European Communities provide import statistics for bananas (HS 08030019) originating in ACP States during the last 6 years of application of the GATT Article I waiver for the Lomé Convention?
2. On the basis of those import statistics for bananas originating in ACP States, can the EC justify the need for the waiver of Article I.1 of the GATT 1994 in order to grant a tariff preference for an indefinite quantity of bananas?
3. Can the EC indicate the scope of Protocol 5, "the Second Banana Protocol" (G/C/W/187/Add.1, page 36)?
4. If the period of application of the transitional banana import regime finishes on 31 December 2005, and the EC must subsequently apply a tariff only regime, do the EC and the ACP countries intend to request a further waiver of Article I.1 of the GATT 1994 to enter into force from 1 January 2006?

5. Can the EC explain the conditions of preferential treatment for sugar imports from the ACP countries? Has the EC allocated individual quotas for the ACP States, and if so, what is the legal basis within the framework of the WTO for such an allocation?

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