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European Union

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AGRI 138
WTO 67

DECLASSIFICATION¹

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Subject: Recommendation from the Commission to the Council authorising the Commission to open negotiations for a modification of the bound duties for bananas

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

¹ Document declassified by the European Commission on 12 November 2019.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 7 June 2004
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10193/04

RESTREINT UE

**AGRI 138
WTO 67**

COVER NOTE

from: Secretary-General of the European Commission,
signed by Ms Patricia BUGNOT, Director

date of receipt: 7 June 2004

to: Mr Javier SOLANA, Secretary-General/High Representative

Subject: Recommendation from the Commission to the Council authorising the
Commission to open negotiations for a modification of the bound duties for
bananas

Delegations will find attached Commission document SEC(2004) 652 final.

Encl.: SEC(2004) 652 final



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 2.6.2004
SEC(2004) 652 final

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RECOMMENDATION FROM THE COMMISSION TO THE COUNCIL

**authorising the Commission to open negotiations
for a modification of the bound duties for bananas**

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A. EXPLANATORY MEMORANDUM

1. In the understandings between the EC and respectively Ecuador and the United States on bananas the EC undertook to introduce a tariff only regime for the imports of bananas no later than 1 January 2006. The understandings also provide that GATT Article XXVIII negotiations shall be initiated in good time to that effect. The waivers from Articles I and XIII of the GATT 1994 decided by the WTO Ministerial Conference² as regards the ACP-EC Partnership Agreement contain similar commitments. These commitments are reflected in Article 16(1) of Council Regulation (EEC) No 404/93³.
2. In view of the above, the Commission believes that consultations and negotiations with appropriate WTO Members in order to modify the bindings under tariff heading 0803 00 19 for bananas in the Community tariff schedule CXL for agricultural products should be opened without delay under the terms of the annexed negotiating directives.
3. In these negotiations, the Commission will pay particular attention to the implications of the change in its import regime for the EU and ACP banana producers and examine appropriate ways to address their specific situation.

B. CONCLUSION

The Commission recommends that the Council authorise it to:

- notify the WTO that the European Communities intends to modify the bound tariff for bananas under the heading 0803 00 19 and is prepared to enter into negotiations and consultations with WTO Members under Article XXVIII of GATT 1994;
- conduct the negotiations in consultation with the 133 Committee and within the framework of the negotiating directives annexed hereto.

² Decisions WT/MIN(01)/15 and WT/MIN(01)/16 of 14 November 2001.

³ OJ L 47, 25.2.1993, p. 1. Regulation last amended by Regulation (EC) No 2587/2001 (OJ L 345, 29.12.2001, p. 13).

ANNEX

NEGOTIATING DIRECTIVES

The Commission will propose that the current bound specific duties for bananas under the heading 0803 00 19 and other concessions consisting of tariff quotas in the Community schedule CXL for agricultural products be replaced by a tariff only import regime. In its proposal, the Commission will seek to maintain a level of protection to the EC and preference to the ACP countries equivalent to that afforded by the EC 15 and the 10 new Member States and will take into account the EC's WTO obligations in respect of the enlargement of the Community.

The Commission will offer compensation as appropriate for the above modifications of its schedule CXL in accordance with relevant WTO provisions, in particular Article XXVIII of the GATT 1994 and the Understanding on the Interpretation of Article XXVIII of the GATT 1994.

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