

Draft
Geneva Agreement on Trade in Bananas

1. This Agreement is concluded between the European Communities (hereinafter "the EC") and Colombia, Panama, Ecuador, Costa Rica, Honduras, Guatemala, Peru, United States, Brazil, Mexico, Nicaragua, Venezuela, [...] (hereinafter "the other WTO Members signatory this Agreement")

regarding the structure and operation of the WTQ EC trading regime for fresh bananas, excluding plantains, classified under HS tariff line 0803.00.19 (hereinafter "bananas") and the terms and conditions that apply thereto.

2. This Agreement is without prejudice to the WTO rights and obligations of all the signatories to this Agreement subject to the provisions in Paragraphs 3 to 7 below:

3. The EC agrees with the following:

a. The EC shall rebind its tariff for bananas and then reduce such bound tariff in staged reductions as follows:

- 1 January 2009 - [150] €mt;
- 1 January 2010 - [141] €mt
- 1 January 2011 - [136] €mt
- 1 January 2012 - [131] €mt
- 1 January 2013 - [126] €mt
- 1 January 2014 – [121] €mt
- 1 January 2015 - [116] €mt

b. The EC shall maintain a WTO tariff-only regime for the importation of bananas.

4. The other WTO Members signatory to this Agreement agree to the following:

a. This Agreement shall constitute the EC's final market access commitments for bananas for inclusion in the final results of the next multilateral market access negotiation for agriculture products successfully concluded in the WTO (including the Doha Round).

b. For the duration of this Agreement and provided that the EC is in full compliance with its commitments under this Agreement, the other WTO Members signatory to this Agreement shall not initiate any legal action in the WTO against the EC tariff regime for the importation of bananas; nor shall they challenge the duty free, quota free market access provisions for bananas between the EC and the ACPs countries as from the date of notification to the WTO of the agreements where these provisions are contained.

5. Both parties agree with the following:

a. The full implementation by the EC of its commitments in accordance with Paragraph 3 shall constitute the final settlement of all and any WTO disputes initiated to date against the EC common trading regime for bananas by any and all other WTO Members signatory to this Agreement (including WT/DS 27; WT/DS 361; WT/DS 364; WT/DS 16; WT/DS 105; WT/DS 158; WT/L/616; WT/L/625) and the settlement of all claims filed to date by any and all other WTO Members signatory to this Agreement under the procedures of Articles XXIV and XXVIII of the GATT 1994 with respect to the EC trading regime for bananas (including G/SECRET/22 item 0803.00.19 and G/SECRET/22/Add....1; G/SECRET/20 and G/SECRET/ZO/Add.1; and G/SECRET/26).

b. Failure by anyone or more of the other WTO members signatories to this Agreement to comply fully with their commitments mentioned under Paragraph 4 shall entitle the EC to suspend the further implementation of its commitments under paragraph 3 until the matter is resolved (including through recourse to the DSU) or until the other WTO signatories to this Agreement comply fully with their commitments in paragraph 4, at which time the EC shall resume further implementation of its staged reductions under paragraph 3 without delay.

6. This Agreement shall be incorporated into the EC's WTO Schedule.

7. This agreement enters into force on the day of its signature and shall remain into force until the EC and the other WTO Members signatory to this Agreement have fully complied with their commitments under this Agreement and afterwards so long as both parties agree. Nothing in the present Agreement shall prejudice whether the EC undertakes further market-access commitments for bananas arising from situations or circumstances not envisaged in the present Agreement.

Date

Signed,
Geneva, Switzerland