

**No. 52330\***

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**European Union  
and  
United States of America**

**Agreement on trade in bananas between the European Union and the United States of America (with related agreement). Geneva, 8 June 2010**

**Entry into force:** *provisionally on 8 June 2010 for paragraphs 2 and 3 (a) and (b) and definitively on 23 January 2013, in accordance with paragraph 6*

**Authentic text:** *English*

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**Union européenne  
et  
États-Unis d'Amérique**

**Accord entre l'Union européenne et les États-Unis d'Amérique relatif au commerce des bananes (avec accord connexe). Genève, 8 juin 2010**

**Entrée en vigueur :** *provisoirement le 8 juin 2010 pour les alinéas a) et b) des paragraphes 2 et 3 et définitivement le 23 janvier 2013, conformément au paragraphe 6*

**Texte authentique :** *anglais*

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[ ENGLISH TEXT – TEXTE ANGLAIS ]

AGREEMENT

**on trade in bananas between the European Union and the United States of America**

THE EUROPEAN UNION (the 'EU'),

and

THE UNITED STATES OF AMERICA (the 'United States'),

RECALLING the US-EC Understanding on Bananas of April 11, 2001 (WT/DS27/59);

TAKING NOTE of the Geneva Agreement on Trade in Bananas (GATB) signed between the EU and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela on 31 May 2010, a copy of which is attached;

TAKING NOTE of the questions and answers exchanged between the United States and the European Commission on March 16 and 18, 2009 and April 10 and 17, 2009;

HAVE AGREED AS FOLLOWS:

1. Upon settlement by all the signatories to the GATB of the pending disputes and claims listed in the first sentence of paragraph 5 of the GATB (the 'settlement date'), the dispute EC — *Regime for the Importation, Sale and Distribution of Bananas* (WT/DS27) (the 'dispute') shall be settled as between the United States and the EU. Immediately after the last notification to the Dispute Settlement Body of all the mutually agreed solutions referred to in paragraph 5 of the GATB has been submitted, the United States and the EU shall jointly notify to the Dispute Settlement Body, pursuant to Article 3.6 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes* (DSU), that they have reached a mutually agreed solution through which they have agreed to end the dispute<sup>(1)</sup>.
2. Without prejudice to their rights and obligations under the World Trade Organisation (WTO) Agreement, including those derived from the dispute, the United States and the EU undertake not to take any further action with respect to the dispute between the date of initialling of this Agreement and the settlement date, provided that the EU complies with paragraph 3(a) and (b) below and its obligations contained in paragraph 3 and paragraph 4(b) and (c) of the GATB.
3. The EU further undertakes:
  - (a) to apply an MFN tariff-only regime for the importation of bananas and therefore not to apply measures affecting the importation of bananas into its territory in the form of quotas, tariff rate quotas, or import licensing regimes for bananas supplied from any source (other than automatic licensing regimes solely for market monitoring purposes)<sup>(2)</sup>; and
  - (b) not to apply any measure that discriminates between suppliers of banana distribution services based on the ownership or control of the service supplier or the origin of the bananas distributed.

The provisions of paragraph 1 will not apply if, as of the settlement date, the EU is not in compliance with either of the undertakings contained in this paragraph.

4. In accordance with applicable WTO rules, the EU will notify to the WTO promptly upon conclusion, any concluded bilateral or regional free trade agreement that includes provisions regarding trade in bananas.

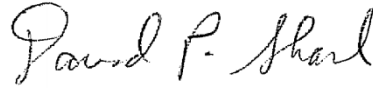
<sup>(1)</sup> The settlement of this dispute does not affect any party's right to initiate a new dispute under the DSU.

<sup>(2)</sup> This provision is without prejudice to the EU's right to apply measures that are in conformity with Article XXIV of the *General Agreement on Tariffs and Trade 1994*.

5. The United States and the EU agree to communicate, and upon request of either party the other party will consult, in a timely manner with respect to any issues arising under or relating to this Agreement.
6. The United States and the EU shall notify each other in writing of the completion of the internal procedures necessary for the entry into force of this Agreement. This Agreement shall enter into force on the later of: (a) the date of the last notification referred to in the previous sentence; and (b) the date of entry into force of the GATB. Paragraph 2 and paragraph 3(a) and (b) shall provisionally apply as of the date of signature of this Agreement.

*For the European Union*

*For the United States of America*



GENEVA AGREEMENT ON TRADE IN BANANAS

1. This Agreement is concluded between the European Union (hereinafter "the EU") and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela (hereinafter "the Latin American MFN banana suppliers") regarding the structure and operation of the EU 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 8 below.

3. The EU agrees to the following:

(a) Without prejudice to subparagraph (b) below, the EU shall apply tariffs for bananas not greater than the following<sup>1</sup>:

–	From 15 December 2009 until 31 December 2010	148 €/mt
–	1 January 2011	143 €/mt
–	1 January 2012	136 €/mt
–	1 January 2013	132 €/mt
–	1 January 2014	127 €/mt

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<sup>1</sup> Upon signature of this Agreement, the EU shall apply retroactively the applicable tariff(s) specified in paragraph 3(a) for the period from 15 December 2009 to the date of signature. Duties paid in excess of the amount stipulated in this provision shall be reimbursed by the competent customs authorities upon request.