Basic information

2010/0057(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela Geneva Agreement, and EU/US Agreement: trade in bananas **Subject** 3.10.06.01 Fruit, citrus fruits 6.20.01 Agreements and relations in the context of the World Trade Organization (WTO) 6.20.03 Bilateral economic and trade agreements and relations 6.20.04 Union Customs Code, tariffs, preferential arrangements, rules of origin **Geographical area** Brazil Colombia Costa Rica Ecuador Guatemala Honduras Mexico Nicaragua Panama Peru United States Venezuela	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
INTA International Trade	BALZANI Francesca (S&D)	28/04/2010
	Shadow rapporteur ANDRIKIENĖ Laima Liucija (PPE)	

Committee for opinion	Rapporteur for opinion	Appointed
DEVE Development	GOERENS Charles (ALDE)	04/05/2010
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the

Council configuration	Meetings	Date

European Union	General Affairs	3011	2010-05-10
	Employment, Social Policy, Health and Consumer Affairs	3073	2011-03-07

	Commission DG	Commissioner
European Commission	Agriculture and Rural Development	CIOLOŞ Dacian

Key events

Date	Event	Reference	Summary
17/03/2010	Preparatory document	COM(2010)0098	Summary
26/04/2010	Legislative proposal published	07782/2010	Summary
15/06/2010	Committee referral announced in Parliament		
17/01/2011	Vote in committee		Summary
19/01/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0002/2011	
02/02/2011	Debate in Parliament		
03/02/2011	Decision by Parliament	T7-0035/2011	Summary
03/02/2011	Results of vote in Parliament		
07/03/2011	Act adopted by Council after consultation of Parliament		
07/03/2011	End of procedure in Parliament		
04/04/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/0057(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a Treaty on the Functioning of the European Union TFEU 207-p4
Stage reached in procedure	Procedure completed
Committee dossier	INTA/7/02529

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary

Committee draft report		PE449.031	07/12/2010	
Amendments tabled in committee		PE454.571	10/12/2010	
Committee opinion	DEVE	PE449.007	16/12/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0002/2011	19/01/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0035/2011	03/02/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	07782/2010	26/04/2010	Summary
Document attached to the procedure	07970/2010	26/04/2010	Summary
Document attached to the procedure	07968/2010	20/05/2010	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2010)0097	17/03/2010	Summary
Preparatory document	COM(2010)0098	17/03/2010	Summary

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2011/0194
OJ L 088 04.04.2011, p. 0066 Summary

EU/Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela Geneva Agreement, and EU/US Agreement: trade in bananas

2010/0057(NLE) - 07/03/2011 - Final act

PURPOSE: to conclude a Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States of America.

NON-LEGISLATIVE ACT: Council Decision 2011/194/EU on the conclusion of a Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States of America.

BACKGROUND: in accordance with Council Decision 2010/314/EU, the Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and the Agreement on Trade in Bananas between the European Union and the United States of America were signed on behalf of the Union on 31 May 2010 and 8 June 2010, respectively, subject to their conclusion at a later date.

It is now appropriate to approve these two Agreements on behalf of the European Union.

CONTENT: by this Decision, the Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States of America is signed on behalf of the European Union.

The main elements of this Agreement are as follows:

- to settle a long standing dispute between the EU and these countries on the EU trading for bananas;
- to apply specific tariffs for bananas from 15 December 2009 until 1 January 2017 (as specified in the Agreement). Upon signature of this Agreement, the EU shall apply retroactively the applicable tariff(s) specified in the Agreement 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;
- if Doha Modalities are not established by 31 December 2013, the ensuing tariff cuts will be delayed until Doha Modalities are established. Under no circumstances shall the delay extend beyond 31 December 2015. The applicable tariff rates are provided in this case;
- the EU shall maintain a MFN tariff-only regime for the importation of bananas. This provision shall not be read to authorise non-tariff measures on bananas that are inconsistent with the EU's obligations under the WTO Agreements;
- in parallel, the EU should bind its tariff cuts provided in the Regulation, in accordance with the relevant provisions of the WTO.

Upon **Certification**, the pending disputes and all claims filed to date by any and all Latin American MFN banana suppliers under the procedures of Articles XXIV and XXVIII of the GATT 1994 with respect to the EU trading regime for bananas shall be settled. Within two weeks after Certification, the relevant parties to this Agreement shall jointly notify the DSB that they have reached a mutually agreed solution through which they have agreed to end these disputes.

The settlement of these disputes does not affect any party's right to initiate a new dispute under the Dispute Settlement Body (DSU), or future rights under the procedures of Articles XXIV and XXVIII of the GATT 1994.

The Latin American MFN banana suppliers agree that this Agreement shall constitute the EU'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).

ENTRY INTO FORCE: 7 March 2011.

EU/Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela Geneva Agreement, and EU/US Agreement: trade in bananas

2010/0057(NLE) - 26/04/2010 - Legislative proposal

PURPOSE: to conclude a Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States of America.

PROPOSED ACT: Council Decision.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 207(4), first subparagraph, in conjunction with Article 218(6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this Decision, the Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States of America is signed on behalf of the European Union, subject to their conclusion at a later date.

For details of the two Agreements, please refer to the former initial proposal of 17/03/2010 as well as the summary of the working documents of 26/04 /2010 and 20/05/2010.

BUDGETARY IMPLICATION: this proposal has a negative implication for the EU’s budget (please refer to the summary dated 17/03/2010).

EU/Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela Geneva Agreement, and EU/US Agreement: trade in bananas

2010/0057(NLE) - 26/04/2010 - Document attached to the procedure

This document concerns the Agreement on trade in bananas between the European Union and the United States of America.

It aims in particular to settle a long standing dispute between the EU and the USA on trade in bananas. By this Agreement, the two Parties 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 the following:

- to apply a 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); and,
- 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.

In accordance with applicable World Trade Organization ("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. 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.

EU/Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela Geneva Agreement, and EU/US Agreement: trade in bananas

2010/0057(NLE) - 03/02/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 501 votes to 113, with 18 abstentions, a legislative resolution in which its gives its consent to the conclusion of a Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States of America.

It should be noted that, in parallel, Parliament expressed its position on the conclusion on these agreements in a resolution adopted on the same day (refer to RSP/2010/2821).

EU/Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela Geneva Agreement, and EU/US Agreement: trade in bananas

2010/0057(NLE) - 17/03/2010 - Preparatory document

PURPOSE: ANNEX to the proposal on the conclusion of a "General Agreement on Trade in Bananas" between the EU and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an "Agreement on Trade in Bananas" between the EU and the US.

PROPOSED ACT: Council Decision (see summary of COM(2010)0097).

CONTENT: this document constitutes the agreement between the EU and the US on trade in bananas. It refers to the Geneva Agreement on Trade in Bananas ("GATB") signed between the EU and Colombia, Panama, Ecuador, Costa Rica, Honduras, Guatemala, Peru, Brazil, Mexico, Nicaragua and Venezuela in 2010.

EU/Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela Geneva Agreement, and EU/US Agreement: trade in bananas

2010/0057(NLE) - 20/05/2010 - Document attached to the procedure

This documents concerns the Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela (hereinafter "the Latin American MFN banana suppliers").

It aims in particular to settle a long standing dispute between the EU and these countries on the EU trading for bananas.

EU shall apply specific tariffs for bananas from 15 December 2009 until 1 January 2017 (as specified in the Agreement). Upon signature of this Agreement, the EU shall apply retroactively the applicable tariff(s) specified in the Agreement 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.

If Doha Modalities are not established by 31 December 2013, the ensuing tariff cuts will be delayed until Doha Modalities are established. Under no circumstances shall the delay extend beyond 31 December 2015. The applicable tariff rates are provided in this case.

The EU shall maintain a MFN tariff-only regime for the importation of bananas. This provision shall not be read to authorise non-tariff measures on bananas that are inconsistent with the EU's obligations under the WTO Agreements.

In parallel, the EU should bind its tariff cuts provided in the Regulation, in accordance with the relevant provisions of the WTO.

Upon Certification, the pending disputes and all claims filed to date by any and all Latin American MFN banana suppliers under the procedures of Articles XXIV and XXVIII of the GATT 1994 with respect to the EU trading regime for bananas shall be settled. Within two weeks after Certification, the relevant parties to this Agreement shall jointly notify the DSB that they have reached a **mutually agreed solution** through which they have agreed to end these disputes.

The settlement of these disputes does not affect any party's right to initiate a new dispute under the DSU, or future rights under the procedures of Articles XXIV and XXVIII of the GATT 1994.

The Latin American MFN banana suppliers agree that this Agreement shall constitute the EU'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).

Specific provisions are laid down as regards the entry into force of the Agreement.

EU/Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela Geneva Agreement, and EU/US Agreement: trade in bananas

2010/0057(NLE) - 17/03/2010 - Document attached to the procedure

PURPOSE: signature and provisional application of a Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela and of an Agreement on Trade in Bananas between the European Union and the United States.

PROPOSED ACT: Council Decision.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 207(4), first subparagraph, in conjunction with Article 218(5) of the Treaty on the Functioning of the European Union (TFEU).

BACKGROUND: the Commission reached Understandings with Ecuador and the United States, on 11 April 2001 and on 30 April 2001 respectively, which identified means to resolve the disputes brought by those countries in the World Trade Organization (WTO) with respect to the tariff treatment of bananas imported into the Union.

To that effect, on 12 July 2004 the Council authorised the Commission to negotiate the modification of the bound tariff with a view to introducing a tariff-only regime for bananas in the EC schedule for bananas under Article XXVIII of the General Agreement on Tariffs and Trade 1994 ("GATT 1994").

On 22 March 2004 and on 29 January 2007 the Council authorised the Commission to open negotiations under Article XXIV:6 of the GATT 1994 in the course of the accession to the European Union of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia and of Bulgaria and Romania, respectively.

The negotiations were successfully concluded on 15 December 2009 by the initialling of a Geneva Agreement on Trade in Bananas with Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela ("the Geneva Agreement") and of an Agreement on Trade in Bananas with the United States of America (the "EU/US Agreement").

The agreements negotiated by the Commission meet the claims of the countries concerned under Articles XXIV:6 and XXVIII of the GATT. In addition, they implement the Understandings by providing for the binding of a 'tariff only' regime, and provide an adequate solution to all the pending disputes concerning the tariff treatment of bananas, which should therefore be formally settled.

CONTENT: under this proposed Decision, the Commission is authorised to sign on behalf of the European Union, subject to their conclusion at a later date:

- the Geneva Agreement on Trade in Bananas between the European Union and Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela (the "Geneva Agreement");
- the Agreement on Trade in Bananas between the European Union and the United States of America (the "EU/US Agreement").

In view of the need to implement expeditiously the initial tariff cuts, to prevent the continuation of the pending disputes and to ensure that the Union's final market access commitments for bananas in the next WTO multilateral market access negotiations for agricultural products do not exceed those provided for in the Geneva Agreement and the EU/US Agreement, both Agreements should be applied provisionally, in accordance with paragraph 8 (b) of the Geneva Agreement and paragraph 6 of the EU/US Agreement, respectively, from the day of signature of each Agreement, pending their entry into force.

BUDGETARY IMPLICATION: the Agreements reduce progressively the tariff rates for bananas. It can be estimated that these measures will lead to smaller own resources as follows: -EUR 3.5 million in 2009, -EUR 74.8million in 2010, - EUR 88.1 million in 2011, and -EUR 106.8 million in 2012. These are net amounts after deduction of collecting costs by Member States. An estimate of own resources for 2009 was included because of the retroactive validity of these Agreements to 15/12/2009.