

Independent Research Title: The Banana Dispute - Conflicts between
WTO Law, EU Law and National Law
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Abstract

The so called “Banana Dispute”, dealing with the set of rules and regulations for the import of bananas to the European Union, has been considered the “Trade Case of the Decade”. It started in the context of the creation of the “Single European Market” in 1992 and has kept trade experts, lawyers and diplomats from both sides of the Atlantic hard at work. The “Banana Dispute” actually involves regulation systems on three different levels: the multilateral organization, WTO, the European Union and its Member States. It is a complex illustration of the interwoven framework or cogwheel-mechanism of overlapping legal systems and institutions. This research paper will review various landmark decisions of the relevant GATT/WTO organs, the European Court of Justice and several national Courts. It will selectively evaluate their legal manoeuvring, in particular the functioning of the WTO dispute settlement and enforcement system, fundamental structural issues of European integration, the implementation of WTO law in the European legal system, and the protection of fundamental rights on the levels of German constitutional law and Community law.