

what action, if any, to take under section 301 of the Trade Act.

#### **Public Comment: Requirements for Submissions**

Interested persons are invited to submit written comments on the acts, policies, and practices of the Government of Colombia that are the subject of this investigation, the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices, and the determinations required under section 304 of the Trade Act.

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and are due no later than 12 noon, Friday, February 10, 1995. Comments must be in English and provided in twenty copies to: Sybia Harrison, Office of the General Counsel, Room 223, USTR, 600 17th Street, NW., Washington, DC 20506.

Comments will be placed in a file (Docket 301-96) open to public inspection in the USTR Reading Room pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary will be placed in the file that is open to public inspection. An appointment to review the docket may be made by calling Brenda Webb (202) 395-6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, and is located in: room 101, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC 20506.

**Irving A. Williamson,**

*Chairman, Section 301 Committee.*

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[Docket No. 301-97]

#### **Initiation of Section 302 Investigation Regarding Policies and Practices of the Government of Costa Rica Concerning the Exportation of Bananas to the European Union; Request for Public Comment**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice of determination regarding initiation of investigation under section 302(b)(1)(A) of the Trade Act of 1974, as amended (19 U.S.C. 2412(b)(1)(A)); request for written comments.

**SUMMARY:** The United States Trade Representative (USTR) has initiated an investigation under section 302(b)(1)(A) of the Trade Act of 1974, as amended (the Trade Act), with respect to certain acts, policies and practices of the Government of Costa Rica affecting U.S. companies that export bananas from Costa Rica to the European Union. USTR invites written comments from the public on the matters being investigated.

**DATES:** This investigation was initiated on January 9, 1995. Written comments from the public are due on or before 12 noon, on Friday, February 10, 1995.

**ADDRESSES:** Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Edward Kaska, Director for European Services and Agriculture, (202) 395-3320; or Irving Williamson, Deputy General Counsel, (202) 395-3432.

**SUPPLEMENTARY INFORMATION:** Section 302(b)(1)(A) of the Trade Act authorizes the USTR to initiate an investigation under chapter 1 of Title III of the Trade Act (commonly referred to as "section 301"), with respect to any matter in order to determine whether the matter is actionable under section 301. Matters actionable under section 301 include, inter alia, acts, policies, and practices of a foreign country that are unreasonable or discriminatory and burden or restrict U.S. commerce.

On September 2, 1994, Chiquita Brands International, Inc. and the Hawaii Banana Industry Association filed a petition pursuant to section 302(a) of the Trade Act alleging that various policies and practices of the European Union (EU), Colombia, Costa Rica, Nicaragua and Venezuela concerning trade in bananas are discriminatory, unreasonable and burden or restrict United States commerce. In particular, the petition alleged that the March 29, 1994 Framework Agreement on Bananas between the EU and Colombia, Costa Rica, Nicaragua and Venezuela (Framework Agreement) aggravated the harm caused by the EU banana import regime and provided for the implementation of discriminatory measures against the U.S. banana companies.

On October 17, 1994, pursuant to section 302(a) of the Trade Act, the

USTR initiated an investigation of the EU practices referred to in the petition, but decided not to initiate an investigation of the practices of Colombia, Costa Rica, Nicaragua and Venezuela because they had not yet implemented the Framework Agreement. The USTR called upon these governments to withdraw from the Framework Agreement before its implementation, and to seek reform of the EU's banana policy.

On December 27, 1994, the Government of Costa Rica issued Decree No. 23917 COMEX-MAG, which implements the Framework Agreement.

Accordingly, on January 9, 1995, the USTR determined that an investigation should be initiated under section 302(b)(1)(A) of the Trade Act to determine whether, as a result of Costa Rica's implementation of the Framework Agreement, the policies and practices of Costa Rica regarding the exportation of bananas to the EU are unreasonable and discriminatory and burden or restrict U.S. commerce. On January 9, 1995, the USTR also initiated such an investigation regarding these policies and practices.

#### **Investigation and Consultations**

Pursuant to section 303(a) of the Trade Act, the USTR has requested consultations with the Government of Costa Rica concerning the issues under investigation. USTR will seek information and advice from the appropriate committees established pursuant to section 135 of the Trade Act in preparing the U.S. presentations for such consultations.

Within 12 months after the date on which this investigation was initiated (i.e., on or before January 9, 1996), pursuant to section 304 of the Trade Act the USTR must determine, on the basis of the investigation and the consultations, whether any act, policy, or practice described in section 301 of the Trade Act exists and, if that determination is affirmative, determine what action, if any, to take under section 301 of the Trade Act.

#### **Public Comment: Requirements for Submissions**

Interested persons are invited to submit written comments on the acts, policies and practices of the Government of Costa Rica that are the subject of this investigation, the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices, and the determinations required under section 304 of the Trade Act.

Comments must be filed in accordance with the requirements set