

**NATIONAL REGULATORY MEASURES RELATED TO TRADE IN
AGRICULTURAL AND FOOD PRODUCTS MODIFIED
BY MODERN BIOTECHNOLOGY**

Submission by the United States

1. The United States draws attention of the Committee on Sanitary and Phytosanitary Measures to notifications concerning agricultural and food products derived from modern biotechnology. Members have utilized the transparency procedures to notify under both the Technical Barriers to Trade Agreement (TBT) and the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) to indicate their intention to modify national rules for products derived from modern biotechnology.

2. Our review indicates a total of 48 notifications from 1 January 1995 through 10 June 2000, which includes a revision and some identical measures notified by more than one country and/or under both Agreements (*Table 1*). These notifications were submitted by 15 different Members. The 48 total consists of 24 proposed measures notified under the SPS Agreement and 24 technical regulations submitted for review under the TBT Agreement. The following represents the distribution of notifications between the two agreements from 1995 until 10 June 2000.

Table 1

Year	SPS	TBT	Totals
1995	3	1	4
1996	6	0	6
1997	1	4	5
1998	5	1	6
1999	4	12	16
2000 (10 June)	5	6	11
Totals	24	24	48

3. Increasingly, Members are undertaking efforts to implement national rules for products traded internationally and derived from modern biotechnology. Proposed biotechnology regulations under respective transparency articles of each of these two agreements (SPS and TBT) increased significantly in 1999. Notified proposals span a wide variety of regulatory requirements from seeking input on draft risk assessments, to establishment of labeling and documentation requirements to outright product and process bans. It is also noteworthy that some Members have well-advanced regulatory considerations or requirements not yet notified under either SPS or TBT Committees.

4. Transparency in regulatory decision-making processes and obtaining the most benefits from international transparency obligations is of great importance to the United States. The opportunity for interested parties to review, comment or seek greater clarification on Members' proposals is crucial. Important opportunities to effectively and appropriately enhance trade and protect human, animal or plant life or health can be lost without notification of these measures and their underlying scientific and technical bases.

5. The development of useful international standards related to agricultural and food products derived from modern biotechnology is underway in various Committees of the Codex Alimentarius Commission and the International Plant Protection Convention. The United States strongly supports these international standards development activities and urges all Members to actively contribute to these recognized international standards bodies under the SPS Agreement.

Table 2

(Sorted by Type and Date)

Type	WTO No.	Country	Date (dd/mm/yy)	Product Covered
SPS	USA/15	United States of America	05/09/1995	Genetically engineered plants
SPS	USA/15/Rev1	United States of America	12/09/1995	Genetically engineered plants
SPS	JPN/7	Japan	06/11/1995	Food and food additives produced by recombinant DNA techniques
SPS	MEX/97	Mexico	23/01/1996	Organisms manipulated by genetic engineering
SPS	JPN/10	Japan	08/02/1996	Feed produced by recombinant DNA techniques
SPS	JPN/11	Japan	08/02/1996	Feed additives produced by recombinant DNA techniques
SPS	CZE/2	Czech Republic	27/03/1996	Seed and seedlings of crops
SPS	USA/64	United States of America	2/9/1996	Veterinary Biological Products
SPS	CAN/14	Canada	26/09/1996	Biotechnology
SPS	JPN/27	Japan	19/06/1997	Feed Additives produced by the recombinant DNA techniques
SPS	NZL/19	New Zealand	28/08/1998	Novel Foods
SPS	USA/126	United States of America	24/6/1998	Export of animal drugs, biologics, food additives as well as the importation of components for incorporation or further processing into articles intended for export
SPS	AUS/73	Australia	08/09/1998	Novel Foods
SPS	CAN/41	Canada	02/10/1998	Novel Foods
SPS	CHE/17	Switzerland	21/10/1998	Foodstuffs
SPS	COL/25	Colombia	12/01/1999	Rice
SPS	USA/152	United States of America	31/3/1999	Veterinary Biological Products

Type	WTO No.	Country	Date (dd/mm/yy)	Product Covered
SPS	KOR/55	Republic of Korea	16/04/1999	Foods and Food Additives
SPS	USA/157	United States of America	21/5/1999	Animal Drugs, Human Drugs, Biologics and Devices
SPS	JPN/51	Japan	08/02/2000	Foods and food additives produced by recombinant DNA techniques
SPS	JPN/52	Japan	08/02/2000	Foods and food additives produced by recombinant DNA techniques
SPS	USA/228	United States of America	22/2/2000	Biotechnological/Biological Veterinary Medicinal Products
SPS	USA/237	United States of America	14/03/2000	Pesticide: Cry1F Plant Pesticide
SPS	KOR/66	Republic of Korea	01/05/2000	Foods
TBT	95.0266	Canada	12/09/1995	Novel foods
TBT	97.0151	European Union	21/04/1997	Foods and food ingredients made from genetically modified soya and maize
TBT	97.0382	European Union	06/08/1997	Products Containing GMOs
TBT	97.0383	Norway	06/08/1997	Prepacked Foodstuffs & ingredients except food additives, flavorings & extraction solvents.
TBT	97.0766	European Union	12/12/1997	Labeling foods/food ingredients produced from genetically modified soya and maize
TBT	98.0442	Germany	28/08/1998	Foodstuffs
TBT	99.0095	Switzerland	23/03/1999	Products containing living genetically modified organisms (LGMO) or pathogenic organisms, such as seeds, pesticides, fertilizers, food, animal feeding stuffs, live vaccines
TBT	99.0134	Australia	26/03/99	Foods Derived From Gene Technology
TBT	99.0204	Republic of Korea	03/05/1999	Agricultural & fishery products, & their processed products
TBT	99.0244	New Zealand	19/05/1999	Foods derived from Gene Technology
TBT	99.0250	Switzerland	21/05/1999	Medicines that contain/consist of genetically modified organisms or medicines manufactured by recombinant DNA technology
TBT	99.0275	Australia	14/06/1999	Foods produced using gene technology
TBT	99.0343	Norway	22/07/1999	Foodstuffs and Food Ingredients
TBT	99.0508	Switzerland	08/10/1999	Fertilizers
TBT	99.0521	European Union	13/10/1999	Foods and food ingredients produced from certain genetically modified soya and maize (various tariff headings)
TBT	99.0536	Netherlands	20/10/1999	Foods and drinks prepared without gene technology, in other words foods and drinks not being a foodstuff or food ingredient as referred to in article 1, para. 2 (a to c) of (EC) Regulation 258/97

Type	WTO No.	Country	Date (dd/mm/yy)	Product Covered
TBT	99.0552	Switzerland	05/11/1999	Seeds
TBT	99.0669	Japan	23/12/1999	All foods and beverages on sale for consumers
TBT	00.0001	Republic of Korea	10/01/2000	Genetically modified agricultural products (not processed)
TBT	00.0049	Switzerland	01/02/2000	Products containing living genetically modified organisms (LGMO), such as seeds, pesticides, fertilizers, animal feedstuffs, foodstuffs and live vaccines
TBT	00.0067	European Union	22/02/2000	Seed of agricultural plant species and seed potatoes
TBT	00.0170	Malaysia	10/04/2000	Food Regulation on Infant Formula
TBT	00.0207	Republic of Korea	03/05/2000	Foods
TBT	00.0231	Republic of Korea	03/05/2000	Foods
