



18 November 2020

(20-8298)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures

Original: English

**INDIA'S REQUIREMENT FOR CERTIFICATE FOR NON-GM ORIGIN AND GM-FREE STATUS –  
NEW SPECIFIC TRADE CONCERN**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following document, received on 13 November 2020, is being circulated at the request of the Delegation of the United States of America.

---

1.1. The United States has serious concerns with India's new measure mandating "non-GM (genetically modified) origin and GM free certificates" for certain agricultural imports to India, notified on 2 September 2020, as [G/TBT/N/IND/168](#), with a proposed entry into force date of 1 January 2021.

1.2. India's stated rationale for the measure is "ensuring the safety and wholesomeness of articles of foods imported into India". The United States requests that India notify this measure to the SPS Committee.

1.3. The United States is not aware of any risk assessment conducted by India, nor has India identified any specific food safety risk associated with the products listed in the Order.

1.4. India's measure may imply that genetically engineered (GE) foods are less safe than their conventional counterparts. Through reports by the National Academy of Science and the WHO, among others, the international scientific and regulatory community has reached consensus that GE products available on the international market are as safe as their conventional counterparts.

1.5. India recently clarified that the order applies only to food crop imports intended for human consumption and not to processed products. However, many imported raw, unprocessed products are used for both human and animal consumption and India has not explained its process for determining which imported raw, unprocessed products are within or outside the scope of the Order.

1.6. The United States is concerned that, if implemented, the measure would create an undue burden on exporting countries through unjustified certification requirements.

1.7. Finally, India's requirements appear to apply to imports of all listed products, regardless of whether GE varieties of those products are in commercial production in the country of export. All Members exporting to India may encounter additional barriers to trade for those crops listed under Annex I of India's Order. The Order could also result in de facto bans on products exported by biotechnology-producing Members who do not or cannot provide such certifications.

1.8. Given the potential for significant unnecessary disruptions to trade and the lack of technical rationale or justification for this measure, the United States requests that India reconsider its temporary measure and delay implementation until Members can submit comments.

1.9. The United States also encourages India to implement transparent, predictable, and risk- and science-based regulations for safety assessments of biotechnology products—in line with India's SPS commitments.

---