

**EUROPEAN COMMUNITIES – MEASURES AFFECTING THE APPROVAL
AND MARKETING OF BIOTECH PRODUCTS**

Request to Join Consultations

Communication from Chile

The following communication, dated 28 May 2003, from the Permanent Mission of Chile to the Permanent Delegation of the European Commission, the Permanent Mission of the United States and the Chairman of the Dispute Settlement Body is circulated in accordance with Article 4.11 of the Dispute Settlement Understanding (DSU).

I hereby refer to the request for consultations by the United States with regard to measures affecting the approval and marketing of biotech products, circulated on 20 May 2003 as document WT/DS291/1, G/L/627, G/SPS/GEN/397, G/AG/GEN/60 and G/TBT/D/28.

Pursuant to Article 4.11 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), the Government of Chile respectfully requests to be joined in these consultations on account of its substantial trade interest and systemic interest in the case brought by the United States. The United States challenges the moratorium on the approval of biotech products applied by the European Communities since October 1998 and the marketing and import bans on such products maintained by some of its Member States. De facto import bans mean that substantial trade interest cannot be defined on the basis of trade volume, only on future expectations. Chile also has a substantial systemic interest in the proper implementation of the WTO Agreements, in particular the General Agreement on Tariffs and Trade 1994, the Agreement on Technical Barriers to Trade and the Agreement on the Application of Sanitary and Phytosanitary Measures. The improper application of the disciplines of these Agreements has trade implications for a country such as Chile. Finally, the direction taken by this dispute will prove significant for developing countries which, like Chile, are studying and evaluating national biotechnology policies, including regulations on the import, marketing, use, labelling and traceability of Genetically Modified Organisms (GMOs) and food containing GMOs.
