

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

Communication from the European Communities

The following communication, dated 11 June 2003, from the Permanent Delegation of the European Commission to the Permanent Mission of Peru and to the Chairman of the Dispute Settlement Body is circulated at the request of the European Communities.

Thank you for your letter of 22 May 2003 in which you request to be joined in the consultations in the disputes WT/DS291, *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*.

Article 4.11 of the Understanding on Rules and Procedures Governing the Settlement of Disputes provides that "[w]henever a Member other than the consulting Members consider that it has a substantial trade interest in consultations being held pursuant to [the relevant provisions of the WTO Agreement], such Member may notify the consulting Members and the DSB [...] of its desire to be joined in the consultations. Such Member shall be joined in the consultations, provided that the Member to which the request for consultations was addressed agrees that the claim of substantial interest is well-founded [...]".

The European Communities is not aware of any Peruvian agricultural imports or exports being affected by any measures adopted by the European Communities with regard to genetically-modified organisms. As a matter of fact, according to a letter from Peru's Ministry of Trade to the European Commission, "[under] the 'Law on Transgenic Foods and Genetically Modified Organisms', it is strictly prohibited in Peru to import, by any means, produce, sell and/or market transgenic foods and genetically modified organisms (GMOs) for human or animal consumption or for sowing" (letter from Mr. Juan Carlos Gamarra, dated 30 September 2002).

Nevertheless, the European Communities agrees to Peru's substantial interest in the consultations, as the allegations of Argentina, Canada and the United States may have important implications for Peruvian legislation. I will inform you as soon as possible of the date and venue of the meeting.

We hope that the consultations will contribute to a better understanding of the situation of genetically-modified products in the European Communities and other WTO Members.

A copy of this letter is being sent to the Chairman of the Dispute Settlement Body for circulation to Members.
