

Original: English

**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 Brazil and to the Chairman of the Dispute Settlement Body is circulated at the request of the European Communities.

Thank you for your letter of 28 May 2003 in which you request to be joined in the consultations in the disputes WT/DS291, WT/DS292 and WT/DS293 concerning the approval and marketing of genetically-modified organisms.

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 understands Brazil's interest in the consultations. Indeed, the allegations of Argentina, Canada and the United States may be of relevance to WTO Members that have adopted or are intending to adopt legislation on genetically-modified organisms, in accordance with their own legitimate values and objectives as well as specific international rules on biotechnology products. Besides, the European Communities recognizes your concern about the protection of biodiversity, among other important issues related to biotechnology products.

For these reasons, the European Communities can accept Brazil's participation in the consultations. I will inform you as soon as possible of the date and venue of the meetings.

We hope that the consultations will contribute to a better understanding of the situation of biotechnology 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.
