

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

---

Thank you for your letters of respectively 28 May 2003 and 4 June 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 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 understands India'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.

For these reasons, the European Communities can accept India's participation in the consultations, without prejudice to the question whether India has a substantial trade interest in them. I will inform you as soon as possible of the date and venue of the meetings.

However, I can already inform you that the European Communities, Argentina and the United States have agreed to hold joint consultations (DS291 and DS293). The consultations with Canada (DS292) will be held separately.

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.

---