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**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 New Zealand 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.

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 exports from New Zealand being affected by any measure of the European Communities concerning genetically-modified organisms. This is hardly surprising given the fact that, according to the information available to the European Communities, no living modified organisms can at present be grown or introduced into New Zealand as a result of the Hazardous Substances and New Organisms Act of 1996.

Nevertheless, the European Communities can agree to New Zealand's claim of substantial interest in the consultations, as New Zealand has enacted a moratorium on GMOs and the allegations of Argentina, Canada and the United States may have important implications in that regard. 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.
