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

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Thank you for your letters 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 Australian agricultural imports or exports being affected by any measures adopted by the European Communities with regard to genetically-modified organisms. Nevertheless, the European Communities agrees that Australia has a substantial interest in the consultations. Indeed, according to the information available to the European Communities, several Australian States (notably Tasmania and Western Australia) have enacted different types of 'moratoria' on commercially-grown GM crops, and others are considering legislation with the same objective. The allegations of the consulting Members may therefore have important implications for Australia.

For these reasons, the European Communities can accept Australia's participation in the consultations. 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.

I will inform you as soon as possible of the date and venue of the consultations.

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

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