

WORLD TRADE ORGANIZATION

WT/DS292/40
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G/SPS/GEN/398/Add.1
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17 July 2009

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

Notification of a Mutually Agreed Solution

The following communication, dated 15 July 2009, from the delegation of Canada and the delegation of the European Communities to the Chairman of the Dispute Settlement Body, is circulated pursuant to Article 3.6 of the DSU.

Please find attached a Mutually Agreed Solution reached on 15 July 2009, between Canada and the European Communities in the above referenced case.

**Mutually Agreed Solution
between Canada and the European Communities in
*European Communities – Measures Affecting the Approval
and Marketing of Biotech Products (WT/DS292)***

Canada and the European Communities (EC) have agreed on the final settlement of the dispute *European Communities – Measures Affecting the Approval and Marketing of Biotech Products (WT/DS292)*. Canada and the EC hereby agree to end this WTO dispute by reaching a mutually agreed solution within the meaning of Article 3.6 of the *Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU)*. Canada and the EC will jointly notify this mutually agreed solution to the Chairpersons of the WTO Dispute Settlement Body and the relevant WTO Councils and Committees.

This mutually agreed solution is without prejudice to the respective substantive positions of Canada and the EC on the implementation of the DSB recommendations and rulings in WT/DS292.

Otherwise than as provided herein, this mutually agreed solution is without prejudice to the rights and obligations of Canada and the EC under the WTO agreements.

Dialogue on Biotech Market Access Issues

In view of the constructive discussions held so far on issues related to biotechnology, Canada and the EC hereby establish a bilateral dialogue on agricultural biotech market access issues of mutual interest.

Meetings will be held bi-annually, generally in person, alternating between Brussels and Ottawa. However, both sides may agree in advance to hold a meeting by video conference or any other means, or to hold a meeting on the margins of another bilateral initiative, for example the European Commission-Canada Agricultural Dialogue or the Trade and Investment Sub-Committee (TISC). The outcome of discussions held in the framework of the Biotech Market Access Dialogue will be reported to the bi-annual meetings of the TISC.

Both sides will ensure the participation in the meetings of the competent services of their respective administrations, depending on the specific subject matter discussed. Those include:

Canada:

Agriculture and Agri-Food Canada
Canadian Food Inspection Agency
Foreign Affairs and International Trade Canada

European Communities (European Commission):

Directorate General for Agriculture and Rural Development
Directorate General for Health and Consumers
Directorate General for Trade
Directorate General for the Environment

Additional representation will be permitted as necessary, based on ability to appropriately address agenda topics.

The dialogue will cover any relevant issues of interest to Canada or the EC, including, among others:

- GM product approvals in the territory of Canada or the EC as well as, where appropriate, forthcoming applications of commercial interest to either side.
- The commercial and economic outlook for future approvals of genetically modified products.
- Any trade impact related to asynchronous approvals of genetically modified products or the accidental release of unauthorised products, and any appropriate measures in this respect.
- Any biotech-related measures that may affect trade between Canada and the EC, including measures of EC Member States.
- Any new legislation in the field of agriculture biotechnology.
- Best practices in the implementation of legislation on biotechnology

Done in Geneva, 15 July 2009, in three (3) original authentic English versions.

For European Communities:

(signed)

H.E. Mr. Eckart Guth
Ambassador
Permanent Representative
of the European Commission

For the Government of Canada:

(signed)

H.E. Mr. John Gero
Ambassador
Permanent Representative
to the World Trade Organization
