

WORLD TRADE ORGANIZATION

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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 19 March 2010, from the delegation of Argentina and the delegation of the European Union¹ 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 18 March 2010, between Argentina and the European Union in the above referenced case.

¹ On 1 December 2009, the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community (done at Lisbon, 13 December 2007) entered into force. On 29 November 2009, the WTO received a Verbal Note (WT/L/779) from the Council of the European Union and the Commission of the European Communities stating that, by virtue of the Treaty of Lisbon, as of 1 December 2009, the European Union replaces and succeeds the European Community.

MUTUALLY AGREED SOLUTION BETWEEN THE ARGENTINE REPUBLIC AND THE EUROPEAN UNION TO THE DISPUTE "EUROPEAN COMMUNITIES – MEASURES AFFECTING THE APPROVAL AND MARKETING OF BIOTECH PRODUCTS" (WT/DS293)

The Argentine Republic and the European Union (EU) (the "Parties") have agreed on the settlement of the dispute "European Communities – Measures affecting the approval and marketing of biotech products" (WT/DS293). The Argentine Republic and the EU have reached a mutually agreed solution within the meaning of Article 3.6 of the Understanding on Rules and Procedures Governing the Settlement of Disputes (DSU), by which they settle this WTO dispute. The Argentine Republic and the EU will jointly notify this mutually agreed solution to the Chairman of the Dispute Settlement Body (DSB) and the Chairpersons of the relevant WTO Committees and Councils.

This mutually agreed solution is without prejudice to and has no effect on the respective substantive positions held by the Parties regarding the implementation of the recommendations of the DSB in the dispute WT/DS293, and does not modify, otherwise than as provided herein, the rights and obligations of the Argentine Republic and the EU under the WTO Agreements.

Therefore, the Argentine Republic and the EU agree as follows:

BILATERAL DIALOGUE ON ISSUES RELATED TO THE APPLICATION OF BIOTECHNOLOGY TO AGRICULTURE

1. In view of the constructive dialogue held so far by the Parties, the Argentine Republic and the EU hereby establish a "Bilateral dialogue on issues related to the application of biotechnology to agriculture".
2. The objectives of this dialogue will be, inter alia, avoiding unnecessary obstacles to trade resulting from the regulation of biotech products in the Argentine Republic and the EU, preventing situations of asynchronous authorisations and ensuring a harmonious technological progress and the adoption of measures consistent with the WTO Agreements.
3. This dialogue will cover any issue of interest to the Parties, including:
 - (1) The follow-up of the authorisation processes of genetically modified products of interest to the Parties, both in the EU and the Argentine Republic;
 - (2) The measures related to biotechnology which may affect trade between the Argentine Republic and the EU, including measures adopted by the EU Member States;
 - (3) Specific issues which arise in the context of requests for authorisation submitted to regulatory evaluation;
 - (4) The exchange of information on the trade impact of asynchronous authorisations of genetically modified products;
 - (5) The evaluation of the economic and trade outlook of future authorisations of genetically modified products;
 - (6) The renewal of authorisations of genetically modified products;

- (7) The exchange of information regarding relevant issues in the field of agriculture biotechnology, including:
- (a) general opinions on regulatory criteria and the cooperative study of emerging regulatory problems; e.g. cultivation of genetically modified products with multiple events, genetically modified products with complex characteristics (e.g. resistance to abiotic stress) and cultivation of products with therapeutic proteins or products of industrial interest;
 - (b) new legislation in the field of biotechnological agriculture, including guidelines, good practices, and projects, notably those aimed at improving the process of authorisation of genetically modified organisms (GMOs);
 - (c) coordination mechanisms to solve eventual cases of adventitious presence of non-authorised GMOs in shipments of authorised products;
 - (d) tolerance thresholds for non-authorised genetically modified products.
- Participants¹: For the European Commission: the Directorate-General for Health and Consumers; the Directorate-General for Agriculture and Rural Development; and the Directorate-General for Trade. For the Argentine Republic, the Ministry of Foreign Affairs, International Trade and Worship and the Ministry of Agriculture, Livestock and Fisheries (Secretariat of Agriculture, Livestock and Fisheries) and the National Service of Agro-alimentary Quality and Health (SENASA). The participation of additional officials will be allowed, based on ability to address the items of the corresponding agenda.
- Meetings: The Parties will agree to hold meetings bi-annually. The meetings will take place during each semester in Brussels and Buenos Aires, alternatively. However, the Parties may agree sufficiently in advance that a meeting is held by videoconference, or in the margins of other bilateral meeting, such as the meetings of the Joint Committee Argentine Republic - EU (Joint Committee).
- Conclusions of the meetings: there will be a report of the conclusions of the meetings in the form of a follow-up paper on specific issues of interest which will be communicated to the Joint Committee.
- Exchange of information: the Parties will establish focal points for the exchange of information and will keep a permanent contact through information technology means. The exchange of information will be confidential and the Parties will take the necessary measures to ensure such condition.
- Scientific cooperation: the Parties will endeavour to facilitate the scientific cooperation between the European Food Safety Agency (EFSA), the Secretariat for Agriculture,

¹ The European Commission and the Argentine Republic will inform each other of any changes in the attribution of competences in the field of biotechnology which may affect the appointment of its participants in this dialogue.

Livestock and Fisheries (SAGyP) and the National Service of Agro-alimentary Quality and Health (SENASA) in the field of biotechnology.

Done at Buenos Aires, on 18th of March of 2010, in three (3) original authentic English and Spanish versions.

For the Argentine Republic

For the European Union
