

1. SURVEILLANCE OF IMPLEMENTATION OF RECOMMENDATIONS ADOPTED BY THE DSB

D. EUROPEAN COMMUNITIES - MEASURES AFFECTING THE APPROVAL AND MARKETING OF BIOTECH PRODUCTS: STATUS REPORT BY THE EUROPEAN UNION (WT/DS291/37/ADD.67)

- The United States thanks the EU for its status report and its statement today.
- As the United States has explained at past meetings of the DSB, the United States has substantial concerns regarding EU measures affecting the approval of biotech products.
- At this meeting, the United States would recall the DSB findings that EU member State bans on biotech varieties approved at the EU-level are inconsistent with the EU's obligations under the SPS Agreement.¹ These findings include EU member State bans on the only variety of biotech corn, known as Mon810, that has been approved for cultivation in the EU.
- Despite the DSB findings that EU member State bans on Mon810 are in breach of the EU's WTO obligations, several EU member States continue to maintain bans on this biotech product.
- For example, as the United States noted at the April 2012 meeting of the DSB, France renewed a ban on Mon810 in March 2012. France took this action even though Mon810 has been approved by the EU, and has repeatedly received favorable safety assessments from the EU's own scientific authority.
- Earlier this month, a French court recognized that France's ban on Mon810 could not be justified.
- The United States urges the EU to take steps to ensure that France, as well other EU member States, act in accordance with the EU's own approval and the recent court decision by lifting all outstanding EU member State bans on Mon810.
- As a result of EU delays, the EU measures affecting approval of biotech products are causing substantial restrictions on trade. We urge the EU to take steps to address these problems.

¹ Panel Report, *European Communities – Measures Affecting the Approval and Marketing of Biotech Products*, WT/DS291/R, adopted 21 November 2006, paras. 8.24, 8.28.