



**EUROPEAN UNION**  
Permanent Mission  
to the World Trade Organization  
*The Head of Delegation*

Geneva, 25 February 2019  
D (2019)

**NOTE TO**  
**MR. JEAN-LUC DEMARTY, DIRECTOR GENERAL - DG TRADE**  
**MR. LUIS ROMERO REQUENA, DIRECTOR GENERAL – Legal Service**

**Subject: WTO – Regular DSB meeting, 25 February 2019**

[Redacted]  
[Redacted]  
[Redacted]  
[Out of Scope]  
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[Redacted]  
[Redacted]

EC-Biotech case: The United States keep updating their statement. [Redacted]  
[Redacted] [Out of Scope] [Redacted] The United States also expressed their disagreement with the EU "prior statements" on the impact of the ECJ judgment and on the significance of the opinion of the Group of Scientific Advisors.

[Redacted]  
[Out of Scope]  
[Redacted]  
[Redacted]

Next DSB meeting: 26 March 2019. Deadline for items on the Agenda on 14 March 2019.

**Detail**

The EU was represented by [Redacted Art 4.1(b)] and [Redacted Art 4.1(b)]. Most EU Member States were present. A co-ordination meeting with EU Member States took place in advance. The agenda (WT/DSB/W/639) was adopted.

[Redacted] [Out of Scope]  
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**C. European Communities – Measures Affecting the Approval and Marketing of Biotech Products: Status Report by the European Union (WT/DS291/37/Add.130)**

[Out of Scope]

Regarding the 13 November 2018 public statement issued by the EU's Group of Chief Scientific Advisors in response to the 25 July 2018 ECJ ruling, the US took issue with the EU's statement at prior DSB meetings that ECJ ruling does not relate to previously authorised GMOs. According to the US, this EU's statement is contradicted by the EU Group of Chief Scientific Advisor's statement, which recognises that "in view of the Court's ruling, it becomes evident that new scientific knowledge and recent technical developments have made the GMO Directive no longer fit for purpose". For the US, this statement speaks to the lack of scientific support for the regulatory framework under EU Directive 2001/18. The US asserted that the statement notes "that current scientific knowledge calls into question the definition of "GMOs" under the Directive and notes that mutagenesis, as well as transgenesis, occur naturally". The US urged the EU to finally bring into compliance the measures at issue.

The EU intervened as per instructions on all issues raised by the US.

The Chair concluded that the DSB took note of the statements and will revert to this matter.

[Out of Scope]

[Out of Scope]

[Out of Scope]

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The Chair informed that the next regular DSB meeting will be held on 26 March 2019 at 10 am. The deadline for inscription of agenda items for the regular DSB meeting is Thursday, 14 March 2019 at 6 pm. The Airgram will be circulated by the Secretariat on Friday, 15 March 2019.

**Marc Vanheukelen**  
**Head of Mission**

Author: [Art. 4.1(b)]

C.c.: J-L. Demarty, H. König, I. Garcia Bercero, P. Sandler, M. Martin-Prat, D. Redonnet,  
[Art. 4.1(b)], L. Rubinacci, [Art. 4.1(b)]

[Art. 4.1(b)]

– **DG TRADE**

P. Velasco Martins - **Cabinet Malmström**

[Art. 4.1(b)] – **EEAS**

[Art. 4.1(b)] - **DG GROW**

J. Clarke, [Art. 4.1(b)] - **DG AGRI**

[Art. 4.1(b)] – **DG ENER**

[Art. 4.1(b)]

[Art. 4.1(b)] – **DG SANTE**

S. Henzler – **DG TAXUD**

[Art. 4.1(b)] **SEC GEN**

L. Romero Requena, [Art. 4.1(b)]

[Art. 4.1(b)] - **WTO team Legal Service**

[Art. 4.1(b)]

- **Permanent**

**Mission of the EU to the WTO**

**EU DELEGATIONS:** [Art. 4.1(b)](US), [Art. 4.1(b)](Japan), [Art. 4.1(b)](South Korea),

[Art. 4.1(b)](Indonesia), [Art. 4.1(b)](China), [Art. 4.1(b)](New Zealand), [Art. 4.1(b)](Turkey),  
[Art. 4.1(b)](Thailand)

[Art. 4.1(b)]

**Enclosures:** Statements by Australia, Brazil, Canada, China, EU, Indonesia, Japan, Mexico, Norway, New Zealand, Singapore, Switzerland, Thailand, Taiwan, Turkey, and the US.