
General Council

Original: English/
French

PREPARATIONS FOR THE 1999 MINISTERIAL CONFERENCE

Proposal for Establishment of a Working Party on Biotechnology in WTO

Communication from Canada

The following communication, dated 4 October 1999, has been received from the Permanent Mission of Canada.

Proposal

1. To establish a Working Party on biotechnology in the WTO with a fact-finding mandate to consider adequacy and effectiveness of existing rules as well as the capacity of WTO Members to implement these rules effectively. One year after its establishment, the Working Party would report on its findings to the Steering Body (to be established at Seattle) and provide any conclusions it considered appropriate.

Background

2. Each year, an increasing number of a wide range of agricultural and industrial products, developed through biotechnology, are commercialized and enter into international trade. These activities are not confined to the largest and richest countries but are currently being actively pursued in scores of WTO Members, both large and small, developed and developing, from all regions of the world. This trend has been forecasted to result in trade of products of biotechnology constituting a significant share of total trade within five years.

3. Some regard the development of biotechnology as simply the latest example of technological advancement. Others see biotechnology as unique. Many WTO Members have instituted regulatory policies for biotechnology. Often regulatory approaches reflect which of these views is taken.

4. Several multinational bodies are currently engaged in discussions and/or negotiations aimed at developing rules, procedures and approaches concerning the development, commercialization and international trade in products of biotechnology. In addition to the general applicability of the WTO's rights and obligations to trade in products of biotechnology, there are several WTO provisions and agreements which are of particular relevance to current issues surrounding biotechnology.

5. While many regard the current provisions of the WTO to be sufficient and effective in dealing with all products, including those of biotechnology, some hold the view that biotechnology is sufficiently unique to require further clarification and/or elaboration of existing provisions in order that they may apply effectively and in a predictable, transparent manner. This lack of certainty works to undermine the realization of the full potential of biotechnology by the world's producers and consumers.

6. Without prejudice to its ongoing agenda under various agreements, it would be timely for the WTO to engage in a collective exercise aimed at establishing how trade and investment in biotechnology are covered by existing WTO provisions and whether the latter constitute a sufficiently effective regime from the WTO's perspective.

7. Because a number of existing WTO Agreements are of particular relevance to biotechnology, this exercise could not be conducted effectively by any one Committee. It is therefore proposed that a Working Party be established by Ministers in Seattle with a clear, time-limited mandate to report back to the Steering Body on its findings and possible conclusions. It would be important to clarify in its mandate that the work of the Working Party would not be prejudicial as to the need, or not, of future negotiations in any area. Rather, the focus of the Working Party would be fact-finding in nature.

8. Such a Working Party would provide a number of benefits to WTO Members including:

- (a) providing a transparent process with a common focus and time-frame for preparatory, fact-finding work building on work already underway at the national level in several WTO Members;
- (b) serving to inform those WTO Members not currently engaged in such exercises at the national level; and
- (c) serving to identify constraints to full implementation by Members of WTO-consistent regulatory systems for biotechnology.
