

# **Trade in GMOs: The implications of labelling, traceability and the WTO dispute on developing countries**

A 2-day workshop organised by GeneWatch UK and Gene Campaign (India)

Date: Thursday 28th June and Friday 29th June 2007

Venue: The NCVO Conference Suite, (near Kings Cross Station) London.

## **1. Introduction**

This is a preliminary report of the first of two workshops on the EC-Biotech WTO dispute, funded by the European Commission (DG Trade). A second workshop will be held in India in July to improve and develop the developing country perspective on the issues raised. A final in-depth report will then be produced for policy makers.

## **2. Workshop Agenda**

### **Thursday 28<sup>th</sup> June**

#### **Capacity building on the WTO and international agreements/organisations affecting biotechnology**

##### **10.00-10.30 Coffee**

10.30-10.40 Welcome, Helen Wallace & Becky Price (GeneWatch UK)

##### The WTO Dispute

10.45-11.15 Lessons from the EC-Biotech Dispute, Alice Palmer (Ex-Field)

11.15-11.45 The EC-Biotech Dispute: Implications in the European Union, Helen Holder (Friends of the Earth Europe)

11.45-12.15 Ujjwal Kumar – (Government of India) View from India

12.15-13.00 Discussion

##### **13.00-14.00 Lunch**

14.00-14.30 TRIPS and the Environmental Intermediaries Programme, Geoff Tansley

##### Labelling and Co-existence

14.30-15.00 Benny Haerlin (Save our Seeds) – View from Europe

15.00-15.30 Suman Suhai (Gene Campaign) – View from India

15.30-17.00 Discussion

##### **19.00 Dinner**

## **Friday 29<sup>th</sup> June**

### **Reflections on the WTO GM dispute and ways forward**

Bringing Civil Society Organisations into Trade Debates

9.30 Eve Mitchell (GM Freeze) The Bite Back campaign

10.00 Becky Price (GeneWatch) View from Europe

10.15 Indrani Barpujari (Gene Campaign) View from India

10.00-13.00 Discussion

### **13.00-14.00 Lunch**

14.00-15.30 Ways Forward – discussion

15.30-16.00 Summing Up

## **3. Preliminary report of the Workshop**

### **Thursday 28<sup>th</sup> June**

**1. Becky Price (GeneWatch UK) – Welcome and introductions.**

**2. Alice Palmer (ex-Field) - presentation “Lessons from the EC Biotech dispute”**

Alice presented her paper that had been circulated prior to the meeting. She began by summarising the trade agreements covering goods, services and IP, including GATT and the TBT (Technical Barriers to Trade) and SPS (Sanitary and Phytosanitary Measures), which have similar rules to prevent arbitrary barriers to trade. The WTO has 150 members, with a secretariat in Geneva, various Councils, Committees and Working Groups. There is a ministerial every 2 years.

The dispute settlement process involves an ad hoc panel of trade experts (usually 3 economists), which reports to the Dispute Settlement Body (DSB, all 150 members). The Appellate Body (AP) consists of 7 trade lawyers. Countries are given a ‘reasonable time’ (typically 15 months) to comply with findings. If not, a similar process of approving compensation/sanctions begins. Hearings are closed and no documents published during the process, but parties can choose to publish their own submissions.

Alice then described the EC-Biotech dispute, initiated by the US, Canada and Argentina in 2003. The DSB approved the final report in November 2006 and the EC was directed to comply with SPS within a reasonable time. The challenge was based on: (i) EC failure to assess new GMO applications (‘general moratorium’); (ii) product-specific delays in approvals; (iii) national bans in various EU countries. It was not a dispute about labelling/traceability.

The Panel report is on: <http://www.worldtradelaw.net/search/searchreports.htm>. The moratorium and (most) product-specific delays were found to involve ‘undue delay’; the member state bans were found not to be based on risk-assessment. Specifically, the panel concluded that there was sufficient evidence for approvals (due in part to the

positive risk assessment opinions produced by EFSA). The Panel also concluded that the Biosafety Protocol (BSP) was not a source of law because not all parties had ratified it and that the Precautionary Principle (PP) was 'probably not' binding international law. There was no finding re: the EC's right to regulate; the safety of GM crops/foods; the right of WTO members to choose their own level of health and environmental protection. However, regulations may need to be backed by a narrow risk assessment, with little room for a precautionary approach, and the relevance of international law was interpreted narrowly.

Alice then described the Amicus Brief submitted by a coalition of 15 CSOs (available on: <http://www.genewatch.org/sub-405264>), the preparation and procedures required and the pros and cons of this process for WTO members and for Civil Society. Further information is available on: <http://www.genewatch.org/sub-405264> and <http://www.trade-environment.org/page/theme/biotechnology.htm>.

There was a brief discussion of the politics of the dispute, including the roles of the US and EU and the implications for smaller and developing countries.

### **3. Helen Holder (FoEE) – presentation “Implications in the EU”**

Helen described the public, political and press reaction to the leaked interim report of the WTO Panel's findings (February 2006), including the role of the US Government and the claims made by it. She then outlined subsequent political developments in the EU. These included: the EU Environment Council's decision (December 2006) not to force Austria to revoke its national product-specific bans; pressure from the US on the EU to approve a 'priority list' of GMOs as soon as possible (see papers and emails obtained by FoEE under FOI: <http://www.foeeurope.org/GMOs/Index.htm>); and Peter Mandelson's recent speech. FoEE also used FOI to obtain the EC's comments to the WTO panel on scientific and technical issues (described in the “Hidden Uncertainties” report: [http://www.foeeurope.org/publications/2006/hidden\\_uncertainties.pdf](http://www.foeeurope.org/publications/2006/hidden_uncertainties.pdf)). The EC's mid-term review of its biotechnology strategy is also relevant (see FoEE's report on: [http://www.foeeurope.org/publications/2007/FoEE\\_biotech\\_MTR\\_midlifecrisis\\_March07.pdf](http://www.foeeurope.org/publications/2007/FoEE_biotech_MTR_midlifecrisis_March07.pdf)). She concluded that it was important to inform CSOs and governments, especially in the South, about the WTO's findings and to also continue to monitor the European Commission.

### **4. Ujjwal Kumar (GeneCampaign) – presentation “View from India”**

Ujjwal identified some additional important points about the EC-Biotech dispute findings, from an Indian perspective. These included: the ruling applies only to the parties in the dispute, but has implications for others (including India); the finding did not go to the Appellate Body, only the Panel; there is still flexibility to apply measures under SPS (although narrowed); there was no ruling against the right to choose level of protection. The BSP must still be enforced by its members, although the Panel didn't take it into account. The Panel didn't examine safety or “likeness”. The moratorium was not considered an SPS measure but a “measure relevant to operation of SPS”. The Panel accepted that there can be some circumstances where a moratorium could be justifiable, but the pleas made by the EC were not held to justify delay in the present case. A key question is: what are legitimate reasons for different measures (delays, moratoriums, bans)? Can these include issues relevant to developing countries, such as lack of

resources for approval or management of post-release risks, or lack of a method for taking account of impacts on relevant economic factors?

Ujjwal also informed the workshop that the Indian Ministry of Health has a draft notification on GM labelling (not yet enforced).

In discussion, it was agreed that legitimate reasons for delay/precaution, including the roles of the BSP and of national and EU legislation would be a key issue for discussion on Friday.

## **5. Discussion**

Issues raised in discussion included:

### ***Strength of the EC case in the Dispute***

A full review of what the EC submitted is impossible because not all documents are public and because of the sheer volume of paperwork. It is unclear to what extent the EC consulted those member states with bans: the Commission and different EU countries take different views. There was discussion about the national bans of Austria and Italy.

### ***Significance of Dispute findings***

Various issues emerged. In the short-term the main issue was mis-communication of the findings by the US (implying that countries could not take precautionary measures). But there were also aspects of the findings that could be detrimental to health/environmental protection in the longer-term: the likely need for a risk assessment for every measure (particularly hard for developing countries); SPS more significant than before (although consumer measures such as labelling can also be introduced under TBT); an 'old-fashioned' view of multi-lateral agreements and concern that the Dispute Panel did not take the biosafety protocol into account (a good paper on this is [http://www.ciel.org/Publications/BIICL\\_ECBiotech\\_7Jun07.pdf](http://www.ciel.org/Publications/BIICL_ECBiotech_7Jun07.pdf) )

### ***Future developments and implications for labelling***

Could labelling be challenged under WTO? Is it possible that risk assessment could be required for labelling under SPS? The US has already told India that labelling will fall under SPS (the biotech industry want 'substantial equivalence'). If it's for consumer information it should fall under TBT (not SPS), but if for traceability/health protection it will fall under SPS. Although both agreements may apply, countries can still argue that they are implementing a TBT (consumer information) measure. The US soybean association would like to challenge EU labelling on 'substantial equivalence' grounds.

### ***Political context***

There was some discussion of the political role of different countries, including: the difficulties developing countries have standing up to pressure from the US or large companies; consumer support for labelling and the right to choose where your food comes from; changing politics in the EU and globally (role of China, India, Brazil); the role of the European Commission versus member states, and the various positions taken by different EU countries.

## **6. Geoff Tansey (consultant) – presentation “Global rules, patent power, and our food future”**

Geoff outlined relevant international measures including: the UN Convention on Biological Diversity and the UN International Treaty on Plant and Genetic resources for Food and Agriculture. The agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is a trade restriction measure, because it grants monopolies. He outlined issues of power, control, risks and benefits in the global food system, including: the different power held by different actors from suppliers and farmers to manufacturers, retailers and consumers; limited demand and the implications for competition between companies and countries, influencing the role of technology, increased productivity and diversification; trends in economic concentration, global markets and control; tools for control, including technologies, information and laws/regulations.

Geoff then discussed biotechnology in this context, particularly the role of Intellectual Property (IP) and the decision to allow patents to be granted on life-forms, which underpins the 'knowledge economy' in pharma/biotech. Patents grant monopoly (or exclusionary) privileges and introduce costs by: shifting market power; increasing prices; increasing the costs of acquiring knowledge; facilitating anti-competitive practices (such as legal threats and cross-licensing). IP rules have been globalised by GATT (the process was led by a few key industries lobbying the US), leading to TRIPS (179 states).

Geoff then described the Environmental Intermediaries Programme, based at the Quaker UN Office in Geneva and its role in informing negotiators, particularly from developing countries, in the TRIPS process. The aim is to try to level the field, so that poorer countries can take part in negotiations. The programme played a role in the Doha Declaration, however countries are still too weak to feel able to use the provisions. More information can be accessed from his website: <http://www.tansey.org.uk> .

## **7. Benny Haerlin (Save our Seeds) – Presentation “Labelling and co-existence in Europe”**

Benny presented his paper on labelling in Europe that had been circulated prior to the meeting. He explained that legislation follows businesses, who lobby for what they want: not all businesses depend on or have to listen to consumers. The strong competition between supermarkets is the reason why there is still no GM in food in the EU. Customers would react to GM products by shifting elsewhere, so supermarkets compete to be GM-free to avoid loss of profits. The EU introduced its first labelling in 1997. Labelling does not require a claim that a product harms health, but once products are labelled this allows consumers to express a view on how their food should be produced. In contrast, the current approach to risk assessment usually requires scientific evidence of risk, although the precautionary principle should also be applied.

In the EU, co-existence rules are currently based mainly on concerns about economic aspects: if people demand GM-free, farmers must be able to produce this (i.e. this is not a risk-assessment based measure). However, there is arguably a risk management aspect to co-existence, because it should allow uncontaminated products to be supplied if there is a recall based on health/safety grounds. Austria's approach to co-existence, where each region has rules specific to its geography, were discussed.

The logic of the legislation is not to ban but to allow people to choose what to eat: labelling is a pre-requisite for this. About 2/3 of the world's population live in countries with some kind of GM labelling legislation (although implementation and enforcement

vary). The US argument that countries must not label without providing evidence of some health implication for consumers is very patronising.

Thresholds vary (0.9%, if adventitious and technically unavoidable in EU; 5% in Japan; no threshold in China). There is no Codex labelling standard (if so, the TBT would require that this is followed). The EU has had process-based labelling since 2003, which uses traceability rather than detecting DNA or protein (this is important for starch and oil as DNA and proteins can no longer be physically identified after processing). This has implications for developing countries who want access to EU markets. Products 'derived from' GMOs and 'produced with the help of GMOs' (e.g. meat, eggs, milk and products produced by contained-use of micro-organisms) are not labelled. This means consumers have no way of knowing if meat or dairy products came from an animal fed a GM or non-GM diet.

Labelling of seeds is a critical issue: if any threshold is set, there would be no GM-free environments and recall would also become impossible. Since the WTO dispute, the US has been demanding thresholds for seeds and for non-approved GMOs. A global agreement on labelling is unlikely in the foreseeable future. If there was a WTO ruling that prevented labelling this would be very damaging to the WTO's reputation because it would prevent consumer choice.

There was a brief discussion about thresholds (including for seeds and for organic produce) and about Austria's regional co-existence measures. For further information see: <http://www.gmo-free-regions.org/gmo-free-regions/austria.html> . The best example to look at is: [http://www.gmo-free-regions.org/fileadmin/files/styria\\_gmo\\_law\\_2006\\_en.pdf](http://www.gmo-free-regions.org/fileadmin/files/styria_gmo_law_2006_en.pdf) . Austria has chosen to protect its organic agriculture and to put money into that type of farming under the Common Agriculture Policy (CAP).

## **8. Suman Sahai (Gene Campaign) – Is Coexistence Possible? Perspective from India.**

Suman presented an outline of the testing systems needed throughout the food supply chain (seed, field history, planting, storage etc.), if co-existence were to be achievable. She described the farming and supply system in India, which includes: many small farmers; no separation between different farmers' fields; no fallow (all farm land cultivated); buffer stocks to deal with food shortages; common threshing in villages, either by hand or using hired machines which visit many different farms; open displays of harvest for inspection and procurement by government agencies; inadequate storage capacity for grain; open sacks in grocery stores and markets. Co-existence cannot be a reality in India –GM conventional seed supplies would inevitably become contaminated with relatively high levels of GMOs. This would be incompatible with the Biosafety Protocol (BSP) promises to protect centre-of-origin crops. The only realistic option for achieving this is not to grow GM crops.

India's position in Codex is to support mandatory labelling. However, there is very low awareness about GMOs amongst farmers and consumers in India. There is also a major R&D programme in India on GM crops (including rice).

## **9. Discussion**

Issues raised in discussion included:

### ***What's doable and what's achievable***

What may be achievable in negotiations is not necessarily doable in practice. Labelling is necessary in India, but not sufficient to protect centres of origin for crops such as rice. Co-existence will also not work in Europe, but the onus is on industry to show that it is feasible if the law says that there should be no contamination. Public awareness is higher in Europe because of a combination of factors: e.g. the BSE crisis; Monsanto's own role. Civil Society may also play a greater role in the EU. Food choice is an important issue in Europe, but food security is more important in India and people are vulnerable to misleading claims about higher yields. The 'feed the world' argument is also used in Europe (for example, by EuropaBio) to argue that CSOs are stifling development. There are two competing visions for the future world and how to feed that world (a 'top-down/high-tech' approach versus an 'ecosystem' approach, in which traditional knowledge and science are integrated). There are also economic issues such as small versus large producers. High-tech is still seen as progress but centralised systems and food dependency make countries very vulnerable (including UK). The EU recently held a conference on the future of agricultural research but all the scenarios were high-tech. We are developing a global community of scientists with only one view of the future.

### ***Background to GM developments in India***

Walmart is coming to India, but will co-exist with small shops and markets. GM basmati did not go ahead because of concerns about losing export markets. India is the only non-GM nation growing soya so should be able to benefit from this in the soya market. However, the European market is only important for certain products. India's farmers rights legislation shows that a country does not need to be bound by a particular model. Centres of Origin and social and economic issues raised by the Cartagena Protocol have yet to be addressed: it's not just about labelling and co-existence. The Government in India is enthusiastic about GM – backing it through scientific investment and public sector research. There is scientific excitement (seeing biotech as a dominant technology), it's not just about money or attracting investment. India is very different from Europe, 70% of the population depend on agriculture. The Government has been shaken by farmer suicides, although Bt cotton (high cost of seeds and poor yields – see Gene Campaign studies) is only one factor in the farming crisis. The Gene Revolution is compared to the Green Revolution, which is viewed positively by policy-makers because, despite it's many problems, it broke the back of India's dependency on food imports and hence allowed political sovereignty. However, one state has questioned Monsanto's prices and monopoly.

## **Friday 29<sup>th</sup> June**

### **1. Eve Mitchell (GM Freeze) – presentation “The Bite Back Campaign”**

Eve described the “Bite Back” campaign, which she was involved in at Friends of the Earth. This involved a coalition of CSOs, working in 140 countries, during the EC-Biotech dispute. It was more public than the Amicus submission and argued that everyone who eats food is an interested party to the dispute: thus, it questioned the legitimacy of the WTO to make a decision without taking people's views into account. It involved collecting signatures from individuals and organisations representing a “citizen's rejection” of GMOs (representing about 60 million people in total, including 135,000

individuals). The campaign also involved political lobbying, press work and actions at the WTO itself.

Eve discussed the pros and cons of the campaign and the lack of transparency of the WTO dispute process. There was some discussion of the implications of this for CSOs, such as: the difficulties in reading and responding to documents when they are not made public until after decisions are made; the difficulties countering industry pressure when this occurs behind closed doors.

## **2. Becky Price (GeneWatch UK) – presentation “Citizens’ engagement with the WTO”**

Becky described the two main ways for CSOs to engage with institutions such as the WTO: “throwing stones” and being more closely involved. Both have pros and cons. “Throwing stones” can open political space, challenge assumptions and be more inclusive. However, it can sometimes be superficial. Being more closely involved can allow more detailed evidence-based challenge, but can legitimise institutions and processes and shut down political space (for example, by only allowing countries with sufficient resources to influence a specific paragraph in TRIPS). Consultations have pre-determined terms of reference and tend to follow the agenda of the institution involved. However, engaging with ministerial meetings can improve understanding of real politics and processes.

Becky also highlighted the important issue of how to relate trade to environmental fora.

A brief discussion highlighted a paper by Stephanie Pfahl for FoEE and others, which discusses this issue ([http://www.foeeurope.org/publications/2005/alternatives\\_wto.pdf](http://www.foeeurope.org/publications/2005/alternatives_wto.pdf)) and another by Alice Palmer and Richard Tarasofsky (described here: <http://www.chathamhouse.org.uk/news/view/-/id/341>).

## **3. Indrani Barpujari (Gene Campaign) – presentation “Civil society engagement from an industry perspective”**

Indrani began by describing the role of CSOs in the area of biotechnology and biosafety. CSOs are active participants, advocating good governance and the public interest. They argue for the democratisation of international governance and for participation at a national level – this is vital in countries like India where the Government doesn’t have large resources.

There are about 15 CSOs working on GM in India. They have highlighted: the deliberate exclusion of representatives of civil society; lack of transparency in processes (for example, field trial applications); the lack of penalties for companies who break rules or cause harm; the lack of public accountability. Gene Campaign and Greenpeace India have used the Right to Information Act to seek information in the Indian High Court (this led to a warning and order to comply). CSO activities include: research and dissemination of information; advocacy at a policy level; awareness generation (including street plays and puppet shows); legal challenges; activist action; capacity building and networking. They have highlighted concerns about health, safety and socio-economic safety.

The impact on trade and the economy is a particular concern in India. Exporters of conventional and premium (niche) products need to preserve their 'GM-Free' status. This implies a need to segregate GM from non-GM crops and foods, but segregation calls for vast technical and financial resources which are beyond many developing countries (for example, there have been major problems with illegally grown GM papaya in Thailand).

CSOs have played a role in international negotiations (especially the Biosafety Protocol) and at a policy-making level in India: lobbying for more effective participation and for indicators to assess impact on trade to be included in risk assessments. Gene Campaign was involved in the national symposium "The relevance of GM technology to Indian Agriculture and Food Security"; making submissions to the National Biotech Development Strategy and as a member of the Task Force on Biodiversity and GMOs. Gene Campaign has also filed public interest litigation calling for amendments to GM legislation.

With respect to trade, national policy should incorporate India's trade interests, including strict liability. The precautionary principle should be implemented, especially in relation to centres of origin, and there should be no transgenic research on export crops. It is important for CSOs to generate information about the WTO decision and communicate it widely, including to policy-makers.

#### **4. Discussion**

Issues raised included:

##### ***Freedom of Information and data***

India has quite good laws on this – it's a question of implementing them. However, the Indian Government claims that field trial data is commercially confidential. However, health information (toxicity, allergenicity) can't be secret: commercial confidentiality should only be to avoid use by a competitor, not to avoid providing safety data.

##### ***Centres of origin, contamination and liability***

India is looking at liability, especially for centres of origin (e.g. of rice). Liability should be on the producer not farmer. There is precedent from the courts for a strict interpretation because of Bhopal. There is an alliance within the Biosafety Protocol for countries/regions concerned about centres of origin (e.g. Oaxaca). The issue is national, but also regional (e.g. many Asian countries share similar concerns). There should be NGO representation in the Biosafety Clearing House: the Philippines uses this, but not India. However, NGOs can include industry bodies and just rubber-stamp decisions. A market approach does not necessarily keep a whole country GM-Free (for example, Brazil only keeps some areas GM-Free for soya), which means these areas may not be protected long-term. There is not a niche market for rice in general, but India could provide GM-free soya. However, bulk cash crops (soy and maize) for animal feed, and agrofuels, bring other environmental problems - it's not enough just to be GM-free.

##### ***Role of science***

There is still a mindset that countries need to do 'big science' and be high tech, even though 25 years of research has led to only 2 commercial traits. Indian scientists work for Monsanto, but the only trait is Bt. There is a shift to market-driven competitiveness and choice except for GM, which consumers don't want. GM is driven by a kind of

scientific competitiveness (Germany competes with the US and China, and vice versa). Gene Campaign has established indigenous community-led seed banks, linking knowledge from farmers (e.g. re climate-related traits) with agricultural research institutions. This illustrates an alternative approach.

## 5. Additional information: WTO agreements

Prior to in-depth discussion on ways forward, Alice Palmer provided further information about the main WTO agreements (see below):

Principles

1. National Treatment => Non-Discriminatory. "Like products" treated identically.
2. Proportionality => Relationship between measure and objectives (necessity)

Agreements

Have Scope and Rule/Exceptions

### GATT

- National Treatment
- No Bans
- Exception – Proportionality

### TBT (Technical Barriers to Trade)

Substance - National Treatment  
- proportionality

Process .....

### SPS (Sanitary and Phytosanitary)

Substance - Risk Assessment  
- proportionality  
- National Treatment

Process ..... "Undue Delay"

## 6. Further information: Biosafety Protocol (BSP)

Benny provided further information about the forthcoming BSP Meeting of Parties (MOP) starting May 12<sup>th</sup> 2008. There will be a focus on liability (probably with no agreement – there is no agreement yet on what liability is). The Convention on Biodiversity (CBD) COP will focus on access and benefit sharing.

The GMO Free Regions and many CSOs will be involved in an alternative World Diversity Summit (see: <http://www.gmo-free-regions.org/worldsummit2008.html> ), which will demonstrate alternative concepts of sustainable farming (GM-free, responsible consuming, defending local food etc.) There will be a positive message of what people stand for: diversity versus conformity. Issues will include: eco-agriculture/organic farming, combating hunger, freedom of access to seeds. The context includes climate change impacts and agrofuels.

A guide to the BSP is available on:

<http://www.iucn.org/themes/law/pdffdocuments/Biosafety-guide.pdf>

There is a new German PhD thesis on the liability protocol: Markus will circulate the English summary.

## 7. In-depth discussion: Ways Forward

In-depth discussion took place on the following issues:

- (i) What were the key outcomes of the WTO dispute; who should be informed of these and how?
- (ii) What precautionary measures can countries take in the light of the dispute outcomes? What evidence and processes are needed to support such measures?
- (iii) What further developments may occur at the WTO? How should CSOs and governments prepare for these?

Key points were:

Measures, including bans and moratoria on GM crops, can still be taken in accordance with the BSP, that do not violate WTO agreements.

Measures must be proportionate to the objective: not an excuse to block free trade.

If protecting health/environment, measures should be justified by a risk assessment.

Risk assessment may be broad and follow a precautionary approach.

Risk assessment can include socio-economic aspects, provided the measure does not interfere with other parties' rights.

Countries can regulate for information/choice (for example by labeling, traceability or co-existence measures) under TBT, without a risk assessment.

Liability is an important part of any legislative framework.

Liability regimes are not subject to challenge under WTO, but can come into effect too late (after a major problem occurs).

Seeds may be treated differently from products on the shelf.

Political realities are different in different countries.

Countries with fewer resources can't cope with testing segregation – too difficult, expensive, not doable.

Arguments based on lack of resources may (or may not) justify delay.

Countries who have ratified must comply with the BSP: a new compliance process is being set up (complaints may be made by parties or individuals).

The following outcomes were agreed:

(i) Friends of the Earth Europe (Helen Holder) will finalise an agreed analysis of the outcomes of the dispute with participants. This will be provided to DG Trade at their meeting with them in mid-July and they will be asked for their response. It will also be circulated more widely, including to other Directorates (Health, Environment), policy makers and CSOs.

(ii) In the longer term, GeneWatch UK and GeneCampaign will take account of the outcomes of this workshop in planning the India workshop and in producing the final report for DG Trade and policy-makers.

(iii) GeneWatch UK will circulate copies of the presentations and workshop papers; a list of participants and a summary of the meeting.

#### **4. Participants' Feedback**

Nine feedback forms were returned. All participants rated the presentations, discussions, organisation and venue as either good or excellent. People identified learning and sharing perspectives as the most useful aspect of the workshop. They particularly valued the presence of the WTO/legal experts and the input of the Indian participants. They identified further co-operation and concrete outcomes in terms of papers and communication as important next steps.

GeneWatch UK  
July 2007