

## **CETA'S "BILATERAL COOPERATION ON BIOTECHNOLOGY"**

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### **CETA'S BIOTECH GOAL IS MARKET ACCESS**

The goal of the Canada and European Union Comprehensive Economic and Trade Agreement (CETA) regarding biotechnology is to overcome "market access issues".

Market access issues on biotechnology are Canada's issues with the European Union. Market access is a one-way street where Europe needs to open its market to biotechnology products from Canada.

From Canada's perspective, this market access has two main components:

1. Europe needs to (quickly) approve GM foods and crops that Canada has approved and is exporting.
2. Europe needs to accept "Low Level Presence" (LLP) of GM contamination in imports from Canada (LLP refers to contamination from GM products on the market in Canada that are not yet approved in the EU).

### **CONTEXT: GM IN CANADA AND THE EU**

Gaining access to European markets for GMOs is a priority for Canada:

- Canada is the 5th largest producer of GM crops in the world, growing and exporting GM canola, corn, soy and white sugarbeet (for sugar processing). (Canola, corn, and soy are largely used for animal feed.)
- Europe has not yet approved all of these same GM crops for human consumption.
- GM flax contamination illustrates the problem for Canada: In 2009, Canadian flax exports were found contaminated with a GM flax that was approved in Canada and the U.S., but not approved for human consumption anywhere else in the world. The European Commission's Rapid Alert System for Food and Feed confirmed the contamination in cereals, bakery products, baking mixes and nut/seed products in 35 countries in Europe and Asia. Canadian flax exports were quarantined and turned back, and Canada's industry is still repairing the economic damage. (For details see [www.cban.ca/flax](http://www.cban.ca/flax))

### **CETA'S PROCESS: OBLIGATION TO DIALOGUE**

CETA agrees to a "Dialogue on Biotech Market Access Issues" that can take place at the request of either Party, meaning that Canada can request a dialogue and the EU is obliged to participate "without undue delay".

Even if a Dialogue is underway or requested, Canada could still bring disputed issues forward to the CETA Joint Committee.

### **DIALOGUE UNDER DURESS**

The CETA text refers to the fact that the bilateral Dialogue on Biotech Market Access Issues was first established in 2009 when Canada withdrew from a WTO dispute it brought forward with the U.S and Argentina over Europe's slow approval of GM crops and foods. The list of issues named in CETA of "mutual interest" to be raised for "cooperation and information exchange" mirror those agreed to after the WTO dispute.

## **“SHARED OBJECTIVE” TO MINIMIZE REGULATION**

CETA names biotechnology regulation is a barrier to trade with the “shared objective” to “minimize adverse trade impacts of regulatory practices related to biotechnology products” (2d).

Two specific priorities are named (2b and 2c):

1. Low Level Presence (LLP): LLP is a priority for Canada. The text explicitly notes “cooperating internationally on issues related to biotechnology such as low level presence of genetically modified organisms” (2c). The policy of “Low Level Presence” is a step towards eliminating safety regulation of GM foods. LLP would mean that Europe would agree to accept a percent of GM contamination in food from Canada, even when the GM food in question is not yet approved by European regulators as safe for human consumption (overturning “zero-tolerance” for such contamination). Canada has drafted its own domestic LLP policy that would ask Canadians to accept contamination from GM food not yet approved by Canada’s health regulators.
2. Science-based Regulation: The note of “promoting efficient science-based approval processes for products of biotechnology”(2b) refers to the industry’s need for GMOs to be regulated without any democratic process. The “science-based” regulation of GMOs in Canada is one where socio-economic considerations are excluded and there are no consultations with farmers or consumers.

## **IMPLICATIONS**

The list of issues and this “shared objective” suggest the following possibilities:

- Canada will flag GM product applications that it wants Europe to approve
- Canada and Europe will discuss how to support the future of the entire sector, including through changes to regulation
- Canada will pressure Europe to approve GM products at the same time as Canada (to avoid asynchronous approvals)
- Canada will pressure Europe to accept GM contamination as “Low Level Presence” of GM foods not yet approved in Europe.
- Canada will pressure Europe to make its regulation of biotechnology faster and more flexible
- Canada and Europe will resist the inclusion of any socio-economic considerations in regulation and exclude consultations or other public process.

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