

August 20, 2014

Mr. Tonio Borg  
Member of the European Commission  
BERL  
200 Rue de la Loi  
B-1049 Belgium

Dear Commissioner Borg,

The undersigned U.S. agriculture organizations are deeply concerned about the European Commission's failure to authorize new biotechnology products for import and food and feed processing at the end of July.

There are currently nine products (soy, maize, rapeseed, cotton) for food and feed import which have received positive European Food Safety Authority (EFSA) opinions and completed the comitology process. The time required for EU decisions on new biotech crops has only lengthened in recent years and no authorizations have been issued since November 2013. Some of the products have been before the European Commission since the end of 2013 and were submitted to EFSA more than five years ago.

Several of these products are already being commercialized under stewardship programs in the U.S. and elsewhere, and failure to approve them at the meeting of the College of Commissioners in September will increase the risk of trade disruptions during the coming months. Such disruptions would lead to feed shortages and price increases which would adversely affect many European industry sectors, including producers, processors, traders, feed producers, and the European livestock industry, as well as EU consumers.

We ask the European Union to respect its obligations under the WTO to make timely regulatory decisions on new biotechnology applications and urge the College of Commissioners to authorize the nine import dossiers at its meeting in September.

Yours sincerely,

Agricultural Retailers of America  
American Farm Bureau Federation  
American Seed Trade Association  
American Society of Sugar Beet Technologists  
American Soybean Association  
American Sugarbeet Growers Association  
Beet Sugar Development Foundation  
Biotechnology Industry Organization

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Corn Refiners Association  
National Association of Wheat Growers  
National Corn Growers Association  
National Grain and Feed Association  
National Oilseed Processors Association  
North American Export Grain Association  
U.S. Beet Sugar Association  
U.S. Canola Association  
U.S. Grains Council  
U.S. Soybean Export Council  
U.S. Wheat Associates

cc: Mr. Jose Manuel Barroso, President of the European Commission  
Mr. Karel De Gucht, Member of the European Commission  
Mr. Dacian Cioloș, Member of the European Commission  
Ms. Catherine Day, Secretary-General of the European Commission

August 20, 2014

The Honorable Michael Froman  
United States Trade Representative  
600 17<sup>th</sup> Street, N.W.  
Washington, D.C. 20508

Dear Ambassador Froman:

The undersigned U.S. agriculture organizations are deeply concerned about the continuing failure of the European Union to comply with its obligations under the World Trade Organization (WTO) to make timely regulatory decisions on applications for crops developed through agricultural biotechnology. Currently, authorization for import is pending for nine biotech events, each having received a positive opinion from the European Food Safety Authority (EFSA) and completed the comitology process. If the College of Commissioners meetings in September do not act on these applications, we urge you to explore all options, including initiating a process to convene a WTO compliance panel.

In 2006, a WTO panel found that the EU's biotech regulatory process was not meeting its own timelines for reviewing and acting on applications for the importation and use of biotech products, and that this failure represented an effective moratorium on new approvals. Since then, and despite consistent findings of no human, animal or environmental risk by EFSA, the EU has repeatedly delayed decisions on these products. Any further delay in approval will give rise to the realistic concern that the European Union has reinstated a de facto moratorium on new agricultural biotechnologies, explicitly contravening the findings of the 2006 WTO panel, which the EU accepted.

The time required for EU decisions on new biotech crops has only lengthened in recent years. The last time the European Commission approved a biotech crop event was in November 2013. We are deeply disappointed that the College of Commissioners failed to approve the pending applications for import during its July meetings. Unless it approves these applications at the meetings scheduled in September, the risk of disruption of U.S. crop exports will increase significantly. Given the transition to a new College of Commissioners this fall, there may be limited opportunities to approve the pending list of biotech events before January 2015.

We ask that the Administration, at the highest level, immediately contact EU Commission President Barroso to ensure that action on the nine pending events awaiting import approval is taken when the Commission meets in September. If the EU continues to refuse to act on these applications in September, we ask that you consider referring this matter to a WTO compliance panel under Article 21.5 of the WTO Dispute Settlement Understanding, based on the findings of the previous WTO panel.

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We look forward to your reply, and would welcome the opportunity to discuss this matter with you further.

Sincerely yours,

Agricultural Retailers of America  
American Farm Bureau Federation  
American Seed Trade Association  
American Society of Sugar Beet Technologists  
American Soybean Association  
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