



INSTITUTE FOR AGRICULTURE AND TRADE POLICY

TTIP and synthetic biology: Trade in products of modern biotechnology

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Exploring the Future Governance of Synthetic
Biology and New Genetic Engineering Techniques

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Trans Atlantic Consumer Dialogue on trade in food derived from “modern biotechnology”

- TACD, alliance of about 80 U.S. and European consumer organizations, develops agreed policy resolutions
- No policy resolution yet on synthetic biology
- Resolution on the proposed TTIP SPS chapter includes recommendations on a likely TTIP “Trade in Products of Modern Biotechnology” article
- http://tacd.org/wp-content/uploads/2015/01/TACD-Resolution-TTIP-SPS_-GREEN_revo216.pdf
- This presentation: derived from the TACD TTIP SPS resolution-- does not represent TACD on synthetic biology or genome editing

“Trade in Products of Modern Biotechnology” in the Transpacific Partnership Agreement (TPP)

- TACD forced to use TPP as a proxy for U.S. TTIP SPS positions, due to USTR non-disclosure of negotiating texts
- TPP article on GMOs in “National Treatment [NT] Market Access and Access for Market Goods” chapter (Article 2.29)
- Disputes about “Low Level Presence” of GMOs unapproved in the importing country to be decided on NT terms
- TPP standard of evidence for use in risk assessments: “reasonably available and relevant scientific data” (Article 7.9.5)
- TACD resolution assumes that U.S. will propose TPP-like GMO provisions for the TTIP

Five reasons not to include a TPP-like trade in GMOs article in the TTIP

1. Disputes over “Low Level Presence” of GMOs to be decided on NT terms, a frequent criterion in Investor-State arbitration
2. “Reasonably available and relevant scientific data” standard allows GM product developers to classify data as Confidential Business Information, preventing scientific peer review
3. Regulatory Cooperation “early warning system,” to prevent all “regulatory actions” that are not proven as “least trade restrictive,” applies to all GM products, including synbio products
4. Ex ante cost benefit analysis applied to prevent SPS regulation
5. U.S. non-compliance with EC TTIP proposal (Article 3) to provide adequate resources to implement SPS chapter; e.g. failure to fund U.S. Grain Inspection Service re LLP shipment prevention