

**TRANS-PACIFIC PARTNERSHIP AGREEMENT**  
**CANADA PROPOSAL FOR ADDITIONAL PROVISIONS ON**  
 **BIOTECHNOLOGY**

**May 14, 2013**

Derived From: Classification Guidance  
dated March 4, 2010

Reason: 1.4(b)

Declassify on: Four years from entry into force  
of the TPP agreement or, if no  
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## [ANNEX ON] BIOTECHNOLOGY


### ARTICLE XX.1: GENERAL OBJECTIVES

The Parties confirm their shared objectives of protecting human, animal or plant life or health or environment and:



- (a) facilitating the trade of products of biotechnology;
- (b) providing greater transparency in regulatory processes affecting the import and export of products of biotechnology;
- (c) addressing the issue of low-level presence in order to minimize disruptions to trade of agricultural commodities resulting from situations of low-level presence in imports and exports; and,
- (d) exchanging information on policy and technical issues of common interest related to the trade of products of biotechnology.

### ARTICLE XX.2: SCOPE

1. These provisions apply to measures of a Party related to products of biotechnology, as defined in this [Annex] that may, directly or indirectly, affect trade.
2. Nothing in this [Annex] shall prevent a Party from adopting measures in accordance with its rights and obligations under the WTO TBT and SPS Agreements. 

### ARTICLE XX. 3: DEFINITIONS

For the purposes of this [Annex]:



**Biotechnology** means the process of altering animal and plant material through in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles.



**Low level presence** means the low level of recombinant-DNA (rDNA) not authorized by an importing Party that may, on occasion, be unintentionally present in shipments from an exporting Party where the rDNA plant material has been authorized for food use in accordance with the Codex Guideline for the conduct of Food Safety Assessment of Foods Derived from Recombinant-DNA Plants (CAC/GL 45-2003).



#### ARTICLE XX.4: TRANSPARENCY IN DECISION-MAKING

Each Party shall:

- (a) make publicly available documentation requirements for completing an application for the authorization of a product of biotechnology; and,
- (b) make publicly available, where available, a summary of the assessment that has led to the authorization of a product of biotechnology, as well as the list of products of biotechnology that are authorized for commercial use in its territory.

#### ARTICLE XX.5: LOW LEVEL PRESENCE

1. Parties shall identify contact points for the sharing of information on domestic approaches and policies to manage situations of LLP.
2. In the event that LLP is found in a shipment, the importing Party shall:
  - a) without undue delay, inform the importer or its representative of the situation and of additional information which may be required to contribute to a Party's decision on the status of that shipment;
  - b) ensure that the measures applied are the least trade restrictive, reflect the risk posed by the shipment, and are necessary to achieve compliance with domestic regulations and policies; and,
  - c) consistent with their regulations and laws and at the request of a Party, provide data and information related to the risk assessment, detection method and, where available, reference material for relevant biotechnology plant material.
3. Where a Party maintains an approval system that includes expiration of approval after a prescribed period, that Party shall not prohibit the import and marketing of a shipment containing LLP solely on the basis that the approval has expired.

## ARTICLE XX.6: INFORMATION EXCHANGE

1. The Parties hereby establish a working group on biotechnology under the [Sub-Committee on Agriculture]<sup>1</sup>, comprised of representatives of each Party responsible for biotechnology-related matters.
2. The working group shall provide a forum to:
  - a) exchange information on issues related to biotechnology including, *inter alia*, low level presence of biotechnology plant material, trade impacts related to asynchronous approvals of products of biotechnology, and new breeding techniques; and,
  - b) further enhance cooperation among Parties in light of their mutual interest to prevent and eliminate unnecessary barriers to trade, enhance the climate for competitiveness, and promote transparent, efficient and effective regulatory and policy environment through the promotion of information exchange and enhanced use of best practices.



The working group on biotechnology shall be convened when agreed by Parties. The working group may meet in person, or by any other means as mutually determined by Parties.

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<sup>1</sup> This reference will be subject to agreement on the establishment of a Sub-Committee on Agriculture under to National Treatment and Market Access Chapter.