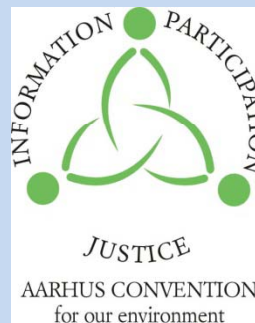


The Aarhus Convention and GMOs

Lucerne, 25 April 2009



The Aarhus Convention and GMOs

- What is the Aarhus Convention?
- What rights does it currently give for GMOs?
- What new rights will the 2005 GMO Amendment give?
- What is needed for the GMO Amendment to come into force?
- Reminder about 2002 Lucca Guidelines on GMOs

What is the Aarhus Convention?

- Convention on access to information, public participation in decision-making and access to justice in environmental matters
- Has 42 Parties and entered force in October 2001
- Depending on country's constitution, either direct effect or must be implemented through legislation
- Places obligation on public authorities to ensure rights
- Expressly covers information and decisions on GMOs
- Neither for or against GMOs

What rights does the Convention give on GMOs?

Right to information

- Information on GMOs expressly within definition of “environmental information”
- Right to information on GMOs on request
- Public authorities to collect information and make available without request
- Without interest having to be stated, in form requested, as soon as possible or at latest within one month, limited grounds for refusal to be interpreted in a restrictive way, reasonable charges, refusal in writing

What rights does the Convention give on GMOs?

Public participation in GMO decisions

- Currently, Parties must apply the Convention's public participation requirements on decisions on whether to permit the deliberate release of GMOs into the environment *to the extent feasible and appropriate*
 - article 6, paragraph 11
- Reasonable timeframes, early public participation when all options are open, opportunity for comments, due account of public participation
 - article 6

What rights does the Convention give on GMOs?

Access to justice regarding GMOs

- For a refused request for information
- For impairment of a right provided under the national law regarding public participation in decisions on deliberate release
- To challenge an act or omission by private persons or public authorities which contravenes national environmental law
- Adequate and effective remedies, fair, equitable, timely and not prohibitively expensive, decisions made public

What new rights will the GMO amendment give?

- Applies to decisions on deliberate release and placing on the market
- In accordance with modalities in annex I bis, each Party shall provide for early and effective information and public participation
- A reasonable timeframe in order to give the public an adequate opportunity to express an opinion on proposed decisions
- Some possible exceptions
 - For deliberate release, if another such release in comparable bio-geographical conditions approved by Party and sufficient experience gained
 - For placing on market, if already approved by Party or if intended for research or future culture collection

What new rights will the GMO amendment give?

- Summary of notification to obtain authorization and assessment report, where available, to be made public in an adequate, timely and effective manner
- In no case can following information be confidential:
 - General description of GMO, name and address of applicant, intended use, and if appropriate, location of release
 - Methods and plans for monitoring and emergency response
 - Environmental risk assessment
- Must ensure transparency of decision-making procedures
- Must endeavour to take due account of outcome of public participation
- Text of decision and reasons to be released

What is needed for the GMO amendment to enter force?

- When ratified by “at least three fourths of the Parties who were party to the Convention at the time of the adoption of the amendment”
- 35 Parties to Convention when adopted at MOP2 in 27 May 2005 ($\frac{3}{4} \times 35 = 27$)
- Needs 27 of those Parties to ratify
- Currently 18 of those Parties have ratified – **9 more!**

2002 Lucca Guidelines on GMOs

- Non-binding examples of good practice
- Most far-reaching and detailed instrument on GMOs e.g. covers contained use
- Still a valuable guidance tool for the future

Thank you!

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