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ECONOMIC COMMISSION FOR EUROPE

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

REPORT OF THE SECOND MEETING OF THE PARTIES

Addendum

DECISION II/1

GENETICALLY MODIFIED ORGANISMS

adopted at the second meeting of the Parties
held in Almaty, Kazakhstan, on 25-27 May 2005

The Meeting of the Parties,

Recognizing the importance of further developing the application of the Convention to decisions on whether to permit the deliberate release of genetically modified organisms (GMOs) through applying inter alia more precise provisions than those set out in article 6, paragraph 11, of the Convention,

Recalling its decision I/4,

Acknowledging the varying practical needs of the Convention's Parties and Signatories, in particular those with economies in transition, in relation to the development and implementation of national biosafety frameworks, including their needs for stronger provisions on public participation,

Recognizing the need to cooperate with other international organizations and forums, in particular the Cartagena Protocol on Biosafety, with a view to maximizing synergy and avoiding duplication of effort, inter alia through encouraging the exchange of information and further collaboration between the secretariat of the Convention and that of the Cartagena Protocol,

Calling upon all Parties and Signatories to the Convention to ratify or to accede as appropriate to the Cartagena Protocol, as this provides an opportunity to develop a national biosafety framework, including risk assessment and decision-making procedures involving public participation, and to facilitate participation in capacity-building programmes, particularly in the context of the relevant United Nations Environment Programme/Global Environment Facility project,

Believing that, notwithstanding developments in other forums, the Aarhus Convention provides an appropriate international framework for further developing access to information, public participation and access to justice with respect to GMOs,

Supporting the continued use of the Guidelines on Access to Information, Public Participation and Access to Justice with respect to Genetically Modified Organisms (MP.PP/2003/3), which it adopted as a non-binding, voluntary instrument,

Noting the activities and reports of the Working Group on Genetically Modified Organisms,

1. Adopts the amendment to the Convention set out in the annex to this decision;
2. Encourages Parties to ratify, accept or approve the amendment at the earliest opportunity and to apply it to the maximum extent possible pending its entry into force;
3. Also encourages Parties to renew their efforts to implement the Guidelines; and
4. Resolves to review progress in the ratification, acceptance and approval of the amendment and the implementation of the Guidelines at its third meeting.

Annex

AMENDMENT TO THE CONVENTION

Article 6, paragraph 11

For the existing text, substitute

11. Without prejudice to article 3, paragraph 5, the provisions of this article shall not apply to decisions on whether to permit the deliberate release into the environment and placing on the market of genetically modified organisms.

Article 6 bis

After article 6, insert a new article reading

Article 6 bis

PUBLIC PARTICIPATION IN DECISIONS ON THE DELIBERATE RELEASE INTO THE ENVIRONMENT AND PLACING ON THE MARKET OF GENETICALLY MODIFIED ORGANISMS

1. In accordance with the modalities laid down in annex I bis, each Party shall provide for early and effective information and public participation prior to making decisions on whether to permit the deliberate release into the environment and placing on the market of genetically modified organisms.
2. The requirements made by Parties in accordance with the provisions of paragraph 1 of this article should be complementary and mutually supportive to the provisions of their national biosafety framework, consistent with the objectives of the Cartagena Protocol on Biosafety.

Annex I bis

After annex I, insert a new annex reading

Annex I bis

MODALITIES REFERRED TO IN ARTICLE 6 BIS

1. Each Party shall lay down, in its regulatory framework, arrangements for effective information and public participation for decisions subject to the provisions of article 6 bis, which shall include a reasonable time frame, in order to give the public an adequate opportunity to express an opinion on such proposed decisions.
2. In its regulatory framework, a Party may, if appropriate, provide for exceptions to the public participation procedure laid down in this annex:

- (a) In the case of the deliberate release of a genetically modified organism (GMO) into the environment for any purpose other than its placing on the market, if:
- (i) Such a release under comparable bio-geographical conditions has already been approved within the regulatory framework of the Party concerned; and
 - (ii) Sufficient experience has previously been gained with the release of the GMO in question in comparable ecosystems;
- (b) In the case of the placing of a GMO on the market, if:
- (i) It was already approved within the regulatory framework of the Party concerned; or
 - (ii) It is intended for research or for culture collections.
3. Without prejudice to the applicable legislation on confidentiality in accordance with the provisions of article 4, each Party shall make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release into the environment or the placing on the market of a GMO on its territory, as well as the assessment report where available and in accordance with its national biosafety framework.
4. Parties shall in no case consider the following information as confidential:
- (a) A general description of the genetically modified organism or organisms concerned, the name and address of the applicant for the authorization of the deliberate release, the intended uses and, if appropriate, the location of the release;
 - (b) The methods and plans for monitoring the genetically modified organism or organisms concerned and for emergency response;
 - (c) The environmental risk assessment.
5. Each Party shall ensure transparency of decision-making procedures and provide access to the relevant procedural information to the public. This information could include for example:
- (i) The nature of possible decisions;
 - (ii) The public authority responsible for making the decision;
 - (iii) Public participation arrangements laid down pursuant to paragraph 1;
 - (iv) An indication of the public authority from which relevant information can be obtained;

- (v) An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments.

6. The provisions made pursuant to paragraph 1 shall allow the public to submit any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release, including placing on the market, in any appropriate manner.

7. Each Party shall endeavour to ensure that, when decisions are taken on whether to permit the deliberate release of GMOs into the environment, including placing on the market, due account is taken of the outcome of the public participation procedure organized pursuant to paragraph 1.

8. Parties shall provide that when a decision subject to the provisions of this annex has been taken by a public authority, the text of the decision is made publicly available along with the reasons and considerations upon which it is based.