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ECONOMIC COMMISSION FOR EUROPE

COMMITTEE ON ENVIRONMENTAL POLICY

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

Working Group on Genetically Modified Organisms
(Second meeting, Geneva, 18 – 20 February 2002)

**DRAFT DECISION ON GENETICALLY MODIFIED ORGANISMS
FOR ADOPTION BY THE MEETING OF THE PARTIES**

Prepared by the secretariat in consultation with the Bureau

The Meeting,

Recalling paragraph 15 of the resolution of the Signatories to the Convention, in which they requested the Parties, at their first meeting, to further develop the application of the Convention to deliberate releases of genetically modified organisms by means of inter alia more precise provisions,

Recalling also the decision of the Committee on Environmental Policy, upon the recommendation of the Meeting of the Signatories, to establish first a task force and then a working group on genetically modified organisms,

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Noting with approval the activities and reports of both the task force and the working group,

Believing that article 6, paragraph 11, of the Convention is insufficiently clear as to the extent and the situations in which the remaining provisions of article 6 should be applied to decision-making on deliberate releases of GMOs,

Believing also that more precise provisions on the contained use of GMOs and the placing on the market and labelling of GMO products are required,

Mindful of the high level of public concern around issues related to genetically modified organisms,

Noting the rapid pace of scientific and technological development in this field, the degree of uncertainty in the risk assessment of GMOs and the consequent need to adopt a precautionary approach,

Believing that, notwithstanding significant developments under other regional or international instruments or organizations such as the Cartagena Protocol on Biosafety, the Codex Alimentarius Commission and the European Union, which have been taken into account in the work on GMOs under the Aarhus Convention, access to information, public participation and access to justice in the field of GMOs need to be further strengthened at the international level,

Recognizing that strengthening the application of the Convention to genetically modified organisms may be achieved through both binding and non-binding measures,

1. Adopts the Guidelines on Access to Information, Public Participation in Decision-making and Access to Justice with respect to Genetically Modified Organisms ([document reference]);

2. Resolves to keep the Guidelines under review and amend them as necessary and to explore the need for complementing the Guidelines by a more detailed handbook;

[OPTION I: establishment of a working group to prepare a draft amendment for the second meeting of the Parties:]

3. Establishes the Working Group on Genetically Modified Organisms to prepare a draft for appropriate amendments to the Convention in accordance with the mandate set out in the annex to this decision [to be completed] for possible adoption at the second meeting of the Parties, taking into account the work undertaken by the Working Group on Genetically Modified Organisms established by the Committee on Environmental Policy.

[OPTION II: amendment of the Convention at the first meeting of the Parties:]

3. Adopts the following amendments to the Convention:

Article 6

Delete paragraph 11.

Annex I

Paragraph 19

At the end insert a new paragraph reading

The following activities involving genetically modified organisms (GMOs):

- (a) The deliberate release of a GMO 1/ [, except if:
 - (i) Such a release [in the same location and] under comparable conditions has already been approved using a public participation procedure conforming to the requirements of article 6, paragraphs 2 to 10; or
 - (ii) Sufficient experience 2/ has been gained with the release of this GMO];
- (b) The placing of a GMO on the market 3/ [, except if:
 - (i) It was originally authorized using a public participation procedure conforming to the requirements of article 6, paragraphs 2 to 10, and the authorization needs to be renewed; or
 - (ii) It is intended for research or for culture collections];
- (c) The contained use of a genetically modified micro-organism (GMM), 4/ except if:
 - (i) It is not foreseen in large-scale industrial installations;
 - (ii) It does not involve a GMM belonging to risk category 2, 3 or 4;
 - (iii) Contingency plans are not deemed necessary for the use of the GMM in a facility; and
 - (iv) The GMM has already been used [in the same location and] under comparable conditions and been approved using a public participation procedure conforming to the requirements of article 6, paragraphs 2 to 10;
- (d) The contained use of a GMO other than a GMM, 5/ except if:
 - (i) Contingency plans are not deemed necessary for the use of the GMO in a facility; and
 - (ii) The GMO has already been used [in the same location and] under

comparable conditions and been approved using a public participation procedure conforming to the requirements of article 6, paragraphs 2 to 10.

and renumber the remaining paragraphs accordingly.

Paragraph 21

For paragraphs 1-19 substitute paragraphs 1-20

Notes

1/ For the purposes of this Convention, ‘deliberate release of a GMO’ means any intentional introduction into the environment of a GMO, or a combination of GMOs, for which no specific containment measures are used to [limit][prevent] its contact with and to provide a high level of safety for the general population and the environment.

2/ [Text to define ‘sufficient experience’ to be based on annex V to EU directive 2001/18/EC on the deliberate release into the environment of GMOs.]

3/ For the purposes of this Convention, ‘placing on the market’ means making available to third parties, whether in return for payments or free of charge.

4/ For the purposes of this Convention, ‘contained use of a GMM’ means any activity in which a micro-organism is genetically modified or in which such a genetically modified micro-organism is cultured, stored, transported, destroyed, disposed of or used in any other way, and for which specific containment measures are used to [limit][prevent] its contact with the general population and the environment.

5/ For the purposes of this Convention, ‘contained use of a GMO other than a GMM’ means any activity in which an organism that is not a micro-organism is genetically modified or in which such a genetically modified organism is cultured, stored, transported, destroyed, disposed of or used in any other way, and for which specific containment measures are used to [limit][prevent] its contact with the general population and the environment.