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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  
(Third meeting, Geneva, 17 – 19 June 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 recognized the importance of applying the provisions of the Convention to deliberate releases of genetically modified organisms (GMOs) into the environment and requested the Parties, at their first meeting, to further develop the application of the Convention by means of inter alia more precise provisions, 1/

Recalling also the decisions 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 GMOs, 2/

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1/ ECE/CEP/43/Add.1/Rev.1

2/ CEP/WG.5/1999/2, para. 66, CEP/WG.5/2000/2, para. 35, ECE/CEP/69, para. 14, and ECE/CEP/74, para. 30.

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 does not provide clarity with regard to the situations in which and the extent to 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 access to information, public participation and access to justice with respect to the contained use of GMOs and the placing on the market and labelling of GMO products, either of a mandatory or of a recommendatory nature, are required,

Mindful of the high level of public concern around issues related to genetically modified organisms and the need to strengthen public confidence in GMO-related decision-making processes,

Noting the rapid pace of scientific and technological development in this field, the potential for lack of scientific certainty in assessing the risks posed by GMOs and the consequent need to adopt a precautionary approach,

Noting also relevant developments under other regional and international instruments and 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 to date with a view to maximizing synergy and avoiding duplication of effort,

Believing that, notwithstanding those developments, the Convention provides a unique international framework for further developing access to information, public participation and access to justice in the field of GMOs,

Recognizing that further developing the application of the Convention to GMOs may be achieved through both binding and non-binding measures,

1. Adopts the Guidelines on Access to Information, Public Participation and Access to Justice with respect to Genetically Modified Organisms ([document reference]) and recommends their use by all Parties as a non-binding, voluntary instrument;

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 build upon the preparatory work undertaken by the Working Group on Genetically Modified Organisms established under the authority of the Committee on Environmental Policy and specifically to prepare a draft for an appropriate amendment to the Convention for possible adoption at the

second meeting of the Parties. The amendment shall aim to further develop the requirements for public participation in decision-making on deliberate releases of GMOs, including placing on the market, and on certain types of contained use of GMOs. The Working Group shall take into account:

- (a) The work undertaken by the Working Group on Genetically Modified Organisms established by the Committee on Environmental Policy;
- (b) The Guidelines on Access to Information, Public Participation and Access to Justice with respect to GMOs and any experience acquired therewith;
- (c) Relevant work being undertaken in other international forums, having in mind the need to avoid duplication and promote synergies.

**[OPTION II: establishment of a working group to explore the necessity and options for pursuing the legally binding approach and prepare a decision for the second meeting of the Parties:]**

3. Establishes the Working Group on Genetically Modified Organisms to build upon the preparatory work undertaken by the Working Group on Genetically Modified Organisms established under the authority of the Committee on Environmental Policy and specifically to explore the necessity and options for further developing the application of the Convention in the field of GMOs through a legally binding approach for consideration by the Parties at their second meeting. The options under consideration shall be designed to further develop the requirements for public participation in decision-making on deliberate releases of GMOs, including placing on the market, and [may aim to further develop the requirements for public participation in decision-making] on certain types of contained use of GMOs. The Working Group shall take into account:

- (a) The work undertaken by the Working Group on Genetically Modified Organisms established by the Committee on Environmental Policy;
- (b) The Guidelines on Access to Information, Public Participation and Access to Justice with respect to GMOs and any experience acquired therewith;
- (c) Relevant work being undertaken in other international forums, having in mind the need to avoid duplication and promote synergies.

**[OPTION III: 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 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 facility 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 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 payment 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 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 its contact with the general population and the environment.