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

(First meeting, Lucca, Italy, 21-23 October 2002)
(Item 5 (b) of the provisional agenda)

**DRAFT DECISION I/4
GENETICALLY MODIFIED ORGANISMS**

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/

Noting with appreciation the activities and reports of both the Task Force and the Working Group,

Believing that article 6, paragraph 11, of the Convention leaves a wide margin of discretion as to the extent to which the remaining provisions of article 6 should be applied to decision-making on deliberate releases of GMOs,

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

Believing also that more precise provisions on access to information, public participation and access to justice with respect to GMOs, either of a mandatory or of a recommendatory nature, are required,

Mindful of the 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 and the need to adopt a precautionary approach where there is a lack of scientific certainty regarding the potential adverse effects of GMOs,

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 the most appropriate 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 (MP.PP/2002/7) 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;
3. Establishes the Working Group on Genetically Modified Organisms to examine and build upon the preparatory work undertaken by the Working Group on Genetically Modified Organisms established under the authority of the Committee on Environmental Policy regarding the possible legally binding options, including a draft amendment of the Convention. Specifically, the Working Group shall further explore what the options are for a legally binding approach to further developing the application of the Convention in the field of GMOs, including through possible instruments, to select the most appropriate options, to develop them and to put them forward for possible decision and, if appropriate, adoption 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 will consider developing the requirements for public participation in decision-making on certain cases of contained use of GMOs. The Working Group shall take into account:
 - (a) The Guidelines on Access to Information, Public Participation and Access to Justice with respect to GMOs and any experience acquired therewith and with the Convention;

- (b) Relevant work being undertaken at the national level and in other international forums, having in mind the need to avoid duplication and promote synergies; and
 - (c) The specific needs and situations of various countries;
4. Urges all Parties to contribute to the work of the Working Group and invites Signatories and other States, as well as relevant intergovernmental and non-governmental organizations, to take part in and contribute to this work; and
 5. Welcomes the offer of Austria to chair the Working Group.