

**Second Joint Aarhus Convention/Cartagena Protocol on Biosafety
Global Round Table on public awareness, access to information and public participation regarding
genetically/living modified organisms**
Geneva, 15-17 November 2016

**PUBLIC AWARENESS, ACCESS TO INFORMATION AND PUBLIC PARTICIPATION WITH
REGARDS TO GENETICALLY MODIFIED ORGANISMS/LIVING MODIFIED ORGANISMS:
OVERVIEW OF IMPLEMENTATION OF THE AARHUS CONVENTION AND THE
CARTAGENA PROTOCOL ON BIOSAFETY**

Background paper

Prepared by the secretariats of the Aarhus Convention and of the Cartagena Protocol on Biosafety

This document contains a compilation of relevant information extracted from reports and documents prepared by the secretariat to the Aarhus Convention and the Secretariat of the Convention on Biological Diversity, which services the Cartagena Protocol on Biosafety, as well as information provided by Parties to both treaties. The first section includes a summary of the challenges identified by Parties in their national reports. The second section includes extracts from the synthesis report submitted to the fifth session of the Meeting of the Parties to Aarhus Convention held in Maastricht, the Netherlands, 30 June to 2 July 2014¹. The third section includes extracts from the reports on the implementation of the Aarhus Convention with regards to genetically modified organisms (GMOs), including the amendment on public participation in decisions on deliberate release into the environment and placing on the market of genetically modified organisms (Almaty Amendment on GMOs) provided in the national implementation reports² submitted by Parties to the Convention in the 2005, 2008, 2011 and 2014 reporting cycles. The fourth section contains an extract from the analysis of the status of implementation of the Programme of Work on Public Awareness, Education and Participation concerning the safe transfer, handling and use of living modified organisms in the context of article 23 of the Cartagena Protocol on Biosafety submitted to the eighth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety.³

Delegates are invited to consult this document in advance of the meeting in order to gain an overview of the status the implementation of the Aarhus Convention and the Article 23 of the Cartagena Protocol on Biosafety in the context of LMOs/GMOs and challenges encountered by Parties in order to discuss priorities for future work.

¹ Available at: http://www.unece.org/env/pp/aarhus/mop5_docs.html#/

² Available at: <http://apps.unece.org/ehlm/pp/NIR/index.asp>

³ Available at: <https://www.cbd.int/doc/meetings/bs/mop-08/official/bs-mop-08-15-en.pdf>

Contents

	Page
I. Summary table of reporting on obstacles encountered in the implementation of articles 5 and 6 (including art. 6 bis and annex I bis) of the Aarhus Convention and further information on information on the practical application of the provisions of article 6bis and annex I bis	3
II. Extracts from the Synthesis Report presented to the Aarhus Convention Meeting of the Parties at its fifth session (ECE/MP.PP/2014/6).....	6
A. Procedural aspects of the fourth reporting cycle	6
B. Thematic Review of Implementation	6
C. Collection and dissemination of environmental information (article 5 of the Convention)	6
D. Genetically modified organisms	7
E. Conclusions of the synthesis report	8
III. Extracts from the national implementation reports on access to information, public participation and access to justice with regards to genetically modified organisms	9
IV. Status of implementation of the Programme of Work on Public Awareness, Education and Participation concerning the safe transfer, handling and use of living modified organisms in the context of article 23 of the Cartagena Protocol on Biosafety	33

I. Summary table of reporting on obstacles encountered in the implementation of articles 5 and 6 (including Art 6 bis and Annex I to art 6 bis) of the Aarhus Convention

Symbols used in table:

X = The Party included information on obstacles encountered in the implementation of articles 5, 6 and 6 bis with regard to GMOs in that reporting cycle (questions 12, 16, 34 and 35 of the reporting format respectively)

— = The Party did not report on obstacles encountered in the implementation of articles 5, 6 and 6 bis with regard to GMOs in that reporting cycle (questions 12, 16, 34 and 35 of the reporting format respectively)

Not Party⁴ = The Party was not party to the Convention or did not ratify the amendment at the time of the reporting cycle

Party	Article 5				Article 6				Art 6 bis and Annex 1 bis		
	2005	2008	2011	2014	2005	2008	2011	2014	2008	2011	2014
Albania	X	X	-	-	-	X	-	X	Not Party	Not Party	Not Party
Armenia	X	X	X	-	X	X	X	-	Not Party	Not Party	Not Party
Austria	Not Party	-	-	-	Not Party	-	-	-	Not Party	-	-
Azerbaijan	-	-	-	-	X	X	-	-	Not Party	Not Party	Not Party
Belarus	-	-	-	-	X	-	X	-	Not Party	Not Party	Not Party
Belgium	-	X	-	X	-	-	X	-	Not Party	-	-
Bosnia and Herzegovina	Not Party	Not Party	X	X	Not Party	Not Party	X	X	Not Party	X Not Party	-
Bulgaria	-	-	-	-	-	-	-	-	-	-	-
Croatia	Not Party	-	X	X	Not Party	-	X	X	Not Party	Not Party	Not Party
Cyprus	-	X	-	-	-	-	-	-	Not Party	-	-
Czech Republic	X	X	X	X	X	X	X	X	Not Party	-	-

⁴ According to Article 20 of the Convention “for each State or organization which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or organization of its instrument of ratification, acceptance, approval or accession”. Therefore, for each reporting cycle in this table, only those States or organizations that deposited their instrument of ratification, acceptance, approval or accession 90 days before to the deadline for submission of National Implementation Reports, are treated as Parties (i.e. 24 October 2004 for the first reporting cycle, 14 September 2007 for the second, 8 September 2010 for the third and 1 October 2013 for the fourth cycle). For the first reporting cycle, the deadline for submission of reports was 24 January 2004, for the second cycle, it was 14 December 2007, for the third cycle it was 8 December 2010 and for the fourth cycle it was 30 December 2013.

Denmark	-	-	-	-	-	-	-	-	-	-	-	-
Estonia	-	-	X	X	-	-	X	X	Not Party	-	-	-
European Union	Not Party	-	-	X	Not Party	-	-	-	Not Party	-	-	-
Finland	-	-	-	-	-	-	-	-	Not Party	X	X	-
France	X	X	X	X	X	X	X	X	Not Party	Not Party	-	-
Georgia	X	X	X	X	X	X	X	X	Not Party	Not Party X	X	-
Germany	Not Party	-	-	X	Not Party	-	-	-	Not Party	-	-	-
Greece	Not Party	X	X	X	Not Party	X	X	X	Not Party	Not Party	Not Party	-
Hungary	X	X	X	-	-	X	X	X	Not Party	-	-	-
Iceland*	Not Party	Not Party	Not Party	-	Not Party	Not Party	Not Party	-	Not Party	Not Party	Not Party	-
Ireland*	Not Party	Not Party	Not Party	X	Not Party	Not Party	Not Party	-	Not Party	Not Party	-	-
Italy	X	X	X	X	X	X	X	X	Not Party	-	-	-
Kazakhstan	X	-	X	X	X	-	X	X	Not Party	X Not Party	X Not Party	-
Kyrgyzstan	X	X	X	-	X	X	X	-	Not Party	Not Party	Not Party	-
Latvia	X	X	X	X	X	X	X	X	Not Party	X	X	-
Lithuania	X	-	-	X	X	-	-	X	-	X	X	-
Luxembourg*	Not Party				Not Party							
Malta	-	-	-	-	-	X	-	X	Not Party	Not Party	Not Party	-
Montenegro	Not Party	Not Party	X	X	Not Party	Not Party	X	X	Not Party	Not Party	Not Party	-
Netherlands	X Not Party	X	X	X	Not Party	-	-	-	Not Party	-	-	-
Norway	-	-	-	-	-	-	-	-	Not Party	-	-	-

Poland	-	X	X	X	X	X	X	X	Not Party	-	-
Portugal	X	-	-	X	X	-	-	-	Not Party	-	-
Republic of Moldova	X	-	-	-	X	-	-	-	Not Party	-	-
Romania	X	-	X	X	X	-	X	X	Not Party	-	-
Serbia	Not Party	Not Party	X	X	Not Party	Not Party	X	X	Not Party	Not Party	Not Party
Slovakia	Not Party	-	X	X	Not Party	-	-	X	Not Party	-	-
Slovenia	X	X	X	X	-	-	-	X	Not Party	-	-
Spain	Not Party	-	X	X	Not Party	-	X ⁵	X	Not Party	-	X
Sweden	Not Party	-	-	-	Not Party	-	-	-	Not Party	-	-
Tajikistan	X	-	-	X	X	-	-	X	Not Party	Not Party	Not Party
The former Yugoslav Republic of Macedonia	-	X	X	-	-	X	X	-	Not Party	Not Party	Not Party
Turkmenistan	X	-	-	-	X	-	-	-	Not Party	Not Party	Not Party
Ukraine	X	-	-	-	X	-	-	-	Not Party	Not Party	Not Party
United Kingdom	Not Party	-	-	-	Not Party	-	-	-	Not Party	-	-

⁵ Answer extracted from questions 20 and 21 regarding Article 7.

*Denotes countries which did not provide National Implementation Reports

II. Extracts from the synthesis report on the status of implementation of the Convention presented to the Aarhus Convention Meeting of the Parties at its fifth session⁶

A. Procedural aspects of the fourth reporting cycle

13. The revised reporting format for the 2014 reporting cycle was set out in the annex to decision IV/4. In addition to the questions answered by Parties in the previous reporting cycle, by decision IV/4 the MOP obliged Parties to provide answers to questions on implementation of its previous recommendations on issues arising from compliance matters considered by the Aarhus Convention Compliance Committee, as well questions on genetically modified organisms (GMOs). The Parties were invited to use the Guidance on Reporting Requirements prepared by the Compliance Committee.⁷ The secretariat also provided training on fourth reporting cycle at the sixteenth meeting of the Working Group of the Parties (Geneva, 19–21 June 2013), including a demonstration on how to use the new online reporting tool.⁸

14. Two thirds of the Parties followed the format for NIRs set out in the annex to decision IV/4. A few Parties failed to include questions concerning GMOs (questions 32–36) and compliance issues (question 37), namely: Albania (questions 32–36); the Netherlands, Slovakia and Tajikistan (questions 33–36); Armenia, Denmark and Estonia (questions 36); Ukraine (37). Question 37 on follow-up on compliance matters is particularly relevant for Ukraine, which was requested by MOP decision IV/9h to report on compliance with the recommendations of the Compliance Committee in that regard (see also para. 203 below).⁹

B. Thematic review of implementation

Promotion of the application of the principles of the Convention in international environmental decision-making processes (article 3, paragraph 7)

60. The United Kingdom funded a study on public participation and the Cartagena Protocol of Biosafety to the CBD.

C. Collection and dissemination of environmental information (article 5 of the Convention)

105. Parties from the EU and Norway described their legislative provisions and practices aimed at disseminating sufficient product information to consumers, while a few countries in Eastern Europe, the Caucasus and Central Asia and SEE reported on basic legal regulations and practices on this issue. A few Parties from Eastern Europe, the Caucasus and Central Asia and SEE mentioned that producers were required to inform consumers about GMOs in products and food (e.g., Serbia, Kazakhstan, Kyrgyzstan and Ukraine). Sweden has a national system of certified environmental product declarations to ensure readily accessible, quality-assured and comparable information on the environmental impact of products and services. France requires operators of passenger, goods or removals transport services to notify users about the quantity of carbon dioxide emissions for their services.

⁶ The numbering of paragraphs follows the original document. Document (ECE/MP.PP/2011/7) is available from: http://www.unece.org/fileadmin/DAM/env/pp/mop4/Documents/ece_mp.pp_2011_7_eng.pdf

⁷ ECE/MP.PP/WG.1/2007/L.4, available from <http://www.unece.org/index.php?id=24470>.

⁸ See ECE/MP.PP/WG.1/2013/2, para. 31, available from <http://www.unece.org/env/pp/aarhus/wgp16.html>.

⁹ More information is available on the Compliance Committee web page dedicated to follow-up on decisions of the Meeting of the Parties by individual Parties (<http://www.unece.org/env/pp/ccimplementation.html>).

D. Genetically modified organisms

190. Decision II/1 on GMOs (i.e., the GMO amendment) was adopted by the MOP at its second session (Almaty, Kazakhstan, 25–27 May 2005). As of 1 April 2014, 28 Parties, including the EU, have ratified, accepted or approved the amendment.¹⁰ However, the amendment will only enter into force when three fourths of the Parties that were Parties at the time the amendment was adopted have ratified, approved or accepted it. Thus, the GMO amendment is not yet in force.

191. Parties that have ratified the GMO amendment are bound to work towards its implementation. At the same time, these Parties are also bound by article 6, paragraph 11, which remains binding and in force until the entry into force of the amendment, including new article 6 bis and annex 1 bis.

192. By decision IV/4 the revised reporting format was endorsed, incorporating the requirement for Parties to report on the implementation of article 6 bis.

(a) Deliberate release of GMOs (Article 6, paragraph 11)

193. Parties reported that their legislative rules on the application of article 6, paragraph 11, stayed the same as in the previous reporting period. Parties from Eastern Europe, the Caucasus and Central Asia and SEE that have not ratified the GMO amendment are obliged to implement the public participation provisions of article 6 concerning decisions whether to permit deliberate release of GMOs into the environment. Parties briefly reported on legislative measures in place, the development of legislation and procedures for public participation during decision-making on GMOs. Ukraine, *inter alia*, mentioned the necessity to conduct a State ecological expertise as a prerequisite for State registration of GMOs, during which public participation has to be organized. Georgia reported on the development of a draft Law on GMOs.

194. Parties from the EU and Norway subregion reported on amendments to their legislation in order to transpose relevant EU legislation which is in line with the GMO amendment. During the reporting period their legislation and practice basically remained the same. Some Parties reported on the operation of special bodies tasked with permitting powers in the sphere of GMOs and on the launch and operation of electronic tools for distribution of information concerning GMOs or facilitation of public participation procedures. For example, Lithuania launched a GMO information system under the responsibility of the Ministry of Environment to arrange posting of publicly available information on the use of GMOs and their products for access by all interested persons.

France provided a list of web resources where the opinions of two GMO assessment bodies are archived: the High Council for Biotechnologies and the National Agency for Food, Environment and Workplace Safety. The Bulgarian national report contains information on the operation of the Advisory Commission on GMOs to the Minister of Environment and Water. Hungary reported that representatives of environmental, health protection and consumer protection civil society organizations participate in the work of the Gene-technological Advisory Committee responsible for providing opinions concerning GMO authorization.

195. Parties reported that consultations on applications for placing GMOs on the market are considered at the EU level and are publicly available online.

196. Several Parties did not fill in responses regarding legislation on the application of article 6, paragraph 11 (e.g., Azerbaijan, Greece, Italy, Latvia, Norway, Republic of Moldova, Slovenia and Spain), and a few entered the same information as under question 33 (e.g., Sweden). Albania, the Czech Republic and Tajikistan failed to provide any information on GMOs.

¹⁰ At the time of preparing this report the number of Parties to the GMO amendment had risen to 30. As of November 2016, the Amendment had still not entered into force as it required 3 ratifications from the remaining 11 countries that were Parties to the Convention at the time of adoption of the amendment.

(b) Public participation in decisions on the GMOs (Article 6 bis and annex I bis)

197. The EU countries and Norway¹¹ and the Republic of Moldova have ratified the GMO amendment and are thus obliged to work towards its implementation. During the reporting period Ireland ratified the GMO amendment and reported on its implementation for the first time. Parties from the EU and Norway reported on the legislative framework related to the implementation of the GMO amendment which is in line with the relevant EU laws governing GMOs, in particular: Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of GMOs and repealing Council Directive 90/220/EEC (GMO Directive); and Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed. These Parties' reported that their provisions on access to information and public participation in decision-making on GMOs are consistent with the GMO amendment to the Convention.

198. National legislation of the Parties from the EU and Norway remained largely the same during the reporting period. Parties provided very detailed descriptions of legislative provisions implementing article 6 bis and annex I bis of the Aarhus Convention (e.g., Finland, Hungary, Ireland, Latvia, Lithuania, Norway, Romania, Slovenia and Spain). Denmark mentioned the adoption of a statutory order on the approval of the deliberate release of GMOs, defining public authorities responsible for GMO issues, in 2012.

199. Parties from Eastern Europe, the Caucasus and Central Asia reported on legislative initiatives in the field of GMOs (e.g., Armenia, Azerbaijan, Georgia, Kazakhstan and Kyrgyzstan), including plans to ratify the GMO amendment (e.g., Ukraine).

200. As to the practice, the EU reported that the European Commission has dealt with only one request concerning the GMO decision-making process. Many Parties also mentioned the absence of any practice of decision-making on GMOs (e.g., Austria, Belarus, Bulgaria, Estonia and Latvia). Wide consultations performed in Latvia during 2009–2013 resulted in the decisions of 103 administrative territories to ban the cultivation of genetically modified crops.

201. Several obstacles were mentioned by Parties and NGOs in relation to the implementation of the GMO amendment. Finnish NGOs complained that, in a departure from its practice in previous terms of operation, the Board for Gene Technology does not include any NGO representatives in its current term (2010–2015). Latvia highlighted an absence of easy-to-understand and impartial information on GMOs. Spain, in its report, explained the difficulties in distinguishing between confidential information and information protected by intellectual property rights. Georgia reported it lacked accredited laboratories, qualified staff and information on the methodology of risk assessment in the area of GMOs.

E. Conclusions of the synthesis report

233. As the GMO amendment has not been ratified by most of the Parties from Eastern Europe, the Caucasus and Central Asia and SEE, these provisions of the Aarhus Convention are not sufficiently implemented.

The way forward

234. Based on the analysis of the synthesis report it is advisable for the Parties to:

[...]

(f) Ratify the GMO amendment and the Protocol on PRTRs as soon as possible, adapt the legislative framework to the requirements of these instruments and ensure the institutional and technical framework for the implementation of these instruments at the national level;

¹¹ As Switzerland only ratified the Aarhus Convention and the GMO amendment on 4 March 2014, the country has not reported in the present cycle.

III. Extracts from the national implementation reports¹² on access to information, public participation and access to justice with regards to genetically modified organisms

Armenia

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2014

Armenia has not yet ratified the GMO amendment to the Aarhus Convention. The Ministry of Environmental Protection developed and sent to the National Assembly of Armenia a draft law "On the biosafety of genetically modified organisms", which basically reflects the requirements of the Almaty additions and the Cartagena Protocol.

Austria

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2014

There are no cases of deliberate releases of GMOs, hence to obstacles could be encountered.

Year: 2011

There are no cases of deliberate releases of GMOs, hence to obstacles could be encountered.

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year 2014

See above: since there are no cases at the national level, there are no statistics.

Year: 2011

¹² Available from: <http://apps.unece.org/ehlm/pp/NIR/qwery.asp?LngIDg=EN>

See above: since there are no cases at the national level, there are no statistics.

Azerbaijan

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2014

No obstacles were encountered in the implementation of any of the provisions of article 6 bis and annex I bis.

Year: 2011

66. No obstacles were encountered in the implementation of any of the provisions of article 6 bis and annex I bis.

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2014

A book on biosafety has been published to inform the public. Round tables, surveys and seminars have been held, and articles have been published in the media.

Year: 2011

67. A book on biosafety has been published to inform the public. Round tables, surveys and seminars have been held, and articles have been published in the media.

Belarus

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2014

In Belarus, there were no cases of reports to the relevant authorities on the deliberate release into the environment and placing on the market of genetically modified organisms

Year: 2011

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information

available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year 2014

In the absence of any reports on the deliberate release into the environment and placing on the market of genetically modified organisms in the Republic of Belarus is not the practice of public participation in decision-making on activities with GMOs

Belgium

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2014

None

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

See <http://www.ogm-ggo.be>

Bosnia and Herzegovina

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

LoGMO BiH was adopted in 2009, however, the implementing regulations foreseen by this Law and aimed at regulating more precisely specific aspects of the permit issuance procedures for deliberate discharge of GMO in the environment and for the placing of GMOs on the market have still not been adopted.

Year: 2014

Up until the drafting of this report there was not a single request for issuing approvals for releasing GMOs on the market. Accordingly, no obstacles were identified.

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information

available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

So far, four laboratories in BiH have been authorised and activities to authorise additional laboratories are continuing. The GMO Council has been successfully established and the drafting of by-laws has started. It is important to stress that the Law on GMOs that covers the subject-matter was adopted only recently, therefore there are still initial problems regarding its full implementation.

Year: 2014

See XXXIV. Also, the responsible bodies address the inquiries made by the public regarding GMOs, even though there are no specific records on this matter. Furthermore, the responsible bodies are making efforts in raising awareness on GMOs.

Bulgaria

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

123. There are no obstacles in implementation.

Year: 2014

There are no obstacles in implementation.

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

124. There is no practice in applying the requirements of Art. 6 bis and Annex I bis of the Convention. Public electronic registers were created in compliance with the legislation.

Year: 2014

There is no practice in applying the requirements of Art. 6 bis and Annex I bis of the Convention. Public electronic registers were created in compliance with the legislation.

Czech Republic

16 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.

Year: 2005

The above-mentioned Acts do not adequately stipulate the way in which public comments should be addressed. This could make, and often makes, public participation a mere formality, e.g. in the discussion of land-use plans. Pursuant to the Convention, all comments should be published and it should be stated whether they have been taken into account or why they were not.

There are also shortcomings in the early notification to the public and in the definition, identification and targeting of the public concerned by the administration. The public concerned is the one with an interest in the results of decision-making and which it can be assumed would participate in consultations and the subsequent permitting procedure, as appropriate. In practice, the failure to directly address the general public results in reduced public participation.

Article 6 of the Convention provides for two ways of informing the general public: by public notice or individually. A public notice involves the dissemination of specific information to the general public through the ordinary information media. For the purposes of this provision, a public notice is considered to be adequate if it is as a minimum specifically targeted to the affected public. The Convention requires that the notice be delivered to all members of the public concerned early in the decision-making process.

NGOs (rather than the public in general) benefit from full participation in the decision-making process, which is applicable in the following cases:

- Processes that are subject to section 70 of Act No. 114/1992 Coll. on the Protection of Nature and Landscapes (associations or their organizational units, whose main objective according to their constitution is nature conservation and landscape protection);
- Processes that are subject to section 23, para. 9, of Act No. 100/2001 Coll. on Environmental Impact Assessment, as amended (the “locally competent unit of an association or generally beneficial company, whose activities aim to protect public interests pursuant to special regulations”);
- Proceedings for the issuing of integrated permits pursuant to Act No. 76/2002 Coll. on Integrated Prevention (“associations, generally beneficial companies, employers or economic interests unions, whose activities aim to enforce and protect professional or public interests pursuant to special regulations”);
- Administrative proceedings held pursuant to Act No. 254/2001 Coll. on Water (associations, whose objective under their constitution is to protect the environment).

The full participation of other entities (individuals, municipalities, unorganized members of the public) is generally governed by section 14, para. 1, of the Code of Administrative Procedure. Thus, parties to the proceedings are all persons whose rights, duties or interests (on the basis of the ownership title) are or could be affected, or who declare their interest, unless this interest is disproved – provided, however, that there is no special regulation applicable to this issue. This is particularly true for processes pursuant to the Construction Code and the Mining and Atomic Acts.

In proceedings on land use, construction, delimitation of the mining area and permitting mining activities, the circle of participants includes the investor, owners of the affected properties, the municipality and those who are stipulated as such in special laws (in general, section 70 of the Act on the Protection of Nature and Landscapes, No. 114/1992 Coll. or section 23, para. 9, of the Act on Environmental Impact Assessment).

In other proceedings, such as those on the establishment of protected deposit areas and those pursuant to the Atomic Act, the investor is the sole participant.

Legal shortcomings related to the Aarhus Convention

The fact that there is no uniform regulation for public participation in proceedings that have an impact on the environment allows for various interpretations regarding which law should be applied to the proceedings, thereby precluding public participation. For instance, forest management authorities rely on the absence of public participation requirements in the Forest Act to undertake in practice proceedings without public participation, even in cases where dozens of non-forest trees are to be felled and where the Act on the Protection of Nature and Landscapes should be applied.

Practical shortcoming in relation to consultative participation (EIA)

- Since they have no obligation to do so, parties submitting project proposals are not motivated to initiate an early dialogue with the general public;
- There are no guidelines or standards to ensure the quality of the relevant information;
- There are no clear procedures for addressing public comments;
- There is no control mechanism for supervising the way in which the public administration takes account of public comments;
- Adequately targeting the public concerned is neglected in practice.

Practical shortcomings in relation to full participation

The wording of the provisions on public participation gives discretion to the authorities to interpret the law regarding the involvement of associations in proceedings (e.g. on the basis of the interpretation of local competence or substantive specification of the application) and regarding which law should apply to the proceedings.

General requests by associations to be informed of all initiated proceedings with an impact on the environment are frequently neglected by the authorities, which conclude that, in the given proceedings, the interests of nature conservation and landscape protection would not be affected.

There are constant political efforts to limit public participation in decision-making.

Changes in the regulation of public participation adopted in 2003-2004

1. Following repeated attempts to substantially limit or entirely omit Section 70 of the Act on the Protection of Nature and Landscapes, an amendment was approved with effect from 28 April 2004 pursuant to which requests by associations for information on proceedings that have been initiated are valid only for one year and must be substantively and locally specified.

2. According to NGOs, the last and, unfortunately, successful direct attack against the principle of public participation in “environmentally meaningful” proceedings and procedures consisted in the approval of the new Act No. 78/2004 Coll. on the Management of Genetically Modified Organisms and Genetic Products. Not only does the Act entirely cancel the possible participation of associations in proceedings on permitting individual management of GMOs and the right of NGOs to nominate their representatives to the Czech Commission for the Management of GMOs (an advisory body to the MoE), but, departing from both the Act on the Right to Information on the Environment and EU Directive 2003/4/EC of 28 January 2003 on public

access to environmental information, it even limits the right of the general public to information on the management of GMOs. The Government has already approved an amendment to the relevant law resolving the problem, which is currently being discussed by the Chamber of Deputies.

3. Act No. 22/2004 Coll. on Local Referendum entered into effect in 2004. It incorporated a fundamental change that ultimately limits public participation in the administration of public matters, namely the newly regulated electoral turnout required for the validity of a referendum. The participation of at least one half of the authorized persons registered on the lists for a given municipality, city ward or statutorily divided city is required for the validity of a local referendum. Particularly in large cities, but also in city wards, such a turnout is difficult to achieve.

4. In December 2003, a vast majority of the members of the Chamber of Deputies present voted to adopt the Act on the Construction of Motorways and High-Speed Highways, which was thereby forwarded for second reading. The authors anticipate that the Act will accelerate the construction of a network of motorways in the Czech Republic. To this end, public participation is supposed to be limited and the purchasing or expropriation of properties for line structures accelerated, in disregard with the constitutional rights of the owners of properties on the routes of the planned highways. Furthermore, the Draft Act declares certain motorways as public interest structures and stipulates their location, thereby avoiding a professional evaluation of the economically and environmentally most advantageous location. It is currently being discussed again in the Chamber of Deputies.

Related provisions

1. The amendment to section 43 of the Act on the Protection of Nature and Landscapes introduced a provision to the effect that all exemptions in specially protected areas are permitted by the Government. However, the proceedings should be held pursuant to the Code of Administrative Procedure where the Government is not an administrative body. Currently, the Government is considering a procedure whereby applications for an exemption would be submitted to the MoE and then probably decided upon through a resolution of the Government. However, there is no remedy against a Government resolution and it would thus obtain an instrument to rule out all associations and to satisfy all proposals that were previously unacceptable.

2. Another Member of Parliament (MP) initiative limiting the standard of environmental protection, as well as, indirectly, public participation in decision-making, concerned the Water Act. The MPs excluded, inter alia, the application of the Act on the Protection of Nature and Landscapes to cases of “remedying damage to watercourses caused by floods”, and thus substantially extended the number of cases that are subject to an exemption from the ban on creating barriers to the movement of fish and aquatic fauna in the modification of watercourses. The remedying of damage can cover a number of absolutely non-functional construction modifications of mountain watercourses, whose objective is merely to transfer State funds to construction companies.

3. The motion submitted by the MP and former Minister of Transport in the context of the discussion on the Inland Navigation Act was aimed at entirely repealing the relevant provisions of the Act on the Protection of Nature, i.e. the rules on nature conservation in national parks, reserves and protected landscape areas in relation to watercourses of international importance. Consequently, construction would in all cases automatically be given priority over nature conservation, and the right of the general public to be involved in the permitting process would also be substantially reduced. This was another example of a “custom made law”, whose objective was to ensure a smooth permitting procedure for waterworks construction on the Elbe. The Chamber of Deputies approved this Draft, but, fortunately, the Senate canceled its worst sections with the support of the current Government.

4. The Chamber of Deputies has approved the Code of Administrative Procedure, which contains a number of provisions limiting public participation. The control of the performance of the public administration is reduced particularly by the proposed limitation of the scope of review of decisions within appellate proceedings. According to the draft, the appellate body should review the validity of the decision only within the scope of objections stated by the party to the proceedings in its appeal. This will fundamentally affect those persons who choose not to use a lawyer and to write the appeal themselves, where they fail to specify an error in the original decision (although apparent and fundamental). In this case, it would not be possible to cancel an incorrect decision and return the case for new discussion. Furthermore, in a number of cases, the authority will be able to exclude the suspensory effect of the appeal.

The possibility to deposit a document not only at the post office but also at the given authority itself (even where it is located at hundreds of kilometers from the place of residence of the party) should also be mentioned with respect to the limitations put on parties' rights. In practice, this will mean that a party might not ever have knowledge of a decision concerning him or her.

The right of the authority to stipulate that a group of parties "with identical interests" (as evaluated by the authority itself) shall have a joint representative in the proceedings is absolutely scandalous. The authority can thus prevent the individual parties from defending their rights themselves and in fact deprive them of full participation in the proceedings.

Recent drafts

From the point of view of public participation, the Draft Construction Code constitutes another disputable law, particularly with respect to the concept of a public representative for participation in the approval of land-use documents. Pursuant to section 24, para. 2, the general public may participate in processes under the Construction Code (in fact, only with respect to land-use planning) through a public representative. Such a representative shall be authorized by at least one tenth of the inhabitants of a municipality with less than 2,000 inhabitants or at least 200 inhabitants of any other relevant municipality. By stipulating the minimum number of citizens, the Code limits public participation in proceedings held pursuant to it. While every person may lodge his or her comments, a decision will be made only on the basis of comments from the public representative and from a party or municipality. Thus, the land-use planning body will need to adopt a decision only on the basis of such comments. This decision is not made according to the Code of Administrative Procedure and is not subject to appeal; however, it may be subject to court review (section 25).

The Draft Construction Code also amends a number of other laws, where it reduces the possibility of public participation in the land-use planning process. For instance, the Clean Air Act should expressly stipulate that the consent of the air protection body regarding the location of a structure shall in no case be issued within administrative proceedings.

The updating of Act No. 100/2001 Coll. on Environmental Impact Assessment is the only positive example, since its amendment included SEA and public participation procedures.

Denmark

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information

available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

There are no statistics on hearings. There are no cases where there has not been public participation. As earlier stated it is implemented in the regulation that there shall be public hearings.

Year: 2014

As earlier stated it is implemented in the regulation that there shall be public hearings.

Estonia

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

No licences for release into environment or marketing of GMOs have been issued in Estonia. Therefore it is impossible to speak of obstacles or experiences in this area. Still, the representatives of NGOs participate in the Gene Technology Committee where the EU applications for the marketing permits are assessed. Annually, approximately twenty applications for licences are assessed.

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

See # 34

Year: 2014

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European Union

16 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6.
Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.

Year: 2014

To date, Commission services have dealt with only one request concerning the GMO decision making process, without any problem being encountered.

As outlined above, the Commission launched the revision of the EIA Directive in order to bring the Directive more into line with recent case-law developments.

Finland

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

160. No significant obstacles have been encountered in the implementation, but the accuracy of publishing the cultivation site data has been discussed at the national and EU level on account of vandalism of field experiments.

Year: 2014

168. No significant obstacles have been encountered in the implementation, but the accuracy of publishing the cultivation site data has been discussed at the national and EU level on account of vandalism of field experiments.

169. During its round of comments, the Finnish Association for Nature Conservation pointed out that unlike in previous terms, the Board for Gene Technology has not included an NGO representative during its current term (2010–2015).

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

161. Public comments on field experiment applications are stored in the national gene technology register in connection with the applications and they are available to the public. No actual statistical analyses have been made on them. In a product approval procedure at the EU level, public comments are also stored in connection with the applications.

Year: 2014

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made on them. In a product approval procedure at the EU level, public comments are also stored in connection with the applications.

Georgia

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

The lack of appropriate accredited testing laboratories and qualified staff; Scarcity of information about the methodology of risk assessment related to products and raw food materials containing GMOs. It is reasonable to establish a Coordination Council for improvement of the activities and better coordination of relevant agencies.

Year: 2014

Lack of appropriate accredited testing laboratories and qualified staff; scarcity of information about the methodology of risk assessment related to products and raw food materials containing GMOs.

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

The draft law on GMOs has been developed that is in compliance with the principles of the Aarhus Convention. At present, the Decree #2-231 (December 11, 2009) of the Minister of Agriculture of Georgia on the Approval of Additional Requirements for Food Labeling (Article 9 – labeling of Genetically Modified Food Products) defines only the obligation to inform the public if the food contains genetically modified components (putting appropriate information on a label in accordance with defined rules) that enables the public to make decision on the purchase of food products. The non-governmental sector is involved in awareness raising of the public. The National Centre for Monitoring and Scientific Research of Manufacturing of GMO Products was established. Representatives of the NGO sector participate in conferences and meetings related to the given issues.

Year: 2014

Updated version of the draft law on live GMOs has been elaborated, which is in compliance with the principles of the Aarhus Convention. The draft law was published on the website of the National Service of Food Safety, Veterinary and Plant Protection and was disseminated among relevant state agencies for consideration. Currently the process of analyzing of received comments is under way. The Decree #2-231

(December 11, 2009) of the Minister of Agriculture of Georgia on the Approval of Additional Requirements for Food Labeling (article 9 – labeling of Genetically Modified Food Products) stipulates for only the obligation of informing of the public if the food contains genetically modified components (putting appropriate information on a label in accordance with defined rules) that enables the public to make decision on the purchase of food products. The Decree of the Government of Georgia of July 30 of 2013 approves of the rules of bioproduction. The document defines labeling of food products sold on the market as “bio”, “eco”, “organic”, “ecologically clean” product, which provides to the consumers information on healthy food products. The non-governmental sector is involved in the process of informing the public. The National Centre for Monitoring and Scientific Research of Manufacturing of GMO Products was established. Representatives of NGO sector participate in conferences and meetings related to the given issues.

Germany

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS. Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

http://www.bvl.bund.de/cln_027/nn_495478/DE/06__Gentechnik/gentechnik__node.html__nnn=true

BVL database on GMO releases:

http://www.bvl.bund.de/cln_007/nn_491808/DE/06__Gentechnik/04__Freisetzungen/02__Beschr__Freisetzungsvo_rhaben/gentechnik__freisetzungen__beschreibung__node.html__nnn=true

BVL location register on release and cultivation of GMOs:

http://apps2.bvl.bund.de/stareg_web/showflaechen.do

- Information of the European Commission:

http://ec.europa.eu/food/food/biotechnology/authorisation/index_de.htm

- Biosafety Clearing-House (BCH) of the Cartagena Protocol on Biosafety::

<http://bch.cbd.int/>

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS. Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2014

Decisions concerning the placing on the market of GMOs are taken in an EU-wide approval procedure and apply for all the EU Member States. In this respect, public participation is governed by Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified

food and feed and Directive 2001/18/EC of 12 March 2001 on the deliberate release into the environment of genetically modified organisms. The competent authorities of all the EU Member States are involved in the approval procedures. The Federal Office of Consumer Protection and Food Safety (BVL) is the competent German authority. Opinions on applications to place GMOs on the market and decisions concerning experimental releases are issued by the BVL, inter alia in consultation with the Federal Agency for Nature Conservation (BfN), the Federal Institute for Risk Assessment (BfR) and the Robert Koch Institute (RKI). The Julius Kühn Institute – Federal Research Centre for Cultivated Plants (JKI) – and other participating authorities submit their opinions to the BVL.

All releases of GMOs applied for in Germany are recorded in a database and made available in an overview by the BVL. A site register administered by the BVL records the precise locations of sites on which GMOs are released or cultivated. The aim of the site register is to improve the observation of possible undesirable impacts on the environment, as well as human and animal health. At the same time, the public is to be informed in order to guarantee transparency and coexistence.

Iceland

33 LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6 BIS AND ANNEX I BIS.

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe: (a) With respect to paragraph 1 of article 6 bis and: (i) Paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis; (ii) Paragraph 2 of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception; (iii) Paragraph 3 of annex I bis, measures taken to 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 or placing on the market of such genetically modified organisms, as well as the assessment report where available; (iv) Paragraph 4 of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential; (v) Paragraph 5 of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example: a. The nature of possible decisions; b. The public authority responsible for making the decision; c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis; d. An indication of the public authority from which relevant information can be obtained; e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments; (vi) Paragraph 6 of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market; (vii) Paragraph 7 of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis; (viii) Paragraph 8 of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based; (b) With respect to paragraph 2 of article 6 bis, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Year: 2014

Iceland has not signed or ratified the GMO amendment. However Iceland has through the EEA Agreement implemented Directive 2001/18/EC on GMO.

Ireland**35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS**

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2014

In accordance with Article 15 of the Genetically Modified Organisms (Deliberate Release) Regulations 2003 (S.I. No 500 of 2003), an applicant proposing to release a GMO into the environment (for example a GM crop field trial or certain categories of medical trials) is required to place an advertisement in a newspaper 'circulating in the area of the proposed deliberate release' informing the public of the proposed release. This advertisement must invite members of the public to make representations to the EPA in relation to the proposed release.

www.epa.ie/pubs/advice/gmo/Public%20Representations.pdf

The EPA has a policy of publishing details of such licensing applications, including applications details, the advertisement, the consultation process responses, extracts from the deliberations concerned and the decision itself on the Agency website. Recent examples include:

www.epa.ie/licensing/gmo/fieldtrial/

www.epa.ie/licensing/gmo/vettrial/

www.epa.ie/licensing/gmo/haeb/

Other reports and publications concerning GMOs are publically available free of charge on the Environmental Protection Agency's website.

Italy

16 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 Describe any obstacles encountered in the implementation of any of the paragraphs of article 6.

Year: 2005

There has been a demand from NGOs for binding public consultation at local level on any proposed cultivation or production of GMOs.

Year: 2008

101. One regional environmental association has lamented cases of late public participation in the sector of AIA-IPPC (due to late public information by Ilva-Taranto on its request for AIA).

102. The MoE has also received complains on late public participation in cases of regassification plants. The construction of this kind of plants is very recent and then not yet subject to EIA procedures nor subject to article 6 of the Convention. Nonetheless, the MoE has already prepared a draft legal act to make regassification plants subject to EIA.

103. There has been a demand from NGOs for binding public consultation at the local level on any proposed cultivation or production of GMOs.

Year: 2011

It has to be noted that following the entry into force of legislative decree 128/2010 now also the regassification plants are subject to EIA procedure (including applicable provisions on public participation).

There has been a demand from NGOs for binding public consultation at local level on any proposed cultivation or production of GMOs.

Kazakhstan

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

229. The environmental requirements for the production and use of GMOs and GMPs are laid out in Articles 195, 248, 281 and 282 of the Environmental Code. Under Article 282 of the Code, users of natural resources are obliged to use labelling to notify consumers of any foodstuffs or animal feed produced from GMOs. The Code does not fix a level (in percentage terms) for the GMO content of products and makes labelling compulsory for all products containing, consisting of, or produced from GMOs, without exception.

Year: 2014

Information on activities with GMOs are not included in the list of information published on the website of MEP, whose powers include the responsibility for the formation and maintenance of public information resources. In order to further the implementation of paragraphs 6-8 of Art.5 of AC, the Regulation of the MEP is necessary to fix the obligation to establish and maintain a publicly accessible information resource on activities with GMOs in the territory of the RK, including information on the subject of economic and other activities in the field of GMO turnover, the list of GMOs that have received permission to be placed on the market of RK as a product or as part of the product, the risk assessment of GMOs and (or) the effects on human health and the environment, genetic modification of the object, the severity of any adverse effects on the environment and / or human health effects that may be caused by the unintentional release of GMOs or lack of appropriate measures to eliminate the danger.

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

231. In order to improve public awareness of the issues around GMOs, a section of the Aarhus Centre web portal has been designed on current GMO developments, which contains general information on GMOs, along with the Food Safety Act and the Almaty Amendments adopted at the Second Meeting of Parties on 25-27 May 2005 in Almaty.

233. The Ministry of Health has adopted Rules for the registration of genetically modified food sources, and the Ministry of Education and Science has begun to develop a technical programme to regulate marketing of GMOs. About USD 10 million from the national budget for 2008-2010 has been allocated for this. In 2008, there were plans to set up five laboratories to identify genetically modified food sources as part of the network of laboratories of the sanitary and disease prevention service. The Ministry of Health fully supports the introduction of a moratorium on the production of foodstuffs using GMOs until adequate facilities have been put in place to study them. Under Government Decision No. 959 on the complex of measures to develop the biofuels market of 17 October 2007, the Akims (governors) of provinces and the Ministry of Agriculture will, every year until 2010, develop a complex of measures to prevent the sowing of genetically modified seeds.

Year: 2014

The National Centre for Biotechnology has developed a draft Act on the State Regulation of Genetic Engineering. The main purpose of the draft law is to institute state regulation of genetic engineering and to regulate genetically modified organisms produced by modern biotechnology. In order to coordinate genetic engineering, the draft law creates a National Commission on Genetic Engineering under the Ministry of Education and Science. The Commission will include representatives of the state bodies concerned and scientists. The draft law will also set out procedures to permit activities using genetically modified organisms, their registration, conditions for export and import, classification of risk levels, and general requirements for genetic engineering. On 13 August 2010, a round table discussion on Prospects for the Development of an Environmentally-sound Food Industry was organized by the Aarhus Centre to discuss the issue of environmental labeling. Art.14 (1) of the Law "On protection of citizens' health regulates free receiving from government agencies and organizations of reliable information about the factors that influence health, including the state of the environment.

Kyrgyzstan

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2014

296. The structure of the national site to fulfill the country's obligations under the Cartagena Protocol has been completed and the site functions as the national node of the central Clearing-House of the Cartagena Protocol on Biosafety. Content upload is underway.

297. In 2008-2009, a series of trainings on the Biosafety Clearing-House were conducted with the participation of all interested parties.

298. Currently, in Kyrgyzstan there are no projects being implemented with the Secretariat of the Convention on Biological Diversity relating to the implementation of the Cartagena Protocol on Biosafety, or other official projects related to the handling of GMOs.

Year: 2011

288. The structure of a national website to fulfil the country's obligations under the Cartagena Protocol has been developed as the national node of the central BCH portal. The site is being populated.

289. In 2008-2009 a range of training events were held on the BCH. All interested parties took part.

35. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6-BIS AND APPENDIX I-BIS

Year 2014*:

299. <http://aarhus.nature.kg>, <http://bch.cbd.int>, <http://kg.biosafetyclearinghouse.net>

Latvia

12 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5 Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

Year: 2005

- Insufficient access to modern information technologies in rural areas.
- No unified system of providing environmental information services has been established so far, however actions have been taken to establish one. An international project was started to improve the environmental information system and to establish an environmental information and education center in Latvia.
- Information is not always understandable to the public.
- The most difficult environmental terms, parameters and measurements are not sufficiently explained.
- Often raw data are included in databases, which makes them difficult to understand for the public.
- Insufficient financial, material, technical and intellectual resources for the development of the environmental information system.
- Representatives of the public indicate that due to the lack of resources State and municipal authorities do not gather certain kinds of environmental data. It has also been pointed out that data are lacking on the spread of genetically modified products in Latvia, as they are not properly labelled and control is performed randomly.

- Insufficient and ineffective information exchange between State authorities and municipalities, as well as unreliable access to it on a local level through electronic media.
- Other institutions (non-environmental institutions) have not duly implemented the requirements for access to environmental information.
- Representatives of the public indicate that not all municipal legislative documents are easy to access for the public (for example, not all the information is available on municipal home pages).
- Public representatives also indicate that no institutional system is established at the national level to promote environmentally friendly choices. At the moment it is mostly positive information that is provided, contributing to the implementation of eco-labelling, but there is no process to ensure the labelling of environmentally hazardous groups of products indicating their environmental impact.

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

288. The public not always is provided with sufficient and easy-to-perceive information on the availability on the market of food products containing GMOs, consisting of or produced from them. For example, the relevant information is difficult to read on the product labelling, not always the products have been placed separately.

289. Impartial information from independent experts on environmental risks arising from particular GMOs is not available.

290. Decisions on placing on the market are taken at the EU level, thus hampering effective public participation.

Year: 2014

313. The public not always is provided with sufficient and easy-to-perceive information on the availability on the market of food products containing GMOs, consisting of or produced from them. For example, the relevant information is difficult to read on the product labelling, not always the products have been placed separately.

314. Impartial information from independent experts on environmental risks arising from particular GMOs is not available.

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Year: 2011

291. To date Latvia has applied precautionary principle in relation to the living GMOs. In 2008 the MOE started a three-month electronic opinion survey on the topic “Pro or contra GMOs in Latvia”. 37440 respondents participated in the survey and the results clearly demonstrated that the public in Latvia is against genetically modified food and would like to see Latvia as a GMO-free area.

292. A local government may set a prohibition by issuing binding rules for the cultivation of genetically modified crops in the relevant administrative territory or in a particular territory thereof upon its own initiative or on the basis of a proposal of the public, duly informing the public and consulting therewith in advance of adoption of the said rules. (GMO Law, Article 22.)

293. From 1 December 2009 till 8 December 2010 96 administrative territories (of the whole 109) on the basis of public consultation adopted decision on the ban of cultivation of genetically modified crops.

294. A map and list of local governments which have banned cultivation of genetically modified crops is available at the websites of the MOE and the Ministry of Agriculture,

295. The MOE has provided organizational and informative support to NGOs in organizing seminars, conferences, press conferences and other events regarding GMOs.

296. On 16 June 2009 an informative seminar – discussion “GMOs – risks and benefits” was organized by the Ministry of Agriculture.

297. When developing the Latvian position on decisions regarding permissions of GMOs to be decided at the EU level the responsible institution (Ministry of Agriculture) sends the position for discussion, inter alia, to a special working group where environmental NGOs are also represented.

298. No applications for permits have been received by Latvian authorities regarding release into the environment or placing on the market of GMOs. Consequently, no practical application of the provisions on public participation in such decisions has occurred.

Year: 2014

316. A local government may set a prohibition by issuing binding rules for the cultivation of genetically modified crops in the relevant administrative territory or in a particular territory thereof upon its own initiative or on the basis of a proposal of the public, duly informing the public and consulting therewith in advance of adoption of the said rules. (GMO Law, Article 22.)

317. From 1 December 2009 till 1 July 2013 103 administrative territories (of the whole 110) on the basis of public consultation adopted decision on the ban of cultivation of genetically modified crops.

318. A map and list of local governments which have banned cultivation of genetically modified crops are available at the websites of the MEPRD and the State Plant Protection Service.

319. The MEPRD has provided organizational and informative support to NGOs in organizing seminars, conferences, press conferences and other events regarding GMOs.

320. No applications for permits have been received by Latvian authorities regarding release into the environment for experiments and placing on the market of GMOs.

321. The association “Zemes draugi” (Friends of the Earth) has contributed to public participation in decision-making with the implemented public initiative “GMO Free”.

Lithuania

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

Sociological public opinion polls taken in 2007-2010 revealed that the Lithuanian public still lacked information about the safe use of GMO; therefore, knowledge was patchy. Half of the respondents indicated that they did not receive sufficient information about the safe use of GMO and GMP.

Year: 2014

The sociological opinion poll conducted in 2012 has revealed that most respondents have heard of modern biotechnology and genetically modified products. GMOs have been known to the public for a considerable period of time, and information on GMOs has been provided in Lithuania for more than 10 years. In recent years, information on GMOs has become more readily available (comprehensible) to the public at large. The respondents' knowledge of biosafety (the Cartagena Protocol on Biosafety) is much poorer than that of GMOs. Most respondents have heard nothing of this before.

The main source of public information on GMOs is the radio and TV, the Internet and periodicals.

Norway

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

No obstacles have been encountered in the implementation of any of the paragraphs of article 6bis and annex I bis.

Year: 2014

No obstacles have been encountered in the implementation of any of the paragraphs of article 6bis and annex I bis.

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on

the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

The Norwegian government does not hold specific statistics as regards public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms. Further, as there is a legal requirement to always conduct a public hearing in such cases, there will be no statistics as regards exceptions to this rule.

Year: 2014

The Norwegian government does not hold specific statistics as regards public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms. Further, as there is a legal requirement to always conduct a public hearing in such cases, there will be no statistics as regards exceptions to this rule.

Portugal

35 FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2014

APA fosters public consultation of applications for the deliberate release of GMOs (testing) prior to decision-making, pursuant to article 11 of Decree-Law 72/2003 of 10 April (see text of Annex I bis, paragraph 6).

Romania

35. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g. are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Ministerial Order 1205/2009 on the elaborations and functioning of the National Register on the OMG locations ensures public information in an organised manner. The register is a database, in electronic and

format paper, which ensures yearly statistic of OMG locations. The Register is published on the NEPA's website.

Important information can be found on NGO website. For instance, in Cluj-Napoca, the Centre for OMG information – InfOMG has been established. This NGO monitors OMG cultivation and distribution process in Romania and EU, together with governmental decision on this matter.

Year: **2014**

Order No. 1205/2009 for the establishment and functioning of the National Register of locations of the introduction of GMOs into the environment, ensures the public information in an organized manner. Thus, the register, which is in fact a database, created electronically and on paper, which provides the annual locations of the GMOs is published on the NEPA website.

Serbia

12 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5 Describe any obstacles encountered in the implementation of any of the paragraphs of article 5.

Year: **2014**

- The monitoring in the Republic of Serbia is mostly focused on the quality of the surroundings and does not cover all priority areas.
- The effects of self-monitoring of polluters are very limited, primarily due to the lack of synchronization between laws and regulations.
- Soil monitoring as a systematic and permanent activity has not been organized on the entire territory of the Republic of Serbia.
- The development of legislation related to monitoring the condition of soil has not reached a satisfactory level in the Republic of Serbia.
- Legislation related to monitoring the condition water is significantly more developed in comparison to 2010. year, but not yet adopted all the laws that come from Law on Waters, which will contribute to a better state regulation in this area.
- No suitable system of monitoring and data collection in a range of other areas (biodiversity, fish species, waste, trade in chemicals and their use, environmental noise monitoring), has been established.
- It has been pointed out, in the course of public debate, that most local self-government units do not fulfil obligations of publishing reports on the state of the environment.

Slovenia

35. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2014

The PIC notes that NGOs are not sufficiently informed about the existence of Article 6 bis of the Convention.

Spain

34 OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6 BIS AND ANNEX I BIS Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Year: 2011

136. Although the authorities are active in the dissemination of the rights granted by the Aarhus Convention, in most cases, those who have brought appealed to the appropriate judicial body are associations, organizations or groups aimed at environmental protection, and not individuals.

Year: 2014

171. The main difficulty is to establish a clear distinction between information that is confidential and information protected by intellectual property rights. In this sense, the provision of specific data, in particular, exact location of the experimental plots, could jeopardize their own tests with the resulting of economic losses to the company or public institution.

Two reports of the legal services of the State and a decision by the Ministerial Council of GMOs have been made to clarify the level of detail to be provided within the information, always based on the full compliance with the law.

172. Finally, there have been some cases of vandalism in experimental plots once the geographical coordinates of the position of tests with genetically modified crops have been provided.

35. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Year: 2011

137. The 2010 Public Prosecutor Report can be consulted at the following address:
http://www.fiscal.es/cs/Satellite?cid=1247140094968&language=es&pagename=PFiscal%2FPage%2FFGE_contenidoFinal

Year: 2014

173. Annual statistics on the number of requests for information on GMOs in the different possible routes (phone, email, mail) are recorded, in compliance with the Aarhus Convention.

Ukraine

Year 2014

35. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6 BIS AND ANNEX I BIS Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, e.g., are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

The aim of the draft Law of Ukraine "On ratification of the amendments to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters that relate to the environment" is the implementation of a mechanism for public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms under the Cabinet of Ministers of Ukraine dated June 29, 2011 №771 «on approval of the Procedure for public involvement in discussions about decisions that may affect the environment. The ratification of the said amendments will allow to meet Art. 2 of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity and ensure a biological human security.

Adoption of the law will contribute to the improvement of the legislative regulation of public participation in decision-making on the deliberate release into the environment and placing on the market of genetically modified organisms.

State enterprise "Sumy Regional Research and Production Center of Standardization Metrology and Certification" on the basis of the testing laboratory put in place a laboratory of molecular-genetic studies of genetically modified organisms (GMOs) in food and agricultural products products. Commissioning of this laboratory allowed to establish control over the presence of GMOs in products manufactured by enterprises of the Sumy region, and to create the conditions for consumers to receive complete and accurate information on the composition and safety of foods. The basis for the establishment of such a laboratory were the order of the President of Ukraine on the establishment of a network of laboratories for the study of GMOs and the decision of the Cabinet of Ministers of Ukraine on the monitoring of the use of GMOs in food production. Laboratory study of GMOs is equipped with modern high-tech equipment and complies with European and international standards. "Sumy regional scientific and technical center of standardization, metrology and certification" organised a public hearing, which provided qualified, impartial, objective and timely consideration of appeals of citizens and addressing their legitimate rights.

IV. Status of Implementation of Status of Implementation of the Programme of Work on Public Awareness, Education and Participation concerning the safe transfer, handling and use of living modified organisms

The following is an extract from a document prepared by the Executive Secretary to the eighth meeting of the Parties serving as the Conference of the Parties (UNEP/CBD/BS/COP-MOP/8/15).

Paragraph 4

In order to prepare an overview of the status of implementation of the elements in the Programme of Work, the Secretariat analysed the third national reports submitted by 124 Parties as of 31 August 2016.¹³ Furthermore, the Secretariat issued a notification inviting Parties, other Governments and relevant organizations to take part in a survey to gather information corresponding to indicators in the Programme of Work that could not be obtained from the third national reports and to facilitate an assessment of the level of implementation of Article 23 of the Cartagena Protocol. As of 31 August 2016, 46 Parties and 7 organizations had participated in the survey.¹⁴

Paragraph 5

To augment the analysis of information to facilitate the review of implementation of the Programme of Work, relevant information was also drawn from the BCH, online discussions and networks on access to information and public participation regarding LMOs, workshops and a joint Convention on Biological Diversity and Aarhus Convention round table.

Paragraph 12

It is clear that some implementation of the programme elements is underway in particular to fully set in place mechanisms under the public awareness and public education element. These include: developing and sharing information materials; developing training materials and online modules; and establishing national websites and/or carrying out several public-awareness activities. There are also a few best practices under the public participation element to some extent set in place a functional mechanism. These include: to consult the public in the decision-making process regarding LMOs; and to make available to the public the results of decisions taken on LMOs. However, in their national reports, the surveys, online discussions and other sources, many Parties and organizations have reported a number of challenges. Most of the challenges lie within the capacity-building, public participation and access to information elements of the Programme of Work.

Paragraph 13

An analysis of the survey to review progress in the implementation of the programme of work and provide suggestions regarding the necessary revision or revamping of the elements of the programme of work shows that the majority of Parties which took part in the survey (79 per cent or 34 Parties) recommended an extension of the programme of work for another five years.

¹³ The analysis of the third national report is available at <http://bch.cbd.int/database/reports/analyzer>

¹⁴ The results of the survey are available at https://bch.cbd.int/onlineconferences/portal_art23/surveyresults.shtml

Paragraph 15

Furthermore, the majority of Parties (74 per cent or 32 Parties) did not recommend major revisions or revamping of the elements of the programme of work. Among them, however, a number of Parties (62 per cent or 26 Parties) and some organizations (57 per cent or 4 organizations) identified existing areas and activities of the programme of work that could be further prioritized.

**DRAFT PRIORITY ACTIVITIES/AREAS FOR THE PROGRAMME OF WORK ON
PUBLIC AWARENESS, EDUCATION AND PARTICIPATION CONCERNING THE SAFE
TRANSFER, HANDLING AND USE OF LIVING MODIFIED**

Programme element 1: Capacity-building for the promotion of public awareness, education and participation			
Goal: To strengthen the institutional and technical capacity of Parties to promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms			
Priority Area 1	Sub-activities	Time frame	Actors
Advance legal and/or policy frameworks and mechanisms	Adopt, harmonize and implement legal and/or policy frameworks and mechanisms related to Article 23 of the Protocol, in particular the NBFs and incorporating general access to information laws into biosafety procedures (e.g. the Freedom of Information laws)	Within 2 Years	-Parties -Relevant organizations -SCBD
	Integrate and promote the Programme of Work elements into awareness and education components in the National Biodiversity Strategies and Action Plans (NBSAPs) and other national initiatives to implement Focal Area 2 on capacity-building for Article 23 and 5 on outreach of the Strategic Plan for Biosafety as well as Focal Area 5 on public awareness, education and participation of the Framework and Action Plan for Capacity-Building for the effective implementation of the Protocol		
	Share and announce the availability of frameworks and mechanisms related to Article 23 in the Central Portal and national BCH nodes		
	Integrate gender-perspectives in policies and frameworks related to Article 23		
	Identify a dedicated budget for the Programme of Work		
	Incorporate the communication plan template developed by the Secretariat and make use of draft communication plans developed in public awareness and participation workshops held by the Secretariat to ensure implementation of awareness/outreach programmes		

	Every quarter, systematically track, evaluate and proactively exchange information on the progress of the indicators in the Programme of Work in the BCH and with the Executive Secretary		
Priority Area 2	Sub-activities	Time frame	Actors
Build and maintain joint initiatives	Organize joint awareness and educational activities	Within 2 Years	<ul style="list-style-type: none"> -Parties -Relevant organizations -SCBD -Academia
	Participate in international, regional and national events related to the Strategic Plan for Biosafety, the Aarhus Convention, the Convention on Biodiversity and the Food and Agricultural Organization to integrate the Programme of Work in other initiatives		
	Promote the ratification of the Cartagena Protocol and its Nagoya Kuala – Lumpur Supplementary Protocol on Liability and Redress through joint regional and sub-regional cooperation		
Priority Area 3	Sub-activities	Time frame	Actors
Advance tools, resources and processes to broaden training activities	Develop and make use of the Secretariat's e-learning modules on access to information, public participation and upcoming public education as well as upcoming training materials and other training activities	Within 3 Years	<ul style="list-style-type: none"> -Parties (e.g. focal points, ministries) -Relevant organizations -SCBD -Media
	Disseminate and make available templates and other resources		
	Facilitate training-of-trainers programmes related to Article 23, with a particular focus on women and local communities		
	Make use of the Convention on Biodiversity's CEPA toolkit, the Aarhus Convention's Lucca Guidelines, the SCBD 2015-2020 Gender Plan of Action and other related resources in developing training activities and materials		
	Nominate national biosafety education experts to facilitate biosafety education		
	Put in place a mechanisms targeted for women, local communities and customs officials to participate in biosafety education (e.g. participating in workshops and accessing research centres)		
	Develop a media strategy (e.g. facilitating journalist training on biosafety issues)		
	Develop and exchange guidelines and other resources on a regional level related to Article 23		

Programme element 2: Public awareness and education

Goal: To promote broad public awareness and education of issues concerning the safe transfer, handling and use of living modified organisms

Priority Area 4	Sub-activities	Time frame	Actors
<p>Communicate biosafety and empower a wider audience</p>	Set up an e-mail list serve as well as identify local areas (e.g. libraries and bulletin boards) and traditional methods to disseminate information (e.g. developing visual/graphic representation of biosafety information)	<p align="center">Within 2 Years</p>	<p>-Parties (NFPs, local and national government) -SCBD -Relevant organizations</p>
	Organize awareness workshops, in particular for women and local communities		
	Disseminate information to United Nations bodies and other relevant international/regional bodies		
	Facilitate the translation of information materials through partners		
	Integrate communication activities with biodiversity, environment, sustainable development and other related agendas		
	Integrate biosafety issues into youth and gender-related awareness efforts held by other relevant programmes and other initiatives		
	Participate in national awareness-activities related to biodiversity, environment and related international days		
	Make use of the awareness survey template developed by the Secretariat and seek assistance by regional organizations to conduct national surveys online and/or offline in particular also ensuring that questions are targeted to women and local communities		
	Invite media to participate in the Biosafety Media Network ¹⁵		
	Develop biosafety messages		
	Enhance the networking and communication among national focal points to the Cartagena Protocol		
	Train and assign scientists and media to communicate biosafety issues		
	Facilitate a high-level dialogue including Ministries and Heads of States and Governments to increase the level of public awareness, education and participation with regards to biosafety issues		
Nominate experts as communicators and educators			

¹⁵ The media network is available at http://bch.cbd.int/onlineconferences/portal_art23/media_network.shtml.

Priority Area 5:	Sub-activities	Time frame	Actors
Strengthen biosafety education at all levels	Develop tools and methods for public education on biosafety, including developing training of standardized biosafety curricula at primary, secondary and/or tertiary levels and promoting new learning methods/technologies.	Within 3 years	-Parties (e.g. NFPs, Ministry of Environment -Academia (e.g. school boards, committees/districts, academic institutions, researchers, scientists, principals and teachers, education inspectors, publishers of educational materials, professional organizations of teachers and/or curricula development institutions) -Organizations and associations
	Develop procedures and set up other standards to integrate biosafety into education, including developing proposals (e.g. top-down or bottom-up approaches to integrating biosafety) and relations with various stakeholders involved in public education (e.g. Ministries, academic institutions, school boards, teachers, scientists/researchers)		
	Join networks with relevant educational focal points and integrate biosafety into biodiversity and other related environmental education at all levels		
	Promote exchange of programmes for scientist and public servants on a national and regional level		
	Integrate work on Article 23 with CEPA and use CEPA toolkit, including materials in particular for youth education		
	Make use of the Secretariat's educational package on biosafety for education at all levels (in particular secondary schools), informal education and research institutes		
	Include women and local communities in developing biosafety education at all levels		
	Take a certificate by participating in the upcoming module on public education and developing procedures and practices of public education and curricula template as well as training/education action plan template		
Programme element 3. Public access to information			
Goal: To improve public access to information concerning the safe transfer, handling and use of living modified organisms			
Priority Area 6:	Suggested activities	Time frame	Actors
Advance tools and procedures for access to information	Define the public through stakeholder analysis and appropriate actions through situation analysis, including promoting the most inclusive stakeholder participation	Within 3-5 years	Parties (e.g. NGOs, law-makers, judges, ministers) Media Academia, SCBD Organizations
	Set up a procedure to address information upon requests (e.g. help desks in different departments, request forms, recording requests, addressing requests within 15-30 days, standards for denying/confidential information and appeals process)		

	<p>Set up procedure to actively notify the public of information and means of public access to the BCH (e.g. setting up online and offline alert systems to provide information (e.g. public announcements in social media, e-lists, text messages, bulletin boards as well as disseminating simplified summaries and contact information of focal points)</p> <p>Facilitate workshops on access to information in particular to ensure the participation of women, local communities and ministries, on discussions related to laws and rights</p> <p>Make use of the CBD/Aarhus Convention summary of tools and checklist on access to information¹⁶</p> <p>Regularly promoting up-to-date access to information of websites and traditional tools to a wider-audience</p> <p>Promote access to information and best practices/awareness in particular to women</p> <p>Provide case studies in the BCH and through other means</p> <p>Take a certificate by participating in the module on access to information and set up procedures for information upon request and active dissemination of information, including make use of the national action plan template and other resources</p> <p>Use guidance materials produced by the Aarhus Convention, the United Nations Educational, Scientific and Culture Organization, the United Nations Environment Programme and other organizations</p> <p>Provide training of government officials and the public, including women and local communities, on the right to access to information and to incorporate related laws</p>		
Programme element 4. Public participation			
Goal: To promote public participation in decision-making regarding living modified organisms (best practices)			
Priority Area 7	Sub-activities	Time frames	Actors
Mobilize the public and ensure gender-equality for a wider target	Define the public through stakeholder analysis and appropriate actions through situation analysis, including promoting the inclusive stakeholder participation, with particular attention to women and local communities	Within 1-5 years	Parties (e.g. NFPs, local and national government) Local and national organizations Local

¹⁶ The checklist and summary of tools are available at http://bch.cbd.int/onlineconferences/portal_art23/pa_main.shtml.

audience to participate in the decision-making process	Use effective tools for public participation targeted in particular to marginalized groups (e.g. advertisements, exhibits, publications, websites, briefings, focus groups, public hearings, citizens' juries, forms and guidelines) and notify the public of these in a timely manner (e.g. offline and online announcements)	leaders Academia, Public Institutions Media
	Use effective mechanisms and procedures for public participation (e.g. early participation in the decision-making process regarding LMOs, recording inputs, designating/training staff, collaborate with organizations and incorporate key public inputs into decisions)	
	Use local languages in public participation processes	
	Facilitate training on public participation, including for women and local communities	
	Enhance the incorporation of public inputs into decisions or make public criteria and reasons for limited incorporation of inputs	
	Enhance equal public participation in the decision-making process regarding LMOs, in particular ensuring participation of women and local communities	
	Take a certificate by participating in the module on public participation regarding LMOs and set in place tools, procedures and mechanism, including make use of the national action plan template and other resources	
	Use guidance materials produced by the African Union, Aarhus Convention, Food and Agriculture Organization, Organization of American States, in particular the Aarhus Convention/CBD checklist and summary of tools and resources to support implementation document ¹⁷	

Conclusion and Recommendation

The information provided in the document for the eight meeting of the Parties shows that the Programme of Work has guided many Parties in developing relevant mechanisms related to public awareness, education and participation, including access to information. However, most Parties are still in the process of establishing or setting in place such mechanisms.

Taking into account the responses in their third national reports and through the dedicated survey, although a number of initiatives have been taken towards the implementation of the Programme of Work, it is clear that further efforts are still needed towards full implementation of Article 23 of the Cartagena Protocol. For the

¹⁷ The checklist and summary of tools are available at http://bch.cbd.int/onlineconferences/portal_art23/pa_main.shtml.

Programme of Work to be fully effective there is a need for further and continuous financial, human and technical initiatives and resources. There is also a need to continue to enhance collaborative activities. Overall, the challenges are mainly among the developing countries in ensuring that the needs are met to implement the Programme of Work.

According to the majority of Parties, an extension of the Programme of Work as a framework for developing mechanisms for Article 23 is critical, including the development of more focused priority areas/activities for the Programme of Work to better guide and enhance its implementation.

There is also a need for the Executive Secretary of the Convention on Biological Diversity to continue and enhance cooperation with other initiatives, such as the Aarhus Convention,¹⁸ gender initiatives and other international, regional and national initiatives, to further facilitate the implementation of the Programme of Work.

Elements for a draft decision (UNEP/CBD/BS/COP-MOP/8/15)

The Conference of the Parties serving as the meeting of the Parties to the Protocol may wish:

- To recall decisions BS-IV/17 and BS-V/13 recognizing the need for a cohesive and focused approach to public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms;
- To take note of the report on the status of implementation of the Programme of Work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms under the Protocol;
- To extend the Programme of Work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms until 2020 with revised priority areas/activities as contained in the annex below to enable a streamlined strategic focus and foster further commitment to advancing the implementation of the Programme of Work;
- To urge developed country Parties and other Governments and relevant organizations to provide additional support to developing country Parties and Parties with economies in transition to implement the Programme of Work;
- To urge Parties, other Governments and relevant organizations to implement the Programme of Work and actively share their experiences and lessons learned through the Biosafety Clearing House, regional clearing-houses and national clearing-houses;
- To invite Parties to participate in the biosafety theme in the NBSAPs Forum on National Biosafety Strategies and Action Plans in order to promote and facilitate the integration of the Programme of Work into National Biosafety Strategies and Action Plans;
- To request the Global Environment Facility to provide eligible Parties with dedicated financial resources to facilitate effective implementation of the Programme of Work;
- To request the Executive Secretary:
 - Subject to the availability of funds, to hold online discussions, develop training materials and convene training courses on priority areas, including public participation and access to information, to advance the implementation of the Programme of Work;
 - To make available all the national websites and national biosafety clearing-houses on the website of the Convention;

¹⁸ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, 25 June 1998. Available at: <http://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>.

- To continue and enhance cooperation with other initiatives, such as the Aarhus Convention, gender initiatives and other international, regional and national initiatives, to further facilitate the implementation of the Programme of Work;
- To encourage Parties to continue to enhance capacity for public awareness, education and participation, including access to information, regarding the safe transfer, handling and use of living modified organisms, including for indigenous and local communities, and to integrate training, public awareness, education and participation into national initiatives for communication, education and public awareness, initiatives for the Sustainable Development Goals, initiatives for climate change [mitigation and] adaptation and other environmental initiatives;
- To encourage regional stakeholders and donors to play a greater role in supporting the integration of the Programme of Work into national initiatives to implement focal area 5 of the Framework and Action Plan for Capacity-Building for the Effective Implementation of the Cartagena Protocol on Biosafety to enhance capacity of public awareness, education and participation and Focal Area 5 of the Strategic Plan for Biosafety to raise the profile of the Protocol through outreach and communication.