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Working Group of the Parties

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Substantive issues: genetically modified organisms

Joint round table on access to information, public participation and access to justice regarding living modified organisms/genetically modified organisms

Report prepared by the secretariats to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and the Convention on Biological Diversity

Summary

A round table on access to information, public participation and access to justice regarding living modified organisms/genetically modified organisms was organized in Geneva on 16 and 17 October 2013 under the auspices of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD).

The joint round table was organized pursuant to decisions II/1 and IV/6 (annex, sect. VI) of the Meeting of the Parties to the Aarhus Convention and decisions BS-II/6 and BS-II/13 of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety. These decisions call, inter alia, for work to be undertaken with regard to genetically modified organisms (GMOs) and for cooperation between the Aarhus Convention and the Cartagena Protocol on Biosafety with a view to maximizing

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synergies and avoiding duplication of efforts.

This report presents the proceedings and conclusions of the joint round table as summarized by the Chair, including the key challenges, needs and good practices identified with regard to accession to and implementation of the provisions of the two treaties on access to information, public participation and access to justice, as appropriate.

Contents

I. Introduction

1. The secretariat of the United Nations Economic Commission for Europe (ECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) and the secretariat of the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD) organized a round table on access to information, public participation and access to justice regarding living modified organisms (LMOs)/genetically modified organisms (GMOs) on 16 and 17 October 2013 in Geneva, Switzerland. The event was organized under the leadership of the Government of Austria.

2. The aim of the round table was to build countries' capacities in promoting access to information, participation and access to justice regarding LMOs/GMOs through sharing knowledge, good practices and lessons learned, and to make recommendations for future action at the national, regional and international level in that regard.

A. Attendance

3. Delegations from the following Parties to the Aarhus Convention and the Cartagena Protocol on Biosafety attended the round table: Armenia, Austria, Belarus, Finland, France, Georgia, Germany, Kyrgyzstan, Latvia, Lithuania, Netherlands, Norway, Republic of Moldova, Tajikistan and the United Kingdom of Great Britain and Northern Ireland. The meeting was also attended by delegations from the European Commission and Uzbekistan.

4. In addition, a representative of the Food and Agriculture Organization of the United Nations (FAO) Regional Office for Europe and Central Asia participated, as did the following non-governmental organizations (NGOs): ECOROPA (Germany); the International Environmental Association of River Keepers (Eco-TIRAS) (Republic of Moldova); European ECO Forum (Ukraine); European Environmental Bureau; Friends of the Earth Europe; and Asi Conserva Chile (Association of private protected areas and indigenous people of Chile).

5. Representatives from the following academic and research organizations and networks also attended: European Network of Scientists for Social and Environmental Responsibility (ENSSER), Institute of Agricultural Marketing Management and Administration; Southwest University of Political Science and Law (China); and Centre nationale de la recherche scientifique (France). Two independent experts also participated.

6. Furthermore, a representative of Croplife International (Belgium) participated.[1]

B. Proceedings

7. The Chair of the round table, Mr. Helmut Gaugitsch (Austria), opened the meeting. The Director of the ECE Environment Division and the Programme Officer for Capacity-building at the CBD secretariat delivered welcoming addresses.

8. The round table was divided into two parts. During the first part, experts from participating countries and representatives of international organizations, NGOs, industry and research institutions made presentations and shared knowledge, good practices and lessons learned. Each session included a period of discussion in which participants made

[1] Documents, presentations and other information and material concerning the round table is available from: http://www.unece.org/gmo_2013.html.

interventions and posed questions to the panel experts. The areas covered by the presentations and subsequent discussions included: (a) legal, institutional and financial frameworks; (b) access to information; (c) public participation; and (d) access to justice. Participants also discussed: (a) key priorities of Governments and other stakeholders in raising awareness of and broadening support for the Aarhus Convention amendment on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms (GMO amendment) and the Cartagena Protocol on Biosafety at the national and international levels; (b) opportunities for capacity-building at the national, subregional and regional levels; and (c) opportunities and priorities for future cooperation between the Aarhus Convention and the Cartagena Protocol on Biosafety, and other international organizations, in carrying out activities at the national, regional and international levels. Various proposals on the necessary legal, institutional and practical adjustments at the national and international levels in order to improve the record of ratification and implementation of the two treaties were introduced. The round table also included a second part, where rapporteurs presented summaries of the key points from the discussions under each of the previous thematic sessions. The representative of Germany covered the session dedicated to access to information, the representative of ENSSER summarized the main points raised during the session on public participation and the representative of FAO highlighted the key issues regarding access to justice. These points have been incorporated in the sections below on access to information, public participation and access to justice, as appropriate.

9. A summary on the outcomes of the proceedings was presented by the Chair at the end of the round table.

10. In addition, prior to the round table, a survey was sent to the focal points of Parties to the Aarhus Convention and the Cartagena Protocol on Biosafety to ascertain the status of implementation of the provisions on access to information, public participation and access to justice regarding LMOs/GMOs under the two treaties and to identify potential needs, challenges and priorities. A preliminary analysis of the survey results was provided to participants at the round table.

II. Sharing knowledge, good practices and lessons learned

A. Introduction

11. A representative of the Aarhus Convention secretariat provided an overview of the status of ratification and implementation of the GMO amendment, drawing on the national implementation reports submitted by the Parties during the previous reporting cycle. The outcomes of previous workshops organized jointly by the Aarhus Convention and the CBD secretariat in Cologne, Germany, in 2008 and in Nagoya, Japan, in 2010, were also presented. In addition, a preliminary analysis of the main needs, challenges and priorities at the national, subregional and global levels regarding access to information, public participation in decision-making and access to justice regarding LMOs/GMOs was described based on a survey that had been circulated to the focal points of the two treaties prior to the round table.

12. A representative of the CBD secretariat gave an overview of the status of implementation of article 23 (public awareness and participation) of the Cartagena Protocol on Biosafety, including the main progress and challenges encountered in putting public awareness, education and participation provisions into practice. The overview was based on an analysis of the results of the second national reports submitted by the Parties to the Protocol in 2012 and the CBD secretariat's support activities, among other things, an online discussion group, regional networks, regional capacity-building workshops and joint

Aarhus Convention activities. The main elements of the programme of work on public awareness, education and participation concerning the safe transfer, handling and use of LMOs (2011–2015)[2] and the relevant elements of the Protocol's Strategic Plan (2011–2020)[3] were also outlined.

B. Legal and institutional frameworks

13. An independent expert provided a comparative legal analysis of several relevant provisions and decisions of the two treaties, including the detailed requirements on information in the Biosafety Clearing-House,[4] the relevant provisions of the Aarhus Convention and the GMO amendment. The expert demonstrated that the two instruments including the GMO amendment were in harmony with each other, and that there was not a conflict between their respective provisions. On the contrary, the expert stressed that the provisions of the two instruments were complementary.

14. A representative of the Republic of Moldova made a presentation on the measures undertaken by the country to implement the GMO amendment to the Aarhus Convention and article 23 of the Cartagena Protocol on Biosafety. Some of the key actions to develop an efficient legal and institutional framework included a new draft biosafety law, biosafety laws in line with European Union (EU) laws, workshops, seminars and guidelines on GMO monitoring for inspectors and a biosafety portal.

15. The following general issues were highlighted during the discussion on institutional frameworks:

(a) In order to address the issue of the impact of LMOs/GMOs on human health, and to make complex scientific information available to the public, the main priority was to strengthen the research capacity of the countries. The main challenge was the countries' lack of confidence and capacity to undertake risk assessments. In that regard, challenges such as lack of data and objective information could also be addressed;

(b) The lack of information in various languages was an ongoing difficulty, which was in part due to the high cost of translating information. Some examples of good practice included seminars organized by the Republic of Moldova in provinces with linguistic differences, where interpretation into the local language had been provided. Finally, it was recalled that Parties should be encouraged to provide translations of relevant laws and materials in the local languages, as required, and to provide courtesy translations in the official United Nations languages to the clearing-houses of the two treaties;

(c) Educational material had to be made available to the public in order to improve public awareness and involvement in decision-making regarding GMOs. Furthermore, an integrative approach should be adopted to facilitate communication of consistent GMO-related messages across sectors.

16. The following general points were highlighted during the discussion with regard to legal frameworks:

[2] See the annex to decision BS-V/13 adopted at the fifth meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (COP-MOP 5). Available from http://bch.cbd.int/protocol/decisions/decision.shtml?decisionID=12326 .

[3] See annex I to decision BS-V/16 of COP-MOP 5. Available from http://bch.cbd.int/protocol/decisions/decision.shtml?decisionID=12329.

[4] See http://bch.cbd.int/.

(a) Ratification of the GMO amendment was both necessary and important and would not require much additional effort for Parties to the Cartagena Protocol, as key legislation would already need to be developed to meet the Protocol's requirements;

(b) Countries still lacked relevant legislation and infrastructure (e.g., lack of laboratories) that would prevent the illegal import of products containing GMOs. In that respect, the provision of thematic guidelines would be a good practice to assist the public in differentiating between GMO and non-GMO products.

17. The representative of France informed participants that ratification of the GMO amendment by the country was expected before the next session of the Meeting of the Parties to the Aarhus Convention (Maastricht, the Netherlands, 30 June–2 July 2014).

C. Access to information

18. A representative of Eco-TIRAS described the main challenges regarding access to information and participation of the public in the development and implementation of biosafety laws and policies and in decision-making on the deliberate release of GMOs in Eastern Europe, the Caucasus and Central Asia. As a result, information in those countries was not easily accessible or was incomplete. However, the legal and institutional framework of the Republic of Moldova was an example of a good practice in that subregion regarding, among other things, standards for making exceptions to public access to information and information made available on webpages and to the media.

19. The representative of the European Commission presented an analysis of EU policy on access to information in connection with the process of authorizing GMO applications in the EU and access to documents related to GMOs, including confidential matters. The EU made information available online and all scientific data, including the raw data of GMO applications, were disclosed upon request. The promotion of transparency needed, however, to be balanced with the protection of confidential information that could harm the competitive position/commercial interests of the companies submitting GMO applications (e.g., data regarding DNA sequences and personal data).

20. The representative of Norway presented the main features of the country's national framework for access to information on LMOs/GMOs and described the importance of the Norwegian Biotechnology Advisory Board in regularly making available information to all its members, who represented society at large. Reference was also made to the criteria used for evaluating the dossiers submitted for the release of LMOs/GMOs, including taking into account sustainable development, ethics, effects on health, the environment and socioeconomic considerations.

21. A representative of Croplife International outlined industry's perspective with respect to access to information regarding GMOs, stressing the importance of ensuring a balanced approach that promoted transparency while fully taking into account the protection of personal and confidential business information as well as patent rights and regulated data. It was highlighted that most information from industry was made available, but that regulated data was based on scientific expertise that could be misused, among other things, for commercial use. In that respect, it was proposed that data should become available following the "reading room" principle which would allow the public to review the data but not to copy or use it.

22. The following general issues were highlighted during the discussions on access to information:

(a) There was concern about weak customs controls and corruption in some countries, which might lead to uncontrolled import of products containing unauthorized

LMOs/GMOs. Over the past few years, investigations had uncovered cases where products containing unauthorized LMOs/GMOs had been purchased in the local markets;

(b) There was a strong need for cooperation between NGOs and national focal points for the Aarhus Convention and the Cartagena Protocol on Biosafety;

(c) Cooperation between the officials working on the Cartagena Protocol and the Aarhus Convention was essential in order to produce and disseminate accurate information.

Problems and needs identified

23. The following problems and needs were identified during the discussion:

(a) With respect to the efficiency of legal and institutional frameworks:

(i) Currently limited information on LMOs/GMOs was provided to stakeholders, in particular farmers. Public access to such information was key to fully and effectively involve all stakeholders, including farmers and producers, in the decision-making process on LMOs/GMOs;

(ii) Despite the development of legislation on access to information with regard to LMOs/GMOs, concern was expressed over the fact that the level of practical implementation and effective enforcement of such legislation remained low in many countries;

(b) With respect to the efficiency of authorization of LMOs/GMOs:

(i) There was a lack of information regarding the presence of non-authorized LMOs/GMOs and many countries had limited capacity to conduct testing and identification of LMOs/GMOs. In that regard, an international database where the developers could upload data and information could be established in the Biosafety Clearing-House of the Cartagena Protocol, which could then be accessed by the public;

(ii) The mechanism for reporting illegal transfers of LMOs/GMOs through the Biosafety Clearing-House had not been fully used by the Parties to the Protocol;

(iii) Even in countries that had established a moratorium on LMOs/GMOs, food chains were not watertight in terms of hindering the illegal transfer of and unauthorized release of LMOs/GMOs. In that regard, there was a need to keep the public informed on the illegal transfer of LMOs/GMOs or the presence of unauthorized LMOs/GMOs in fields;

(c) With respect to raw data and confidentiality:

(i) There was a need to protect confidential information to avoid the risk of the misuse of that information. However, the protection should not compromise the right of the public to access information;

(ii) The “reading room” principle could be one option to protect confidential data and information. However it would not offer significant guarantees with respect to confidentiality, as it would not prevent competitors from reviewing the documents and files of an applicant. In that regard, an alternative to the “reading room” approach would be that once access had been granted to a member of the public, then the document would automatically be made available to the general public;

(iii) If raw data did not have any commercial value, the request for it would not be in conflict with the protection of developers’ business interests;

(iv) Validation of data as a means of establishing public trust in the decisions taken by authorities was important. However, in many cases authorities were unable to perform such a demanding task;

(v) The problem of ensuring effective access to information could be addressed through public consultations. For instance, a committee could be established to handle the issue;

(vi) Improving the objectivity of information and data was essential. For example, peer review of scientific data prior to decision-making on LMOs/GMOs could be an option to enhance transparency and build trust in the decision-making process regarding LMOs/GMOs;

(vii) There was also a need to provide guidance on confidential information in line with article 4, paragraphs 4 and 6, of the Aarhus Convention and article 21 of the Cartagena Protocol on Biosafety;

(viii) There was a further need to ensure that information and data provided by the LMO/GMO applicants was not misused or misinterpreted. That could be facilitated by the development of the capacities of Parties to effectively review and validate data and information submitted by applicants;

(ix) There was limited or no access to raw data and information on testing methods (and test kits) for LMOs/GMOs, including LMOs/GMOs under field trials before their approval by the relevant authorities. The test kits could be provided early in the decision-making process regarding LMOs/GMOs;

(x) There was a need to clarify existing legislation with respect to the criteria for defining what was confidential information;

(xi) There was a need to improve the system of labelling of LMOs/GMOs, in particular for products from animals that had been fed with LMOs/GMOs. Furthermore, LMO/GMO plant breeding should not compromise the protection of biodiversity;

(xii) It was essential to further clarify the definition of limited or restricted use of LMOs/GMOs. Restricted use or field testing of LMOs/GMOs in a restricted area would require that there were sufficient guarantees that no LMOs/GMOs were transferred beyond the area. However, if there was any possibility of LMOs/GMOs being used or transferred beyond that area, the public needed to be informed.

Measures to improve access to information

24. Participants suggested the following practical measures for future actions to improve access to information at the national and international levels:

(a) Countries should enhance collaboration between national focal points to the Aarhus Convention and the Cartagena Protocol on Biosafety, in particular in terms of collecting information from various sources and making it available to the public;

(b) Countries should make available information concerning cases of illegal transboundary movements of LMOs/GMOs to the Biosafety Clearing-House, in accordance with article 25, paragraph 3, of Cartagena Protocol;

(c) Countries should share information on good practices of their national mechanisms, which would allow for enhanced access to information;

(d) National, regional and local authorities should improve implementation of the Aarhus Convention and of the Cartagena Protocol on Biosafety;

(e) The Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms (Lucca Guidelines), adopted by the Meeting of the Parties to the Aarhus Convention at its first session (Lucca, Italy, 21–23 October 2002), and the GMO amendment should be used as a guidance to develop legislation on access to information;

(f) Advisory bodies or scientific committees with the participation of different interest groups should be established to facilitate the inclusion of information and concepts like sustainability, socioeconomic considerations, health and ethics in the decision-making processes regarding LMOs/GMOs;

(g) Countries willing to ratify the Cartagena Protocol on Biosafety and the GMO amendment should prepare specific draft legislation and invite the public to express their views. Alternatively, existing general laws on access to information could be used as a guidance prior to ratifying the Protocol or the GMO amendment.

D. Public participation

25. A session on public participation included a presentation by the representative of the Netherlands on methods for direct public participation (such as comments on individual LMO/GMO applications) and indirect public participation (such as consultations with specific stakeholder groups to provide views on general policy issues) in decision-making processes regarding LMOs/GMOs. Details were also provided with respect to the main methods and tools used to facilitate public participation, including an Internet-based information portal and register for field trials.

26. The representative of Latvia outlined the key features of the Latvian legal and institutional system with regard to public involvement in decision-making on LMOs/GMOs. The legal provisions covered time frames for comments and access to relevant documents. The institutional framework included a national decision-making process featuring the involvement of the parliament, interministerial coordination and a national GMO coordination group. The multi-stakeholder nature of the GMO coordination group guaranteed that the views of the public would be taken into account if a GMO/LMO product was imported.

27. A representative of European ECO Forum shared a set of good practices in engaging NGOs in the decision-making processes regarding LMOs/GMOs in the ECE region. Examples of the main methods of public participation used included: public hearings; e-consultations; public debates; and participation in various committees and consultative platforms. Different approaches, methods and tools needed to be used, but in any case there should be no criteria that would potentially exclude certain members of the public from participating or certain comments from being taken into account.

28. A representative of Croplife International presented the perspectives of the private sector on public participation regarding LMOs/GMOs, on behalf of EuropaBio. The public needed to be aware of the procedures in the decision-making process of LMOs/GMOs. There should be country-specific procedures in place for public participation, along with a set of conditions on public consultations, including setting time frames, determining who the public was, taking into account confidential information, promoting transparency and protecting the integrity of the decision-making processes regarding LMOs/GMOs.

29. A representative of the French Centre for Scientific Research (Grenoble) highlighted the objectives and aims of the Public Research and Regulation Initiative.[5] More scientists should be involved in public debates on biotechnology and biosafety. Moreover, the "public" should be strictly defined and decisions on LMOs/GMOs should be based on science.

[5] See http://www.prri.net/.

30. The following general issues were highlighted during the discussion:

(a) In countries that promoted a high level of access to information through fast Internet access and other means, efficient public participation was greatly facilitated. In many countries the public also used all available opportunities for access to information and participation, including broadcast media, newspapers, seminars, public debates and advisory boards. If the Internet was not available, other formats would need to be used to promote access to information;

(b) Countries that were currently establishing legal frameworks on access to information and public participation wanted to use good practices from other countries with expertise. Some of the key sources of information were risk assessments available in the Biosafety Clearing-House;

(c) There had already been successful examples of the public, including NGOs and industry, being fully involved in the drafting of biosafety laws;

(d) The GMO amendment and the Lucca Guidelines were not contradictory but rather complementary with respect to the issue of public participation. They provided a two-track approach — a binding instrument and non-binding guidelines — to assist practical implementation;

(e) There were different methods and approaches to public participation with different criteria for public engagement. Some countries put more emphasis on e-consultations and others organized face-to-face meetings, including public hearings;

(f) There was concern about the methods used to distinguish significant from insignificant risks, and a lack of a universal understanding of the risks associated with the deliberate release of LMOs/GMOs. However, there were good practices in the area, including procedures for the LMO/GMO applicant to provide additional information if necessary. The public could then use the Internet and contact the relevant authorities for more information on risk assessments of LMOs/GMOs;

(g) Concern was expressed over cases of vandalism of field test sites of LMOs/GMOs;

(h) There was also concern about cases of distortion of scientific data, which impacted the efficiency of the decision-making process on LMOs/GMOs;

31. With regard to the provision of comments and participation of the public in the decision-making process on LMOs/GMOs, inter alia, the following observations were made:

(a) The Aarhus Convention and the Cartagena Protocol on Biosafety did not restrict public input to purely environmental concerns. Rather, the Aarhus Convention expressly provided for the public to submit any comments, information, analyses or opinions, that it considered relevant to the proposed activity, whether or not they related to the environment (article 6, para. 7);

(b) Decisions regarding LMOs/GMOs were open to public comments; however, in reality, public comments that were not scientific were in general not taken into account. Comments on issues related to LMOs/GMOs should not have to be scientific or based on scientific evidence. Furthermore, many NGOs had the necessary expertise in order to make public comments on scientific issues;

(c) There might be a challenge with regard to public comments influencing the decisions by authorizing agencies on risks associated with the deliberate release of LMOs/GMOs. In principle, those agencies required public comments to be based on sound scientific evidence. However, to avoid discriminatory practice, it was not enough to base a

decision on scientific research, but also on ethical and socioeconomic considerations, as was the practice in several countries;

(d) There was a need to involve more stakeholders, in particular farmers, in the decision-making processes regarding LMOs/GMOs.

32. The following proposals on future actions were suggested in relation to public participation:

(a) It was important to have clear approaches to involving stakeholders in consultative processes;

(b) When considering public inputs in final decisions regarding LMOs/GMOs, countries needed to provide information about their policies regarding acceptance or rejection of the comments received. Should any public comments be rejected, sufficient justification, i.e., setting out the reasons for that rejection, should also be provided;

(c) Governments and other stakeholders should actively promote public participation;

(d) Public participation procedures should be inclusive, transparent and timely. At the same time, from industry's prospective, those principles and procedures should not undermine the effectiveness of decision-making on LMOs/GMOs;

(e) Different public participation approaches, methods and tools should be tailored to the needs and specificity of the decision-making processes on LMOs/GMOs. New tools, including online social media platforms and other electronic communication technologies, should also be used to communicate to and receive comments from the public;

(f) The public should be made fully aware of decision-making processes on LMOs/GMOs;

(g) Good practice should be used as a basis for effective decision-making and well-informed public participation;

(h) It was essential to provide capacity-building to the public (such as educational materials on LMOs/GMOs) to enable them to provide an informed input into debates. NGOs and representatives of the public should be provided with educational opportunities, as appropriate, to reduce the gap between the scientific community and the public;

(i) Public influence was recognized as an important vehicle to stimulate sustainable production.

33. It was noted that FAO was in the process of preparing guidelines on public participation, which would be available in 2015.

E. Access to justice

34. A session on access to justice included a presentation by a representative of Friends of the Earth Europe followed by a round table discussion. The presentation addressed existing challenges to improving access to justice in the ECE region, and highlighted the issues of standing and costs. Specific case-study examples where highlighted in which access to information and public participation requirements had not been implemented, and at the same time there had been no effective access to justice. In that connection, sharing information regarding field trials in the Biosafety Clearing-House would reduce the need to seek justice in order to obtain the required information.

35. The following general issues were addressed during the discussion:

(a) The EU legal framework to implement the Aarhus Convention was functional and sufficient. If the legislation was not implemented properly, the public should be provided with effective access to justice;

(b) Concerning standing to appeal a decision on GMOs, it was recalled that with regard to access to justice by members of the public, the Compliance Committee in 2011 found that if the jurisprudence of the EU Courts, as evidenced by the cases before it, were to continue, unless fully compensated for by adequate administrative review procedures, the EU would fail to comply with article 9, paragraphs 3 and 4, of the Aarhus Convention;

(c) There were countries where access to justice was free of charge, and where courts handled the protection of the environment as a matter of public interest;

(d) There was concern that NGOs' resources were being used up in seeking justice to ensure access to information and public participation in decision-making regarding LMOs/GMOs.

36. The following key future actions were needed to improve access to justice:

(a) There might be a need to address the issue that, in contrast to the Aarhus Convention, the Cartagena Protocol did not offer similar legal provisions to allow NGOs to bring cases on the illegal transfer of unauthorized LMOs/GMOs before the court;

(b) The Aarhus Convention provided all the essential safeguards for effective public access to justice. In that context, the issue of providing effective access to justice was often brought before the Compliance Committee of the Aarhus Convention;

(c) There was a need to reduce barriers and obstacles to public participation and access to information, as they tended to lead to an increase of individuals and organizations seeking access to justice.

III. The way forward – Chair's summary

37. In a closing statement, the Chair summarized the key outcomes of the round table, including a set of proposals based on the discussions held during the different sessions.

38. The Chair observed that the round table called for concrete actions at the national level to:

(a) Strengthen coordination and cooperation between national focal points of the Aarhus Convention and the Cartagena Protocol on Biosafety;

(b) Establish or use existing coordination mechanisms to address the issue of biosafety, with the effective involvement of NGOs, Aarhus Centres, farmers and other stakeholders;

(c) Ratify and implement the GMO amendment to the Aarhus Convention;

(d) Implement the programme of work on public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms under the Cartagena Protocol on Biosafety (2011–2015);

(e) Address GMO-related provisions of the Aarhus Convention and the requirements of the Cartagena Protocol on Biosafety in the Global Environment Facility projects on biosafety;

(f) Continue to use the Lucca Guidelines and the programme of work of the Protocol as tools for developing legislation and promoting effective decision-making in the context of LMOs/GMOs;

(g) Implement and enforce existing domestic legislation on access to information related or applicable to LMOs/GMOs;

(h) Mainstream issues related to access to information and public participation with regard to LMOs/GMOs into broader processes, programmes and agendas relating to biodiversity, environment and sustainable development;

(i) Establish an effective system of access to information with regard to LMOs/GMOs, including the establishment of advisory bodies or scientific committees with the participation of different interest groups;

(j) Establish an effective system for public participation with regard to LMOs/GMOs (e.g., promote public participation through using effective methods, approaches and tools);

(k) Exchange through the Biosafety Clearing-House and the Aarhus Clearing-House case studies on best practices and lessons learned in promoting access to information, public participation and access to justice;

(l) Collect and disseminate through the Biosafety Clearing-House raw data and information on testing methods (and test kits) for LMOs/GMOs, including LMOs/GMOs in field trials;

(m) Provide guidance on implementation of legal instruments with regard to access to justice;

(n) Provide further guidance so that a common understanding concerning the available opportunities for access to justice could be developed;

(o) Take additional steps in order to ensure that access to justice was not prohibitively expensive.

39. At the multilateral level, the secretariats and subsidiary bodies of the Aarhus Convention and the Cartagena Protocol on Biosafety should, as appropriate, continue assisting countries in ratifying and implementing the two instruments in the context of LMOs/GMOs through:

(a) Developing jointly:

(i) A checklist of key measures required for ratifying and implementing the two instruments, based on the Aarhus Convention's Lucca Guidelines and the Cartagena Protocol's programme of work on public awareness, education and participation;

(ii) A summary describing sources of available technical assistance, tools and material, similar to the one developed for the Protocol on Pollutant Release and Transfer Registers to the Aarhus Convention;[6]

(b) Encouraging bilateral assistance to countries and partnerships with relevant organizations working in countries;

(c) Supporting the organization of regional capacity building events during the period 2014–2017, as appropriate;

(d) Enhancing exchange of information through the clearing-houses of the two instruments, including making information available with regard to cases of illegal transboundary movements of LMOs/GMOs via the Biosafety Clearing-House, in accordance with article 25, paragraph 3, of Cartagena Protocol on Biosafety, and interlinking existing tools in the clearing houses (e.g., the Biosafety Information Resource

[6] See ECE/MP.PRTR//WG.1/2012/4. Available from http://www.unece.org/fileadmin/DAM/env/pp/prtr/WGP-2/ece.mp.prtr.wg.1.2012.4.e.pdf.

Centre and the Portal on Public Awareness, Education and Participation in the Biosafety Clearing-House, as well as registers of other relevant information) to promote access to information;

(e) Mainstreaming the Aarhus Convention and article 23 of the Cartagena Protocol on Biosafety into biodiversity, environmental and sustainable development policies and programmes;

(f) Promoting, subregional, regional and international cooperation (e.g., through existing regional organizations and networks).

40. The proposed future actions and the report would be submitted to both the fifth Meeting of the Parties to the Aarhus Convention and the seventh meeting of the Conference of the Parties serving as the meeting of the Parties to the Cartagena Protocol on Biosafety (Pyeongchang, Republic of Korea, 29 September–3 October 2014).