



# **Fourth Joint Aarhus Convention / Convention on Biological Diversity Round Table on Public Awareness, Access to Information and Public Participation regarding Living Modified Organisms/Genetically Modified Organisms**

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# GENERAL PROVISIONS OF THE AARHUS CONVENTION – HOW THEY APPLY TO GMOs

## Aarhus Convention:

- three pillars: **access to information**, public participation in decision-making and access to justice
- complementary and mutually supportive to the provisions of the national biosafety framework
- neither for nor against GMOs
- covers deliberate release into the environment<sup>1</sup>, placing on the market<sup>2</sup> and contained use<sup>3</sup> of GMOs

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<sup>1</sup> by current Article 6 (11) of the Convention

<sup>2</sup> both – by Almaty Amendment on GMO

<sup>3</sup> all three – by **access to information** and access to justice provisions of the Convention and the Lucca Guidelines

### Aarhus Convention:

- “Environmental information” means any information in written, visual, aural, electronic or any other material form on: (a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including **genetically modified organisms**, and the interaction among these elements; [(b) ...] - (Article 2 (3))

### Obligations of public authorities to:

- provide environmental information upon request (Article 4)
- collect and disseminate environmental information (Article 5)

Provision of environmental information upon request (Article 4):

- **Without an interest having to be stated**
- **in the form requested**
- **shall be made available ASAP and within 1 month at the latest**
- **A request may be refused on a limited list of grounds which shall be interpreted in a restrictive way**
- **Refusal in writing if request was in writing or if applicant so requests; and as soon as possible and at the latest one month unless complexity of information justifies extension to two months, in which case notice, including reasons, must be given; reasons for refusal to be stated; information on the review procedure to be provided**
- **Charges for supplying information may be levied but shall not exceed a reasonable amount and shall be communicated by the public authority beforehand**

## Disclosure of information

- ❖ Presumption of maximum disclosure of information
- ❖ Not confidential as per amendment on GMO and Lucca Guidelines:
  - ❖ a general description of GMO, the applicant, the intended use, the location of the release,
  - ❖ the methods and plans for monitoring and for emergency response
  - ❖ EIA and other assessments documentation
- ❖ **Optional grounds for refusal to be interpreted in a restrictive way**, i.e. when the disclosure adversely affect (art 4 (4)):
  - ❖ Proceedings of public authorities and personal data when confidential under national law
  - ❖ Commercial and industrial information when confidential under national law
  - ❖ Intellectual property rights; international relations, national defence, public security
  - ❖ The interests of a third party which has supplied the information voluntarily, and where that party does not consent to the release of the material; course of justice
- **AND public interest served by disclosure should be always taken into account**
- Information exempted should be kept under review and Information to be disclosed should be separated

## Active information dissemination (Article 5):

- **Public authorities shall possess and update environmental information relevant to their functions**
- **Mandatory systems ensuring an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment**
- **In the event of any imminent threat to human health or the environment all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected**

## Active information dissemination (Article 5):

- **Sufficient information to the public about the type and scope of environmental information held by the relevant public authorities, the basic terms and conditions under which such information is made available and accessible, and the process by which it can be obtained**
- **Establish and maintain free of charge publicly accessible lists, registers, databases etc.**
- **Encourage operators to inform the public regularly of environmental impact of their activities and products**
- **Develop mechanisms with a view to ensuring that sufficient product information is made available to the public in a manner which enables consumers to make informed environmental choices**



### ❖ **General policy**

- ❖ Promoting strategies on e-government, open government, open data and open science
- ❖ Maintaining nationwide digital environmental information system
- ❖ Promote the use of citizen science, crowdsourcing and local and indigenous knowledge
- ❖ Mobilization of resources and international cooperation

### ❖ **Priority types of information and their accessibility**

- ❖ Environmental information to be proactively disclosed in machine-readable, user-friendly and open formats
- ❖ Use of open licenses to promote use and reuse of environmental information

### ❖ **Tools and infrastructure**

- ❖ Maintaining environmental portal as a single one-stop web access point (environmental portal)
- ❖ Use of pilot and lab-based projects and state-of-the-art public engagement processes to apply new or emerging digital technologies

### ❖ **Engagement of the public, operators and other interested stakeholders**

- ❖ Open-source user-feedback mechanism
- ❖ Promote the accessibility, reuse and interoperability of research data
- ❖ Encourage operators to provide information to the public and public authorities (interoperable B2B, B2G and B2C communication)

### ❖ **Governance, institutional development and capacity-building**





# Aarhus Convention and its Protocol on PRTRs

Learn more at

<https://www.unece.org/env/pp/welcome.html>

## Thank you



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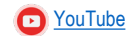
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