



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/2005/4/Add.1
17 February 2005

ORIGINAL: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

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

(Second meeting, Almaty, Kazakhstan, 25-27 May 2005)

Item 5 of the provisional agenda

DRAFT DECISION II/1

GENETICALLY MODIFIED ORGANISMS

Addendum

**PROPOSED AMENDMENT TO THE CONVENTION
SUBMITTED BY THE REPUBLIC OF MOLDOVA**

Article 6, paragraph 1

Insert a new subparagraph (a) bis reading

(a) Shall apply the provisions on public participation to decisions on whether to permit proposed activities relating to genetically modified organisms in accordance with the modalities established in annex I bis;

Article 6, paragraph 11

Delete this paragraph.

Annex

Insert a new annex I bis reading

Genetically modified organisms

1. For the purposes of this annex, the proposed activities relating to genetically modified organisms (GMOs) shall include:

(a) The deliberate release of a GMO for any purpose other than its placing on the market, except if:

- (i) Such a release in the same location and under comparable bio-geographical conditions has already been approved using a public participation procedure conforming to the requirements of paragraph 2 below; or
- (ii) Sufficient experience has been gained with the release of this GMO;

(b) The placing of a GMO on the market, except if:

- (i) It was originally authorized using a public participation procedure conforming to the requirements of paragraph 3 below, and the authorization needs to be renewed in accordance with a Party's regulatory framework; or
- (ii) It is intended for research or for culture collections;

(c) The contained use of GMOs if:

- (i) It is foreseen in large-scale industrial installations;
- (ii) It involves a GMO belonging to the two highest risk categories;
- (iii) Emergency plans are deemed necessary for the use of the GMO in a facility; and
- (iv) The GMO has not already been used in the same facility and under comparable conditions and been approved using a public participation procedure conforming to the requirements of paragraph 4 below.

2. Decisions to permit deliberate releases of GMOs for purposes other than placing on the market will be subject to article 6, paragraphs 2 to 10, except for:

- (a) Paragraphs 2 (e), 6 (e) and 10, which shall be applied only to the extent feasible and appropriate; and
- (b) Paragraph 6 (a) and (c), which shall be construed in a manner applicable to GMOs.

The obligation to take due account of the outcome of public participation shall not be construed as implying an obligation to provide individual responses to submissions from the public.

3. Decisions to permit GMOs for placing on the market will be subject to article 6, paragraphs 2 to 10, except for:

- (a) Paragraphs 2 (d) (iii) and (e), 6 (e) and 10, which shall be applied only to the extent feasible and appropriate; and
- (b) Paragraph 6 (a) and (c), which shall be construed in a manner applicable to GMOs.

The relevant information in article 6, paragraph 6, shall contain a description of the geographical area(s) of the proposed activity, including the specific conditions of use and handling. The obligation to take due account of the outcome of public participation shall not be construed as implying an obligation to provide individual responses to submissions from the public.

4. Decisions to permit GMOs for contained use will be subject to article 6, paragraphs 2 to 10, except paragraphs 2 (e) and 6 (e).

5. For the purposes of this annex and article 4, paragraphs 3 and 4, the following information shall not be considered as confidential by Parties:

- (a) General description of the GMO or GMOs, the name and address of the notifier, the purpose of the release, the location of the release and the intended uses;
- (b) Methods and plans for monitoring the GMO or GMOs and for emergency response;
- (c) The environmental risk assessment.

6. For the purposes of this Convention, ‘genetically modified organism’ or ‘GMO’ means an organism, with the exception of human beings, in which the genetic material has been altered in a way that does not occur naturally by mating and/or natural recombination and covers “genetically modified micro-organisms”. Within the terms of this definition, genetic modification is considered to result, inter alia, from the use of the following techniques:

- (a) Recombinant nucleic acid techniques involving the formation of new combinations of genetic material by the insertion of nucleic acid molecules produced by whatever means outside an organism, into any virus, bacterial plasmid or other vector system and their incorporation into a host organism in which they do not naturally occur but in which they are capable of continued propagation;

- (b) Techniques involving the direct introduction into an organism of heritable material prepared outside the organism including micro-injection, macro-injection and micro-encapsulation; or

- (c) Cell fusion (including protoplast fusion) or hybridization techniques where live cells with new combinations of heritable genetic material are formed through the fusion of two or more cells by means of methods that do not occur naturally.

It is not considered to result from in vitro fertilization, natural processes such as conjugation, transduction and transformation, or polyploidy induction, on condition that these techniques do not involve the use of recombinant nucleic acid molecules or genetically modified organisms made by techniques/methods other than mutagenesis or cell fusion (including protoplast fusion) of plant cells of organisms which can exchange genetic material through traditional breeding methods.

7. For the purposes of this Convention, 'deliberate release of a GMO' means any intentional introduction into the environment of a GMO, or a combination of GMOs, for which no specific containment measures are used to limit its contact with and to provide a high level of safety for the general population and the environment.

8. For the purposes of this Convention, 'placing on the market' means making available to third parties, whether in return for payment or free of charge. The following operations shall not be regarded as placing on the market:

(a) Making available GMOs for contained use;

(b) Making available GMOs with the exception of such micro-organisms referred to in subparagraph (a) above to be used exclusively for activities where appropriate stringent physical containment measures are used to limit their contact with and to provide a high level of safety for the general population and the environment.

9. For the purposes of this Convention, "contained use" means any operation, undertaken within a facility, installation or other physical structure, which involves genetically modified organisms, that are controlled by specific measures that effectively limit their contact with, and their impact on, the external environment. It is understood that field trials are not included in the definition of contained use.

Editor's note: Following a change to paragraph 8 (a), the reference to it in subparagraph (b) is no longer applicable.