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Dear Ms. Stancic,

Invitation to comment on the implementation of a differentiated approach to legally binding public participation procedures for GMOs under the Aarhus Convention.

CropLife International appreciates the opportunity to provide comments on the above issue, which was raised during the second meeting of the Aarhus Convention's Working Group on Genetically Modified Organisms (GMOs).

CropLife International is the global trade association representing the plant science industry. Its members are involved in the research, development and commercialisation of agricultural biotechnology products and, as such, have extensive experience in participating in the development of, and working under, existing national regulatory frameworks for biotechnology. The global plant science industry is therefore keen to be involved, and to assist where possible, as member governments discuss the possible need for establishment of harmonised public participation procedures for GMOs under the Aarhus Convention.

Having participated in the second meeting of the Working Group on GMOs in October last year, CropLife International's view is that it is premature to start negotiating new public participation requirements for GMOs under the Aarhus Convention, given the following observations:

- A number of Aarhus parties are still in the process of considering and/or developing national biosafety frameworks. As such, there is not a complete picture of the information, communication and budgetary environment in which a legally-binding public participation system could operate. To agree to such a system now therefore has the potential to lead to requirements being imposed that a number of countries cannot implement.
- Indeed, it is our understanding that even some of the more general Aarhus Convention obligations with respect to public participation (applying to issues other than GMOs) remain to be implemented in a number of Parties. It would therefore appear to us to be a more sensible use of resources and effort, in the first instance, to focus on implementation of these general obligations. Parties will then gain experience of what is achievable under the Aarhus Convention, which can be brought to bear in any specific discussion relating to the narrow field of GMOs.
- The Aarhus Convention places a legal obligation on Parties to apply public participation provisions to decisions relating to the deliberate release of GMOs, albeit to the extent that is feasible and appropriate in light of countries' varying legal systems and general public information and participation mechanisms and requirements. As such, an agreed mechanism already exists for capturing these products under a public participation system for all countries interested in doing so.

We would therefore propose that capacity building remain the primary area of focus in progressing the consideration of public participation procedures. In this regard, CropLife International supports the work being undertaken under the Biosafety Protocol, as well as the UNEP-GEF Project on Development of National Biosafety Frameworks and the GEF Implementation Projects. Extensive initiatives in this area are also being undertaken by the European Union and its Member States, as well as by other donor countries with experience in biosafety.

Member companies of CropLife International have also developed a *Reference Guide for Biosafety Frameworks Addressing the Release of Plant LMOs*, drawing on their experiences in helping to develop, and working under various national and international biosafety regulatory regimes. We believe that this Guide provides useful and practical guidance to those wishing to develop science-based regulatory systems that will safeguard public health and the environment, while at the same time encouraging research and development of beneficial crop plant and plant products.

Public information and participation is a major component of many of these ongoing capacity building projects. However, further work in relation to information handling and storage systems may be useful. At the same time, the public should be informed of developments in this area, and public opinion sought in an open and transparent manner – bearing in mind that public opinion incorporates a wide variety of views and may produce unexpected results.

In relation to the particular topic of a possible differentiated approach, CropLife International is interested in learning more from the countries that have proposed it. We would be concerned if the reality of such an approach meant that new public participation requirements would be imposed on countries that are still not in a position to implement them (i.e., those still in the process of developing biosafety systems), while countries with functioning biosafety systems would be exempt.

CropLife International looks forward to discussing these issues in more detail at the Working Group's next meeting in March this year, and is keen to continue its participation in this forum.

Thank you again for the opportunity to provide these comments.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Christian Verschueren', with a long horizontal line extending to the right.

Christian Verschueren