

The Private Sector's Perspectives on Public Participation

**Round table on access to information, public participation
and access to justice regarding LMOs/GMOs
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The Private Sector's Perspectives on Public Participation Genetically Modified Organism (GMOs) - The Aarhus Convention

Biotechnology has been the subject of extensive, in-depth discussions in the Aarhus Convention for the past decade

A Working Group on GMOs was established in 2002 to amend the Convention and create detailed requirements for public participation on decision-making for GMOs

The GMO amendment was adopted in 2005 and sets forth detailed requirements for public participation with respect to decisions on the deliberate release and placing on the market of GMOs. Those requirements will be legally binding for all Parties that choose to ratify the amendment

The GMO amendment provides more detailed mandates to Parties in connection with decision-making regarding GMOs than for any other activity covered by the Convention. For this reason, the biotech industry asked GMOs to be excluded from the Work Program of the Aarhus Task Force on Public Participation and from the Recommendations on public participation

The Private Sector's Perspectives on Public Participation Genetically Modified Organism (GMOs) - The Biosafety Protocol

The Biosafety Protocol has also its own provisions and processes in place concerning public awareness and public participation

Article 23 of the Protocol requires Parties, on their own and in cooperation with other States and international bodies, to promote and facilitate public awareness and education, including access to information, regarding the safe transfer, handling and use of living modified organisms (LMOs)

It also requires Parties to consult the public in the decision-making process, to make public the final decision taken and to inform public about the means of access to the Biosafety Clearing-House

At their fifth meeting, Biosafety Protocol Parties adopted a comprehensive programme of work on public awareness, education and participation concerning the safe transfer, handling and use of LMOs which includes the following four elements: 1) capacity-building, 2) public awareness and education, 3) public access to information and, 4) public participation

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Transparency and access to reliable information are critical to public acceptance of governmental decisions on GMOs

Industry believes that the public should have access to relevant information and be aware of decision-making processes relating to GMOs

It is the responsibility of national governments to decide how the public may be involved in various decision-making processes. Public participation in decision-making is necessarily unique to each country's legal system, regulations and traditions

In countries where public participation is invited on similar decisions in other regulated areas, industry supports public notice and comment on proposed decisions on applications for the deliberate and unrestricted release of GMOs into the environment

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Procedures for public consultations should:

- be transparent, timely and proportionate to the risks involved
- be consistent with the procedures followed for other similar products or activities
- be the most inclusive as possible, including all stakeholders
- be workable (i.e., the suggestion that the public should be involved very early in decision making, even prior to a first draft stage, is not feasible)
- should not undermine the integrity and effectiveness of the decision-making processes
- should not exceed the scope of the Aarhus convention and its amendments, i.e. not encompass contained use
- respect confidential information and intellectual property rights in accordance with Article 21 of the Biosafety Protocol