

**Third joint Aarhus Convention/Convention on Biological Diversity  
Roundtable on Public Awareness, Access to Information and Public Participation  
regarding Living Modified Organisms/Genetically Modified Organisms**

***Training on procedures on public participation in  
decision-making related to LMOs/GMOs***

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# Aim of the training

- The training has practical purpose and is based on rich experience/good practices accumulated through implementation of the Aarhus Convention and the Cartagena Protocol on Biosafety
- It is aimed at Parties to both treaties and any interested Government or stakeholder
- There will be no focus on specific provisions of the treaties, but rather on steps and procedures that will assist to organize effectively public participation in decision-making on LMOs/GMOs

*“public participation requires more than simply following a set of procedures; it involves public authorities genuinely listening to public input and being open to the possibility of being influenced by it...*

*[T]he public input should be capable of having a tangible influence on the actual content of the decision. When such influence can be seen in the final decision, it is evident that the public authority has taken due account of public input”*

(the Aarhus Convention Implementation Guide)

## What is subject to public participation on LMOs/GMOs?

- *Decisions* on specific activities involving LMOs/GMOs that may have a significant effect on the environment (for example, permit to place a GMO on the market)
- *Plans, programmes and policies* relating to LMOs/GMOs (for example, food safety-related policy)
- Preparation of *legislation* or other generally applicable *legally binding rules* relating to LMOs/GMOs that may have a significant effect on the environment (for example, legislation on labelling/identification of GMOs/LMOs)

## **Case Studies**

**First: Notification for the first-time deliberate release into the environment of a GMO in a new location**

**Second: Scientific research center to be put into operation nearby the city**

**Third: Notification for placing on the market of a product containing GMO**

# Key elements of effective public participation

**1. Identify the public and the public concerned**



**2. Timely, adequate and effective notice**



**3. Reasonable time-frames when all options are open**



**4. Access to all necessary information**



**5. Public entitled to comment/be heard**



**6. Due account to be taken of public participation**



**7. Prompt notice of decision**



**8. If commitments revised, repeat as appropriate**

# Key elements of effective public participation - who are the public and public concerned?

- **Public** = one or more natural or legal persons, and in accordance with national legislation or practice, their associations, organizations and groups.
- **Public concerned** = the public affected or likely to be affected by, or having an interest in, the environmental decision-making; NGOs promoting environmental protection and meeting any requirements under national law deemed to have an interest.
- Rights are granted to all persons irrespective of citizenship, residence or domicile (i.e. apply also across borders).

# Key elements of effective public participation

**Early public participation, when all options are open, and reasonable time frames**

- Early public participation, when all options are open is a precondition for effective public participation to take place
- Reasonable time frames means allowing sufficient time for informing the public and for the public to prepare and participate effectively in the decision-making



# DELIBERATE RELEASE

Reasonable  
alternatives

Public  
concerned:

1. Villagers
2. Farmers
3. City dwellers
4. Wildlife NGO
5. Anti-GMO group

Notifying the  
public  
concerned

# Key elements of effective public participation

## Early, adequate and effective notice

- Early notice of the environmental decision-making procedure, in an adequate, timely and effective manner of, among other things:
  - The proposed activity
  - The nature of possible decisions
  - The public authority responsible for making the decision
  - The public participation procedure envisaged (including time frames and opportunities to participate)

# Key elements of effective public participation

## Access to all relevant information

- Access to all information relevant to the decision-making, free of charge and as soon as it becomes available

## Opportunity to comment and/or be heard

- The public is entitled to submit any comments, information, analyses or opinions it considers relevant to the proposed activity, in writing or, as appropriate at a public hearing or inquiry

## Due account to be taken of public participation

- The competent public authority must ensure due account is taken of the outcome of the public participation

# Key elements of effective public participation

## Prompt notice of decision

- The public must be promptly informed of the decision. The text of the decision must be made accessible, along with the reasons and considerations on which it is based

**If commitments (operating conditions) are reconsidered or updated, the above steps should be repeated, as appropriate**

- If the public authority reconsiders or updates the operating conditions for the activity, the above requirements should be applied again as appropriate.



## **CONTAINED USE**

**Reasonable  
alternatives**

**Public  
concerned:**

1. Villagers
2. Farmers
3. City dwellers
4. Wildlife NGO
5. Anti-GMO group

**Notifying the  
public  
concerned**



## **PLACING ON THE MARKET**

**Reasonable  
alternatives**

**Public  
concerned:**

1. Villagers
2. Farmers
3. City dwellers
4. Wildlife NGO
5. Anti-GMO group

**Notifying the  
public  
concerned**

## **Decisions related to specific activities on GMOs/LMOs:**

- an individual decision issued by a public authority
- usually upon an individual application by an applicant for a permitting decision (most often a developer or operator of an existing installation)
- permitting a particular activity (development project) to be undertaken by the applicant
- in a specific place and under specific conditions
- usually following the general requirements set by the plans or programmes setting the framework for such activities

## **Decisions related to plan, programme, policy on GMOs/LMOs:**

- a general act (often adopted finally by a legislative branch)
- initiated by a public authority
- sets, often in a binding way, the framework for certain categories of specific activities (development projects)
- usually is not sufficient for any individual activity to be undertaken without an individual permitting decision

## **Plans, programmes and policies relating to LMOs/GMOs**

- Practical and/or other provisions for the public to participate during the preparation of plans, programmes and policies relating to the environment;
- Within a transparent and fair framework;
- The necessary information must be provided to the public;
- Reasonable timeframes for the public to be informed, to prepare and to participate effectively;
- Early public participation when all options are open and effective public participation can take place;
- Due account to be taken of the outcome of the public participation.

## **Preparation of executive regulations and other legal rules relating to LMOs/GMOs**

- Effective public participation shall be promoted in the preparation of executive regulations and other legally binding rules that may have a significant effect on the environment;
- While options are still open;
- Time-frames sufficient for effective participation should be fixed;
- Draft rules should be published or otherwise made publicly available;
- The public should be given the opportunity to comment, directly or through representative bodies;
- The results of public participation should be taken into account as far as possible.

# What are benefits of public participation?

- Understanding of decision-making processes regarding LMOs/GMOs
- Enhanced trust, better quality of decisions, accountability and better governance
- Improved relationships between decision-makers and the public, and among different stakeholders
- Enhanced smooth implementation and improved legitimacy of decisions
- Economic gains and improved sustainability