



# The Aarhus Convention and Biosafety

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based on the materials of the Aarhus Convention Secretariat

# Overview



- What is the Aarhus Convention?
- What is the Aarhus Convention about?
- What is its relevance for biosafety?

# What is the Aarhus Convention?



- Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters
- Three pillars: information, participation, justice
- Entered force in 30 October 2001, now has 44 Parties: 43 countries and the European Union
- Parties adopted Lucca Guidelines on GMOs in 2002, still a useful tool
- Amendment on public participation in GMO decisions adopted in May 2005, not yet in force.

# What is the Aarhus Convention?



- Most far-reaching international treaty on environment and human rights
- First international environmental treaty to allow members of the public to bring cases before the compliance mechanism
- Expressly covers information and decisions on GMOs
- Neither for or against GMOs
- Aarhus Clearinghouse, which also contains biosafety related materials.

# How does the Aarhus Convention work?



- Requires Parties to provide access to information, public participation and access to justice to the public regarding the environment

## **Human Rights nature**

- Obligations mainly fall on public authorities
- Rights are owed to the public, or the public concerned

# First pillar: A2I



## Right of access to information

- Has two sides: active and passive:
  - Public has right to environmental information upon request
  - Obligation on Parties to collect and disseminate environmental information, including on GMOs
- Environmental information widely defined
  - Includes (among other things) any information in any form on the state of elements of the environment, eg air, atmosphere, water, soil, land, landscape and natural sites, biological diversity, including **genetically modified organisms, and the interaction between these elements.**

# A2I on GMOs on request



- Requirements:
  - Without interest having to be stated
  - In form requested
  - As soon as possible or at latest within one month
  - Reasonable charges published beforehand
  - Limited grounds for refusal to be interpreted in a restrictive way



**Active information obligation:  
To collect and disseminate environmental information**

Parties must ensure that:

- Public authorities have up-to-date environmental information relevant to their functions
- Systems are established to ensure an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment
- **Also product information:**  
Parties must develop mechanisms to ensure that sufficient product information is available for consumers to make informed environmental choices.





## Public participation in GMO decisions – current article 6 (11)

- Currently, Parties must apply the Convention's public participation requirements on decisions on whether to permit the deliberate release of GMOs into the environment *to the extent feasible and appropriate* within the framework of its national law

# PP in GMO decisions

## – current article 6 (11)



**Each Party shall,**

within the framework of its national law,

**apply,**

to extent feasible and appropriate,

**provisions of this article** to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

# PP in GMO decisions

## – current article 6 (11)



### Requirements:

- Reasonable timeframes
- Early public participation when all options are open
- Applicants required to identify public concerned, provide them with information and enter into discussions with them before applying for a permit

### Public authorities required to:

- Make all relevant information accessible to public concerned upon request, free of charge
- Provide opportunity for public concerned to comment
- Take due account of public participation outcomes
- Inform the public promptly of the decision taken (including reasons) and make the decision accessible

## A2J regarding GMOs



- For a refused request for information
- For impairment of a right provided under the national law regarding public participation in decisions on deliberate release covered by art 6(11) – but not regarding decisions covered by GMO amendment.
- To challenge an act or omission by private persons or public authorities which contravenes national environmental law



## Lucca Guidelines on GMOs, 2002

- Non-binding examples of good practice
- Most far-reaching and detailed instrument on GMOs e.g. covers contained use as well as deliberate release and placing on the market
- Still a valuable guidance tool



**Thank you!**

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