

UNECE

Promoting transparency and participatory approaches to biosafety-related decision-making

Side-event

Geneva, 18 November 2025

BRIEF FACTS

Aarhus Convention

- **Adopted** on 25 June 1998 and **entered into force** on 30 October 2001
- **International treaty** linking environment and human rights
- 48 Parties, including EU
- **Aims** to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well being
- **Establishes** procedural requirements by granting public rights and imposes on Parties and public authorities' obligations regarding access to information, public participation and access to justice - reinforced by the compliance review system and reporting mechanism
- The Convention is applicable to GMO matters for all Parties
- GMO Amendment (2005) reinforced provisions on public participation, it entered into force on 20 April 2025
- Lucca Guidelines on GMOs (2002) and the GMO Amendment (2005) – direct references to CBD and the Cartagena Protocol/national biosafety framework
- Host of practical material to support implementation developed jointly with the secretariat of the Protocol on Biosafety

Cartagena Protocol on Biosafety

- **Adopted** on 29 January 2000 and e**ntered into force** on 11 September 2003
- **Protocol** to the Convention on Biological Diversity (CBD)
- 173 Parties, including EU
- **Aims** at protecting biological diversity from the potential risks posed by living modified organisms (LMOs)
- **Establishes** provisions relating to public awareness, education and participation, including access to information, regarding LMOs
- **Applies** to handling and use of LMOs and their movement from one country to another
- **Recognizes** that modern biotechnology has potential for human wellbeing if developed and used with adequate safety measures for the environment and human health

GENERAL PROVISIONS OF THE AARHUS CONVENTION
– How They Apply To GMOs

Aarhus Convention:

- **Three pillars: access to information, public participation in decision-making and access to justice**
- **Complementary and mutually supportive to the provisions of the national biosafety framework**
- **Neither for nor against GMOs**
- **Covers: (a) deliberate release into the environment[1], (b) placing on the market[2] and (c) contained use[3] of GMOs**

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[1] by Article 6 (11) *(only for non-Parties to the Amendment)* and Article 6 bis *(only for Parties to the Amendment)*

[2] both a and b – Article 6 bis *(only for Parties to the Amendment)*

[3] all three, a, b, c – by access to information and access to justice provisions of the Convention and the Lucca Guidelines

AARHUS CONVENTION PARTIES TO THE GMO AMENDMENT

Adopted on 27 May 2025 and Entered into Force on 20 April 2025

33 Parties to the GMO Amendment

Ratification by Ukraine on 20 January 2025 triggered its entry into force

Albania
Austria
Belgium
Bulgaria
Cyprus
Czechia
Denmark
Estonia
European Union
Finland
France
Georgia
Germany
Hungary
Ireland
Italy
Latvia
Lithuania
Luxembourg
Malta
Netherlands
Norway
Poland
Portugal
Republic of Moldova
Romania
Slovakia
Slovenia
Spain
Sweden
Switzerland
Ukraine
United Kingdom of Great Britain and Northern Ireland

AARHUS CONVENTION
Public Awareness and Education

Preambular

- Recognizing also that the public needs to be aware of the procedures for participation in environmental decision-making, have free access to them and know how to use them,

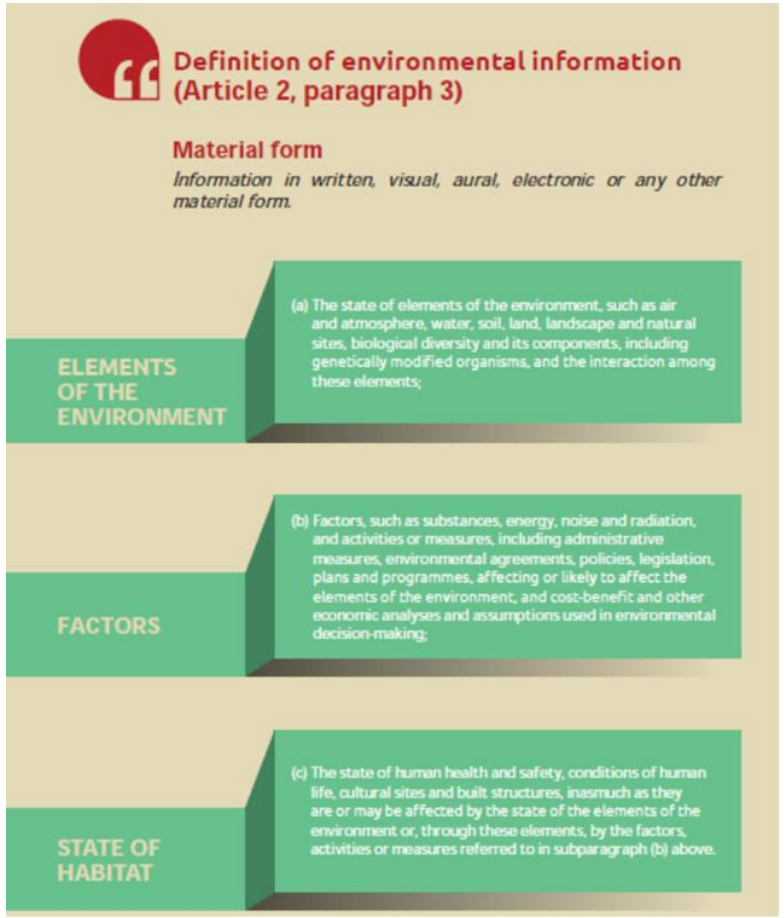
- Desiring to promote environmental education to further the understanding of the environment and sustainable development and to encourage widespread public awareness of, and participation in, decisions affecting the environment and sustainable development,

- Noting, in this context, the importance of making use of the media and of electronic or other, future forms of communication,

Art 3(3))

- Each Party shall promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters.

AARHUS CONVENTION
Access to Information



Aarhus Convention:

- **"Environmental information" means any information in written, visual, aural, electronic or any other material form on: (a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including genetically modified organisms, and the interaction among these elements; [(b) …] - (Article 2 (3))**

Obligations of public authorities to:

- **provide environmental information upon request (Article 4)**
- **collect and disseminate environmental information (Article 5)**

Disclosure of information

- Presumption of maximum disclosure of information
- Not confidential as per the GMO amendment and the Lucca Guidelines:
  - a general description of GMO, the applicant, the intended use, the location of the release,
  - the methods and plans for monitoring and for emergency response
  - EIA and other assessments documentation
- Optional grounds for refusal to be interpreted in a restrictive way, i.e. when the disclosure adversely affect (art 4 (4)):
  - Proceedings of public authorities and personal data when confidential under national law
  - Commercial and industrial information when confidential under national law
  - Intellectual property rights; international relations, national defence, public security
  - The interests of a third party which has supplied the information voluntarily, and where that party does not consent to the release of the material; course of justice

- AND public interest served by disclosure should be always taken into account
- Information exempted should be kept under review and Information to be disclosed should be separated

What is subject to public participation in decision-making?

- *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) – **Article 6-bis and Annex I bis or Article 6 (11) and other biosafety matters – article 6 (1) (b)**
- *Plans, programmes and policies* relating to biosafety matters (LMOs/GMOs) (for example, food safety-related policy) – **Article 7**
- Preparation of *legislation* or other generally applicable *legally binding rules* relating to biosafety matters (LMOs/GMOs) that may have a significant effect on the environment (for example, legislation on labelling/identification of GMOs/LMOs) **– Article 8**

AARHUS CONVENTION
Access to Justice

Aarhus Convention (preamble, para. 18):

- **… effective judicial protection should be accessible to the public, including organizations, so that its legitimate interests are protected and the law is enforced**

GMO Amendment to the Convention (preamble, para. 6):

- **… the Aarhus Convention provides an appropriate international framework for further developing access to information, public participation and access to justice with respect to GMOs**

Lucca Guidelines (para. 23):

- **[The Party] should also, within the framework of its legislation, provide for access to justice in accordance with article 9 of the Convention, including, where appropriate, with respect to GMO activities that fall within the scope of these Guidelines but may not be subject to the provisions of article 9 of the Convention.**

USEFUL LINKS

Aarhus Convention

- Welcome page: https://unece.org/environmental-policy-1/public-participation
- Activities and material related to GMOs: https://unece.org/environment-policy/public-participation/gmos
- The Aarhus Clearinghouse: https://aarhusclearinghouse.unece.org/



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Aarhus Convention and its Protocol on PRTRs

Learn more at

https://www.unece.org/env/pp/welcome.html

Thank you

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