

Environment: access to information and justice, public participation, amendment to the conclusion of the Aarhus Convention

2006/0113(CNS) - 20/06/2006 - Legislative proposal

PURPOSE: to approve, on behalf of the Community, the Aarhus Convention on public participation in decision-making on genetically modified organisms (GMO's).

PROPOSED ACT: Council Decision.

CONTENT: the UN/ECE Aarhus Convention on access to information, public participation in decision making and access to justice in environmental matters was approved by the Community in February 2005. The purpose of this proposed Council Decision is to approve an amendment to the Convention which concerns provisions relating to GMO's.

There are a number of legislative instruments, either in the process of being approved, or which have been approved, which affect this proposal. They are:

- Council Decision 2005/370/EC on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters. (Please refer to CNS/2003/0249)
- Directive 2001/18/EC on the deliberate release into the environment of GMO's (Please refer to COD/1998/0072); and
- Regulation 1829/2003/EC on genetically modified food and feed. (Please refer to COD/2001/0173).

In 2002 the first meeting of Parties to the Convention established a Working Group on GMO's, with a mandate to identify and develop potential options strengthening the existing Aarhus provisions. Given that the EU has adopted stringent legislation regarding GMO's (Directive 2001/18/EC on the deliberate release into the environment of GMO's and Regulation 1829/2003/EC on genetically modified food and feed), the Council instructed the Commission to ensure that any amendments adopted by the Parties to the Convention should be consistent with relevant Community legislation – particularly on the deliberate release into the environment and placing on the market of GMO's.

At the second meeting of the Working Group on GMO's, it was agreed that the Convention's amendment should make obligations relating to public participation in GMO decision-making more specific. As a result, the Convention's amendment is fully compatible and full in line with EU legislation. There will be no need to modify or alter EU legislation already in force.

The successful Community coordination during the negotiation process should be similarly ensured with regard to the conclusion of the amendment to the Aarhus Convention, with a view to permitting the deposit, as far as possible simultaneously, of the instruments of ratification, acceptance or approval by the Community and the Member States. The Commission urges the few Member States, who have not yet ratified the Convention, to step up their efforts to that end. The Community should now approve the amendment to the Convention.