



WORKSHOP

***PUBLIC AWARENESS, PUBLIC INFORMATION & PUBLIC PARTICIPTION
IN
NATIONAL BIOSAFETY SYSTEMS***

Chamber of Commerce and Industry of Slovenia
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Dear participants,

With the deposition of the fiftieth ratification in June 2003 Cartagena Protocol on Biosafety fulfilled the very last condition for implementation of this international agreement on Genetically Modified Organisms trade within the Convention on Biological Diversity.

On September 11 2003 the Cartagena Protocol on Biosafety to the Convention on Biological Diversity come into force what institutionalises the precautionary principle from Principle 15 of the Declaration on the Environment. The implementation of Cartagena Protocol on Biosafety will give contemporary biotechnology an important part to play in the conservation of human welfare and the sustainable use of biological diversity.

The Biosafety Clearing-House was established by Article 20 of the Cartagena Protocol on Biosafety to facilitate the exchange of scientific, technical, environmental and legal information on and experience with genetically modified organisms and assist Parties to the implementation the Protocol. In accordance to the Article 23 of the Biosafety Protocol requires Parties to promote and facilitate public awareness and participation. Particularly in Paragraph 3 of Article 23 states that »Each party shall endeavour to inform its public about the means of public access to the Biosafety Clearing-House«.

In that respect the workshop attempt to facilitate the importance of public awareness and public information for public participation in decision making processes. With the ratification of the Protocol Slovenia also take over obligations from the Protocol. In that occasion the Workshop is organized in the frame of UNEP/GEF project entitled »Biosafety System in Slovenia« which should be a part of successful implementations of those obligations and will finished in September. The participation of CEE countries fortifies the international cooperation what facilitate the Cartagena Protocol on Biosafety.

Organizers

CONTENTS

| | |
|--|-----------|
| PUBLIC EDUCATION | 1 |
| PUBLIC ENGAGEMENT / EDUCATION | |
| Julian Kinderlerer | 3 |
| PUBLIC EDUCATION – BUILDING THE REPUTATION OF GENETICALLY MODIFIED ORGANISMS | |
| Michael Kline | 4 |
| BIOETHICS | 5 |
| BIOTECHNOLOGY: PUBLIC PERCEPTION, ETHICS AND POLITICS | |
| Richard Braun | 7 |
| <i>BIOETHICS – BETWEEN PROFESSIONAL AUTONOMY AND PUBLIC AWARENESS</i> | |
| Gregor Tomc | 9 |
| PRESS AND INFORMATION | 13 |
| <i>PRESS AND INFORMATION</i> | |
| Katherine Williams | 15 |
| <i>MASS MEDIA – INFORMATION AND ENVIRONMENTAL AWARENESS RAISING</i> | |
| Manca Šetina - Miklič | 16 |
| POLICY AND PUBLIC PARTICIPATION | 19 |
| <i>BIOSAFETY FRAMEWORK : INFORMATION SUPPLY AND PUBLIC COMMUNICATION</i> | |
| Biserka Strel, Martin Batič, Radovan Tavzes | 21 |
| <i>PUBLIC PARTICIPATION IN THE DECISION MAKING PROCESS OR HOW TO CHANGE TANKER'S DIRECTION</i> | |
| Marjana Dermelj | 25 |
| BIOSAFETY CLEARING-HOUSE | 27 |
| <i>THE BIOSAFETY CLEARING-HOUSE</i> | |
| Secretariat of the Convention on Biological Diversity | 29 |
| <i>PUBLIC AND THE GMO ACT IN SLOVENIA</i> | |
| Julijana Lebez – Lozej, Biserka Strel, Martin Batič | 33 |
| <i>NATIONAL BIOSAFETY CLEARING-HOUSE – SLOVENIAN EXPERIENCE</i> | |
| Darja Stanič – Racman | 38 |
| NATIONAL BIOSAFETY SYSTEMS | 43 |
| <i>NATIONAL BIOSAFETY FRAMEWORK FOR THE CZECH REPUBLIC</i> | |
| Jan Káš and Milena Roudná | 45 |

| | |
|--|----|
| <i>UNEP/GEF PROJECT ON “DEVELOPMENT OF NATIONAL BIOSAFETY FRAMEWORK IN MACEDONIA”</i> | |
| Jasmina Gorgieva | 49 |
| <i>PUBLIC ACCESS TO INFORMATION AND PUBLIC PARTICIPATION AT THE DECISION-MAKING ON BIOSAFETY ISSUES IN THE REPUBLIC OF MOLDOVA</i> | |
| Angela Lozan | 51 |
| <i>LIST OF PARTICIPANTS</i> | 55 |
| <i>NOTES</i> | 58 |

PUBLIC EDUCATION

PUBLIC ENGAGEMENT / EDUCATION

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The Cartagena Protocol on Biosafety requires that the public are involved in the decision making process. The massive outcry in Western Europe which has caused industry, retail companies and governments to choose not to allow foods containing genetically modified products to be grown or even in some cases sold has made it essential that the public are informed of the issues surrounding this technology.

There is evidence that much of the public knows little about these new organisms and foods, and is very concerned at their introduction into the environment and on the table. Scientists struggle to understand these concerns and to explain the processes that they see as little different from that which has gone before in producing foods that appear daily in our diet. Most scientists see this new technology as part of a continuum which, if anything poses less risk to the environment and to human health than products produced using traditional agriculture or even organic agriculture. The techniques are precise and provide certainty as to that which has been inserted. They may, if properly designed, produce organisms that are safer than their counterparts produced using traditional means. Science is not about opinion, many argue, but rather it is about facts. It is recognised that it could be possible to design something that could pose a threat to the environment or to human health, but the systems in place to assess the safety of these products are more than adequate, and much better for GM than for the rest of the food system. Many scientists believe that all we need to do is to explain the science and people will accept the result of the research, especially as there is significant testing and assessment of risks before a product is placed on the market.

Others, not necessarily uneducated or lacking an understanding of the scientific information are not as sure. Can ethical decisions truly be made purely on the basis of science? Where there is enough food, should we make these new products at all? There is much more to discuss than science.

This talk will address many of the issues, and try and highlight the need for engagement rather than informing the public. Scientists need to learn and understand concerns, regulators need to assure the public that they are doing their job and assuring the safety of the marketed products.

PUBLIC EDUCATION – BUILDING THE REPUTATION OF GENETICALLY MODIFIED ORGANISMS

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BIOETHICS

BIOTECHNOLOGY: PUBLIC PERCEPTION, ETHICS AND POLITICS

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The public perception of life sciences, biotechnology in particular, differs tremendously depending on the field of application. In addition there are marked cultural differences, which can be rationalized by the socio-economic and political settings of different regions of the world.

1. The assessment of technical innovation

Inventions based on new scientific discoveries of and transformed by technicians into new products and services may, in general, seem to offer relief from misery or they may be seen as threatening. What do we gain, what do we lose from an invention? What are the benefits and the risks of a technology?

2. Public Perceptions

Sociologists have learnt to gauge public perceptions by different means: surveys, focus groups, media analysis etc.

The Eurobarometer, a survey conducted by the EU on a whole range of different topics, has revealed over the last ten years that the public understanding of biotechnology and its scientific basis is quite rudimentary. This survey and many others have shown that most people view medical applications quite favorably, while transgenic plants and food made from them is viewed skeptically. Criticism is more widespread in Europe than in North America. Industrial applications are largely ignored.

3. Areas of acceptance and areas of skepticism

- New pharmaceuticals, diagnostics and vaccines made by biotechnology are welcome. There is public confidence that they are carefully tested before use and that their benefit is obvious. Many new substances are in the pipeline.
- Human embryonic stem cells, which have the potential to function as tissue replacement, have raised ethical questions: is it acceptable to destroy human embryos to produce cell cultures? It should be pointed out that human embryos, no longer required for specific fertility treatment are anyhow discarded.
- Biotechnology as a tool for plant and animal breeding is ok, but transgenic animals and plants as sources of food are viewed critically. There is consensus amongst most scientists that there are no health problems and no major environmental problems caused by those transgenic crops that have been allowed to be planted on farms. People's worry about allergies and gene transfer to wild plants are exaggerated.
- There is wide consensus that human reproductive cloning must be banned.

4. Ethics and Politics

Important ethical criteria are: human dignity, quality of life and sustainability of technical solutions. Different applications of biotechnology and their societal consequences need to be judged on a case by case basis. Politics have necessarily jumped into the field asking what does one or the other stand bring for my organization?

This applies not only to political parties, but also to NGOs such as Greenpeace. Political decisions need to be taken on a solid scientific basis and in full recognition of positive and negative consequences. This has not been so in Europe during the last decade. There is no simple answer such as may be implied in the Precautionary Principle. A moratorium or a ban on certain technologies does not solve problems.

5. Ways forward

Scientists need to promote an open dialogue with the public, explaining in comprehensible language what they are doing: they need also to be able to discuss the societal consequences of their experiments. It must also be clear to scientists that the knowledge of scientific facts alone does not automatically lead to the acceptance of a new technology. Education in schools needs to be improved: the knowledge and understanding of science and technology needs to be promoted. In a practical way, scientists need to interact better with the gatekeepers of public communication...teachers, journalists and politicians. The latter implies that scientists need to lobby for their cause.

BIOETHICS – BETWEEN PROFESSIONAL AUTONOMY AND PUBLIC AWARENESS

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1. Few would probably disagree that science is not merely a profession but the profession of modernity. Although all human societies are similar in the sense that we subject nature to our cultural needs in a conscious manner, by rational thinking (thus deserving the name Scientific Species), no past society can compare with modernity in the systematicity of scientific application in production. We depend on science on a scale unimaginable in pre-modern societies.
2. Every profession has some basic characteristics:
 - it involves a skill based on theoretical knowledge,
 - the skill requires training and education,
 - the professional must demonstrate competence by passing a test,
 - integrity is maintained by adherence to a code of conduct,
 - the service is for the public good,
 - the profession is organized (Geoffrey Millerson enumerated the above characteristics in 1964), and we would add one more to his list:
 - work is assessed and supervised by others of the same profession.

This description of profession is somewhat idealized. It points to an altruistic motivation of professionals (public service) and implies that the category 'public good' is unambivalent (that a consensus exists on what is in the interest of the public). Numerous critics have pointed out that the professional claim to authoritative knowledge (according to which only members of the profession are competent judges of conduct) does not lead to autonomy as much as to protectionism, not to public service as much as to pursuit of self-interest, in short to particularistic strategies of activity.

3. According to the criteria defining profession, science fulfils the conditions: it demands specific skills, it is based on theoretical knowledge, it demands education and testing, it has a code of conduct, it is in public service, it is organized (especially so in modern societies), and it is assessed and supervised.

What is specific about the scientific profession is that passing judgement on competence, conduct and public service of scientists is more difficult than in most other professions. We will illustrate this briefly with three examples:

- we are all experts in political issues (which is why the democratic principle of 'one man – one vote' is possible),
- we are all equally capable in passing aesthetical judgement (which is why it is in bad taste to criticise the taste of others),
- our religious beliefs cannot be questioned (which is the rationale behind the modern division of State and Church)

But in science things are not so simple. Scientific activity is based on methods of research of phenomena (objects, beings, relations), generating empirical data, embedded in theoretical systems of knowledge. Every member of the community can of course have attitudes regarding scientific research but if the attitudes are not based on scientific knowledge, the assessment and supervision are false as well as harmful. A public debate on scientific issues must be rational and informed to be legitimate.

We know that modern science is becoming increasingly complex and as such also increasingly hermetical to the general public. We are also aware of the fact that the modern person demands the right to participate in all issues of public importance, science being no exception. But in science this implies that the public participates in issues of which it has ambivalent knowledge at best. Its reaction is as a result of two types:

- indifferent when the issues are perceived as irrelevant to the individual,
- and with negative emotions (anxiety) when perceived as potentially dangerous.

As such attitudes are not based on relevant knowledge, the modern public tends to moralize scientific knowledge (science as evil, in much of New Age superstition) or are subject to common sense simplifications. When such attitudes become dominant in a public debate and consequently in decision-making, they lead to de-professionalization (competence and conduct in science are judged according to irrational criteria).

4. De-professionalization can have very undesirable effects. An illustration of this is the fate of genetics in the Soviet Union:
 - as marxist ideology became dominant,
 - genetics became suspect (the idea that heredity can determine an organisms fate was unacceptable),
 - leading to a new 'science' of Lysenkoism (who for example tried to grow wheat in Siberia by getting the plant used to the colder environment, which was in keeping with communist ideology).

To avoid this, science must, in short, remain autonomous, assessment and supervision of research must be up to the scientific community.

What of the public? If – due to a combination of two factors, the democratic aspiration to participate in decision-making and lack of competent knowledge – it must not assess and supervise, what is left for it to do? It must have the right to a choice. In some cases this is not problematic (for example, genetic screening for cancer in the future will be universally desirable). In other cases this is not the case (for example, GMO in farming represents important scientific research, but the public is ambivalent, so it should have the right to know which products on the market are GMO and which not). Should anything be banned by the community? In our opinion this would be justified in two cases:

- when there is reasonable doubt that research applications can have negative implications ((for example, the danger of GMO's colonising the outside environment) or
- when the application exceeds the state of the art in the scientific community (for example, cloning of humans at the present).

5. To sum up: in modern communities it is reasonable to expect that scientific knowledge will be – from the perspective of an average citizen – increasingly complex, hermetic and esoteric. It is not surprising that a climate of mistrust and anxiety regarding science was created in numerous modern communities. To counterbalance it, democratic governments should use all measures at their disposal:

- its own policy should promote pro-scientific policies,
- phobic content in media should be opposed with scientific arguments,
- the educational system should be used to promote science and not superstition etc.

But all these and other measures will probably not suffice. Democratic governments will also have to protect the autonomy of the scientific profession against its sceptics and enemies.

BIOETIKA – MED PROFESIONALNO AVTONOMIJO IN ZAVEDANJEM JAVNOSTI

Znanost je profesija, saj zahteva večšine utemeljene na teoretskem znanju, izobraževanje, preizkuse znanja, privrženost zbirki pravil, delovanje v javno dobro, organizacijo ter ocenjevanje in nadzor kolegov.

Za razliko od nekaterih drugih področij delovanja, na katerih smo vsi enako kompetentni (na primer, ko gre za moralno ali estetsko presojanje), mora biti v znanosti presojanje utemeljeno na znanstvenem vedenju, če naj bo verodostojno. V nasprotnem primeru, če temelji na občutkih, vodi v deprofesionalizacijo znanosti. Ker pa se znanost razvija v smeri rastoče kompleksnosti, je pričakovanje, da bi bila javnost seznanjena s stanjem raziskovanja v znanosti, nerealna. Ocenjevanje in nadzor znanstvenega delovanja mora biti torej prepuščeno strokovni javnosti.

Kaj potem javnosti sploh še ostane? Po našem prepričanju mora imeti pravico do izbire. V primeru GMO, ki je danes zelo aktualno, bi morala biti hrana denimo označena (ločena na genetsko modificirano hrano, na katero smo se s časom privadili in ki je za nas 'naravna' in na tisto, na katero se še nismo privadili in jo imamo zaradi tega za 'umetno').

Vloga države v odnosih med znanstvenimi profesijami in javnostmi pa bi morala spodbujati pozitiven odnos javnosti do znanosti. Promovirati bi morala pro-znanstvena stališča (se na primer zoperstavljeni praznoverju v medijih), spodbujati spoznavanje znanstvenih vsebin (na primer v šolskem sistemu), predvsem pa bi morala ščititi avtonomijo znanosti pred skeptiki in sovražniki.

PRESS AND INFORMATION

CHALLENGES FOR THE MEDIA: DISSEMINATING INFORMATION BY AVOIDING HYSTERIA

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The media faces numerous challenges in attempting to inform the public about real hazards and dangers in this world without causing mass hysteria.

These challenges include the audience that is targeted, selection of appropriate language, and finding a balance between points of view. Other challenges that face the media include identifying the stories that genuinely require attention and recognising those based on hype or false claims.

Reporters are under a number of pressures from the media itself and this can lead to conflicts between the hysteria driving viewpoint and the more objective position. We must all be aware that bad news sells, conflict and controversy drive the news, and ratings or sales are important. Reporters also work to deadlines, and in an increasingly Internet driven age there is more pressure than ever to meet time restrictions.

The media is also faced with manipulation from a variety of sources, pressure groups, big business, political parties and so on. This can affect the quality of coverage surrounding an issue.

It must also be kept in mind that since the media are reporting for the public, the public have a duty to carefully analyse the information they receive, hysteria is not usually the result of a journalist's comment but of the public reaction to it.

People do not base their decisions on the media alone, they do not believe everything they read and a great many other social factors come into play regarding hysteria.

MASS MEDIA – INFORMATION AND ENVIRONMENTAL AWARENESS RAISING

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If communication as a policy making and implementing instrument is the most efficient in combination with other instruments, public awareness raising through mass-media is the most efficient in combination with direct communication. Although an important part of public can be covered with addressing our messages through media, its influence to awareness raising is very limited as we can not control the content of the published message and there is always a question of how many people will actually read it or view it. However, we can use mass-media to stimulate people to discuss a certain issue, to make people aware of a certain problem, to create the interest and to instruct people who had already been motivated to change their behaviour. Environmental awareness raising is aimed towards changing behavioural patterns - also by inducing changes in knowledge and attitudes - and achieving this only via mass-media is difficult.

MNOŽIČNI MEDIJI – INFORMIRANJE IN OKOLJSKO OZAVEŠČANJE

Zelena potrošnja, zelena produkcija, ekološki življenjski stil in drugi podobni pojmi modernih okoljskih politik pred javnost postavljajo velike zahteve v smislu aktivnega sodelovanja in spremembe njihovega vedenja. Sprememba vedenjskih vzorcev, h kateri preko vplivanja na spremembe znanja in stališč teži okoljsko ozaveščanje, pa je hkrati najzahtevnejši komunikacijski cilj. Vsebinski predpogoj, ki mora biti izpolnjen za uspešno doseg tega cilja, je integriranost programov ozaveščanja v okoljskih politikah. Organizacijska predpogoja pa sta usposobljen komunikacijski oddelek in ustrezen proračun.

Okoljske politike so učinkovite le, če je njihova priprava transparentna in pri njej aktivno sodelujejo deležniki, od katerih kasneje pričakujemo tudi sodelovanje pri njenem izvajanju. Komuniciranje samo, še manj pa zgolj posredno komuniciranje preko množičnih medijev, seveda ni dovolj močan instrument za spremembo vedenjskih vzorcev, nujno potrebno pa je v kombinaciji z drugimi instrumenti, npr. spodbudami ali ustrezno infrastrukturo. Vlade se danes tega zavedajo, zato so na pritiske nevladnih organizacij pripravile Aarhuško konvencijo. Tako problem ni več toliko v prepričevanju vladnih organizacij, naj javnosti odprejo vrata za sodelovanje, temveč v prepričevanju javnosti, naj skozi ta vrata tudi vstopi. Za to pa potrebujemo informirano in ozaveščeno javnost.

Ozaveščanje je zahtevna naloga, saj ljudi motivirajo predvsem takojšnje ekonomske, zdravstvene in družbene koristi, ki jih imajo od spremenjenih vedenjskih vzorcev. Na

okoljskem področju so te koristi dolgoročne in zato nimajo takojšnjega učinka. Ljudi je zlahka "aktivirati" pri vsebinah, za katere se zavedajo, da se njihove posledice zelo konkretno dotikajo njihovih osebnih V teh primerih se hitro odzovejo in so tudi pripravljeni takoj ukrepati. Javnosti je zato treba okoljske probleme predstaviti tako, da bo zanje zainteresirana, ker bo čutila, da lahko nanje vpliva. Velik del okoljskega ozaveščanja lahko opravijo vladne, nevladne, strokovne in znanstvene organizacije kot prepričani okoljski partnerji. Informacije, ki jih lahko posredujejo javnosti, morajo biti oblikovane jasno in otipljivo, da se bo javnost v njih lahko prepoznala. To pa bomo znali narediti le, če bomo ciljne javnosti dobro poznali.

Ozaveščanje različnih ciljnih skupin seveda zahteva ustrezne komunikacijske metode, tehnike in sredstva. Pri tem je najbolj učinkovito neposredno komuniciranje. Naenkrat pa z našimi sporočili največji del javnosti lahko pokrijemo preko množičnih medijev. Medijska sporočila so najučinkovitejša, kadar spremljajo neposredno komuniciranje – delavnice, predstavitve, posveti, pogovori, informacijski telefon..., ki za razliko od medijskega omogočajo izmenjavo informacij in reagiranje na odziv javnosti.

Novinarje pogosto opredeljujemo kot ciljno javnost, množične medije kot deležnike, tudi kot orodje komuniciranja. Pri komuniciranju preko tiskanih in elektronskih množičnih medijev gre za najosnovnejši komunikacijski model, ki vključuje oddajnika, sporočilo, posrednika in sprejemnike. Pri tem seveda pošiljatelj nima popolnega nadzora nad posredovanim sporočilom, saj ni moč v celoti obvladovati, kako, kdaj in komu bo v pogojih svobodnega tiska novinar sporočilo prenesel. V skrajnem primeru lahko pride do popačenja, kar se seveda odraža v vplivu na zavest. Zato je spet pomembno, da so naša sporočila oblikovana preprosto, nedvoumno, dosledno in jasno. Pomembno vlogo ima tudi verodostojnost sporočil oziroma organizacije, ki jih oddaja.

K verodostojnosti na obeh ravneh lahko veliko prispeva profesionalizem - tako pri komunikatorjih kot pri novinarjih. Specializiranih okoljskih novinarjev je v Sloveniji malo, pri urednikih bi bilo treba spodbuditi večji interes za namenjanje prostora in časa za poljudne okoljske vsebine (ostaja vprašanje, ali v posebnih getoiziranih rubrikah in oddajah ali v okviru boljše spremljanih rednih strani in programov) in hkrati vzpostaviti različne oblike izobraževanja za novinarje. V Sloveniji se z »okoljskim vzgajanjem« šolanih novinarjev ali »novinarskim izobraževanjem« okoljskih strokovnjakov na sistemski ravni ne ukvarja nihče.

Glede na to, da mediji svoj obstoj na trgu zagotavljajo s prodajo informacij, je razumljivo, da so za njih objavljiva - aktualna tista sporočila, ki bodo zbudila pozornost bralcev. Hkrati pa so prav mediji tisti, ki z objavami določajo, kaj v družbi je aktualno oz. kaj je pomembno. Zavest javnosti o posamezni temi je v veliki meri odvisna od mnenj in informacij, ki so objavljena v medijih, še več, državljani ponotranjijo mnenja novinarjev. Ta učinek pa se multiplicira, ko objavljene informacije postanejo predmet medsebojnih pogovorov.

Prednost komuniciranja preko množičnih medijev je, da so stroški njihove uporabe relativno nizki glede na to, koliko ljudi preko njih dosežemo z eno samo aktivnostjo. Pomanjkljivost pa je v tem, da je preko njih težko posredovati sporočilo, prirejeno določeni ciljni skupini. Poleg tega je vprašanje, koliko ljudi bo sporočilo dejansko prebralo ali si določen prispevek ogledalo. V poplavi informacij ljudje običajno izberejo

tiste, ki neposredno zadevajo njihove interese ali potrjujejo stališča in mnenja, ki jih že imajo. Gledalci, ki spremljajo oddaje o, npr. varstvu narave, so za to temo ponavadi že zainteresirani. Okoljske oddaje so tako namenjene prepričevanju prepričanih, podobno pa je tudi z okoljskimi rubrikami in periodiko.

Z naslavljanjem sporočil preko medijev lahko dosežemo naslednje cilje:

- spodbudimo javnost k razpravi o določeni temi,
- z določenim sporočilom naenkrat seznanimo veliko število ljudi,
- dosežemo, da se ljudje na osebni ravni začnejo zavedati določene teme ali problema kot pomembnega,
- vzpodbudimo interes javnosti,
- vplivamo na tiste, ki so že pripravljene spremeniti svoje vedenje.

Namesto zaključka iz lanskega Eurobarometra povzemam podatek, relevanten za oblikovanje naših bodočih medijskih strategij. Državljeni EU okoljske informacije najrajši sprejemajo, kadar jih dobijo preko televizije (81%), sledijo časopisi (52%), filmi in dokumentarne oddaje (25%), revije (21%), radio (20%) in nato medsebojni pogovori (14%).

Viri:

Communicating Nature Conservation, ECNC, 2000

Pregled stanja biotske raznovrstnosti in krajinske pestrosti v Sloveniji, MOP – ARSO, 2001

Eurobarometer, The attitudes of Europeans towards the environment, december 2002

POLICY AND PUBLIC PARTICIPATION

BIOSAFETY FRAMEWORK : INFORMATION SUPPLY AND PUBLIC COMMUNICATION

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Introduction

In modern biotechnology raise different types of issues which should be addressed at the appropriate time and level in accordance with the subsidiary principle. Its implication call for a careful reflection on overall coherence and on the involvement of civil society and stakeholders. It is fundamental that its potential can be realised if there is a broad public support and understanding. To do this, public must have access to reliable information and be able to scrutinise the policy process in its various stages, too. Hence, the need for institutions to communicate actively with the public on different issues as modern biotechnology is.

Situation in Slovenia

Slovenia has experienced a lively public debate on a wide range of issues related to use of modern biotechnology, particularly to use of GMO's and with a dialogue from a ordinary citizens, consumers, and from NGOs, the media and academic circles.

Due to the fact that in the last five, seven years public debate has been initiated by NGOs based on risk communication with the defect participation of scientists and policy makers, the defining characteristics of this debate was the strong position of NGOs and polarisation of views. On the other hand, the role of NGOs has welcomed public dialogue and has contributed to create of platform dialogue by setting out dissemination of information to stakeholders events and, occasionally by setting out policy makers views.

Divergent views has been demonstrated the complexity of the issues facing modern society and cultural legitimacy of different views. Moreover, the debate on modern biotechnology-GMOs has been coincided with growing public awareness of wider socio-economic issues such as food production and food safety and development policy in Slovenia.

The defining characteristic of mentioned situation has been good lesson for policy makers, authorities, in an aspect of developing phase of biosafety framework system in Slovenia. This also reflects the fact that a very important aspect of implementation of biosafety framework should be a credibility for all parties involved, including general public.

Namely, in the 2002 adopted Act on the use of GMOs provides horizontal legislation on the use of GMOs and their products, and intermediate other existing legislative frameworks in the area of agriculture and health care. In that respect the draft of the new

»Environment Protection Act« (EPO) which will be adopted according to EU legislative follows the same requirements in a wide respect of environment protection and sustainable use of the above.

Based on the Act on the use of GMOs the decision making process among others involves assessment of potential risk, and the process of decision making should be vital to create widespread confidence in the end result through involvement of all stakeholders, NGOs and interesting public in the process through consultation. The Act provides formalisation of extensive consultation with interest groups, stakeholders and public with the Scientific Committee who is able to put on the table their views, neutral experts opinion, resolve differences and move forward, on applications.

In addition, the Act provides also the second format of public dialog, which should be able to deal with the full range of issues raised by GMO's, through out the National Biotechnology Commission composed of representatives of NGOs, industry, different interesting associations, and academic institutions, but the majority members have public interest group affiliations. The National Biotechnology Commission is independent body from the regulatory system, but with sufficient links to regulators to ensure that its views helped to influence the future direction of the regulatory system.

So far, to the underlying the importance of informing people about what is known and where uncertainty persist and the need of public confidence in expert based policy making represent a challenge for authorities to speed up regulatory system enables formal system of consultation and requirement to take comments from the public into account. In this particularly situation, public information and public debate should be essential not just in connection with the authorisation process for GMO's, but more generally about the development and application of modern biotechnology and GMOs in Slovenia. Strengthening and/or developing adequate mechanisms, authorities concerns should base on sound scientific data and clear correct facts, and overcome the current excessive polarisation of the debate surrounding biotechnology. Such framework has also to be capable of safeguarding the biodiversity of our environment and the multifunctionality of our agriculture, and allowing consumers to choose they wish between the produce of GMOs, conventional and organic agriculture. It should enabling our industry to seize the opportunity that these technology offer, for the ultimate benefit as society at large.

In a future, public dialog will be also important at the international level because of globalisation, and it is need to orient research towards application. For example, the Cartagena Protocol on Biosafety, ratified in Slovenia in October 2002, is a good example of international co-operation and harmonisation, although there are concerns about it enforcement and implementation, too.

But question is: what are the composition of trust in public decision-making? And the answer should be; authorities be genuinely ready to listen and adapt, and the decision-making is transparence and accountable. Reducing consultation will not benefit in the long term, since public confidence can very easily be eroded by any perception that justified concerns are being ignored;

and the next question is: what is, and what should be, the role and mode of authorities in providing information and contributing to the public dialogue; through professional staff (PR) to ensure specific policy communicating biotechnology-related issue based on proposal to support and develop the dialogue in close cooperation by professionals to spread dialogue in a wide sense, and at appropriate time.??

SISTEM BIOLOŠKE VARNOSTI: POSREDOVANJE INFORMACIJ IN KOMUNICIRANJE Z JAVNOSTJO

Z okoljsko problematiko in uporabo moderne biotehnologije se zastavljajo vprašanja, ki zahtevajo odgovore in rešitve dosežene z najširšim družbenim konsenzom. Za doseganje tega je nujno vključevanje civilne družbe in vseh zainteresiranih javnosti v procese odločanja pri katerih je potrebna široka podpora javnosti. Predpogoj za vključevanje in zaupanje javnosti v procese odločanja je dostop do informacij in možnost, da javnost skrbno nadzoruje zakonodajni proces v vseh njegovih fazah nastajanja in izvajanja. Na tem področju ima Slovenije izkušnje tudi iz preteklosti, ko je potekala živahna razprava o vprašanih okolja in potencialnih vplivih GSO na okolje in zdravje ljudi, z nevladnimi organizacijami, potrošniki, mediji in znanstveniki. Razprave so sovpadale z naraščanjem zavesti širše javnosti za vprašanja, ki so bila povezana z varnostjo in razvojem zakonodaje v Sloveniji. Iz aktivnega vključevanja javnosti v razprave povezane s temi vprašanji lahko zaključimo, da je za vključevanje javnosti v postopke odločanja pomembno, da so postopki odločanja transparentni in, da ima javnost dostop do informacij.

Tako je s sprejetjem Zakona o ravnanju z gensko spremenjenimi organizmi (ZRGSO) v letu 2002 Slovenija neposredno na prvem nivoju pravno formalizirala vključevanje javnosti v postopke odločanja. Na drugem nivoju, pa preko Komisije za ravnanje z GSO, ki jo sestavljajo različni predstavniki nevladnih organizacij, civilne družbe, znanstvenikov, in ostalih zagotovila aktivno vključevanje javnosti na to področje.

Učinkovit dialog z javnostjo je zaradi globalizacije pomembne tudi na mednarodnem nivoju. Z ratifikacijo Kartagenskega protokola o biološki varnosti oktobra 2002 je Slovenija institucionalizirala previdnostni pristop iz 15. načela Deklaracije o okolju in razvoju, saj se bo z izvajanjem določil protokola v državah pogodbenicah Konvencije zagotovila primerna raven varstva pri čezmejnem gibanju GSO. S protokolom pridobiva pomembno vlogo tudi uporaba sodobne biotehnologije pri ohranjanju človeške blaginje in trajnostne rabe biološke raznovrstnosti.

Z ratifikacijo Kartagenskega protokola o biološki varnosti je Slovenija tudi prevzela neposredne obveznosti iz protokola po katerem morajo države pogodbenice zagotoviti, da se z GSO, ki se prevažajo in se nameravajo uporabiti kot hrana, krma ali v neposredni predelavi, ali se nameravajajo sproščati v okolje ravna tako, da se prepreči ali zmanjša tveganje na najmanjšo možno mero s sprejetjem potrebnih in ustreznih zakonskih in drugih ukrepov. To velja tudi za ukrepanje v primeru ilegalnega čezmejnega gibanja GSO. Z vzpostavitvijo postopka vnaprejšnjega obveščanja države izvoznice o nameravanem čezmejnem gibanju GSO in pravici države uvoznice, da uvoz

prepove oz. dovoli, pa se državam prepušča suverenost odločanja v okviru nacionalne zakonodaje s tega področja.

Za izvajanje določil protokola v okviru vzpostavljenega t.i. sistema biološke varnosti je potrebno zagotoviti ustrezno institucionalno in kadrovske zmogljivosti za izvajanje upravno-administrativnih postopkov odločanja in posredovalnico informacij med pogodbenicami in Sekretariatom protokola, bodisi za vnaprejšnje obveščanje čezmejnega gibanja GSO, kakor tudi za izmenjavo informacij za vse tiste GSO, ki so, ali bodo namenjeni neposredni uporabi v pogodbenici uvoznici. Zato želi Slovenija na osnovi zakonodaje na tem področju vzpostaviti sistem vključevanja javnosti v postopke odločanja in tudi preko tega mehanizma zagotavljati učinkovito varnost okolja in zdravja ljudi.

PUBLIC PARTICIPATION IN THE DECISION MAKING PROCESS OR HOW TO CHANGE TANKER'S DIRECTION

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Modern biotechnology opened up many dilemmas, ethical and those related to natural sciences. In Slovenia, public has obtained some room in the of preparation of the legislation and strategic documents related to GMOs. Public will also be consulted in the course of the approval process for the GMO deliberate release and in certain cases related to their contained use. In addition, a hearing will have to be organised in some cases after the opinion on the application has been given. But the fact is that representatives of civil society did not manage to get its representative in the either of two scientific committees which will be giving their opinion on the applications for approval of GMOs. The concrete experiences of public participation in the approval process are still absent as the Act on GMOs is not yet operational. In general it could be said that the representatives of civil society face at least two problems, when it comes to public participation in decision making process. First one is related to the small physical capacity of organised civil society, which is becoming more obvious and problematic due to the »opening of the decision making processes« and at the same time due to the increasingly complex legislation governing the environmental field. The other problem is actually a frustration originating in actual (in)ability of public when it comes to really changing something (the navigation route of the tanker) as too often the public participation is carried out for its own sake and the true interest for it is still absent in our society. Maybe because the opinion and standpoints of public are of a lesser weight than those of other (expert) public, also because they only represent the interests of public goods (environment, public health).

SODELOVANJE JAVNOSTI V PROCESIH ODLOČANJA, ALI KAKO PREUSMERITI PLOVBO TANKERJA

Moderna biotehnologija odpira vrsto dilem, tako naravoslovnih kot etičnih. V Sloveniji si je javnost izborila nekaj prostora pri sodelovanju v procesih priprave zakonodaje in strateških dokumentov ter v postopkih odločanja povezanih z GSO. Predstavniki nevladnih organizacij so dosegli to, da je javnost vključena v postopke za sprejemanje odločitev za odobritev gensko spremenjenih organizmov, niso pa uspeli, da bi predstavniki javnosti dobili mesto v dveh odborih, ki bosta podajala mnenje na prispele prijave za uporabo GSO. Konkretnih izkušenj s sodelovanjem javnosti v postopkih odločanja pri nas na žalost še ni, saj ZRGSO še ni operativen. Na splošno, pa tudi v primeru GSO se predstavniki nevladnih organizacij soočajo vsaj z dvema problemoma. Prvi je majhna fizična kapaciteta predstavnikov organizirane civilne družbe, ki postaja vedno bolj očitna pereča zaradi »odpiranja procesa sodelovanja javnosti« in hkrati

zaradi vse bolj kompleksne zakonodaje, ki ureja področje okolja. Drug problem pa je pravzaprav frustracija do katere pride zaradi (ne)moči, za dejanske spremembe (preusmerjanje smeri plovbe tankerja), saj je sodelovanje javnosti pogosto le samo sebi namen in zanj resničnega interesa (še) ni. Poleg tega ima mnenje oziroma stališče organizirane civilne družbe manjšo težo kot mnenja drugih (strokovnih) javnosti. Morda tudi zato ker predstavniki nevladnih organizacij zagovorniki zagovarjajo le javno dobro (okolje, zdravje ljudi).

BIOSAFETY CLEARING-HOUSE

THE BIOSAFETY CLEARING-HOUSE

Secretariat of the Convention on Biological Diversity

<http://bch.biodiv.org>

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Introduction

The Biosafety Clearing-House was established by Article 20 of the Cartagena Protocol on Biosafety, in order to (1) facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms, and (2) assist Parties to implement the Protocol.

Since adoption of the Protocol in January 2000, a pilot phase of the Biosafety Clearing-House has been developed and administered by the Secretariat of the Convention on Biological Diversity (CBD). The pilot phase of the BCH is designed to contain many types of information that are required by the Protocol, as well as additional types of information that are not required by the Protocol but that are likely to be useful to governments and other users.

How does the BCH function?

The BCH comprises two essential components: a web-based Central Portal (<http://bch.biodiv.org>) as well as a distributed network of national components. The "Central Portal" underpins all activities on the Biosafety Clearing-House, including finding information in, and registering records with, the Biosafety Clearing-House databases. The Central Portal functions essentially as an interactive site map to assist in the use and navigation of the Biosafety Clearing-House website.

The Biosafety Clearing-House contains an information "Management Centre", which is used to register information with the Biosafety Clearing-House central databases. The Management Centre is an electronic, web-based mechanism by which National Focal Points for the Biosafety Clearing-House can manage all information relating to their country. National Focal Points are provided with an account and password to enable them to add, modify and/or delete records. National Focal Points may delegate responsibility for entering data to other authorised personnel, but remain responsible for validating each record for their government before it can be made publicly available through the BCH website. Users without access to the Internet may also submit information directly to the Secretariat for inclusion in the central databases.

The BCH uses common formats for each type of information, and the information submitted is stored either directly in the central databases, or in national databases that are interoperable with the central databases. Through interoperability, the BCH offers

governments the option of registering information with the central Biosafety Clearing-House databases, or with another (interoperable) database of their choice. The location of the information makes no difference to the user, who is able to retrieve all information through the Central Portal of the Biosafety Clearing-House.

The role of the BCH in facilitating implementation of the Protocol

As of the date of entry into force of the Protocol (11 September 2003), Parties to the Protocol are obliged to fulfill their obligations pursuant to the Protocol's provisions. The BCH is one of the key mechanisms that will be used to implement the provisions of the Protocol. As of the date of entry into force, the Protocol requires Parties to make available several types of information to the BCH, including contact information for national focal points and competent national authorities; relevant laws, regulations, and guidelines; information on relevant bilateral or multilateral agreements; summaries of risk assessments carried out pursuant to the Protocol, and decisions regarding the import or release of living modified organisms. The annex to this paper lists the types of information contained in the pilot phase of the BCH – the majority of this is information that must be provided by Parties in the implementation of the provisions of the Protocol.

The role of the BCH in facilitating public awareness and participation

Article 23 of the Biosafety Protocol requires Parties to promote and facilitate public awareness and participation. Paragraph 3 of Article 23 states that “Each party shall endeavour to inform its public about the means of public access to the Biosafety Clearing-House”.

The BCH can play an important role with respect to public awareness, because it contains a great deal of information related to implementation of the Biosafety Protocol, in particular information at national level. Furthermore, all types of information currently contained in the BCH are freely accessible to the public. The BCH does not play any direct role in facilitating public participation in the national-level implementation of the Protocol.

The types of information contained in the pilot phase of the BCH include information on decisions taken by governments, summaries of risk assessments used to support those decisions, government contact persons, relevant legislation, capacity-building information, and links to other useful sources of information. A detailed list of the types of information contained in the pilot phase of the BCH is found in the annex to this paper.

The role of the CBD Secretariat

The operational framework of the Biosafety Clearing-House has been developed as a decentralised system for information gathering and retrieval. In this way, updating the information in the Biosafety Clearing-House is not the sole responsibility of the Secretariat or any one institution. It is a decentralised activity, undertaken by active partners in the Biosafety Clearing-House network, and supervised by a network of National Focal Points. In general, official information in the BCH is registered and owned by governments rather than by the CBD Secretariat. The main function of the

Secretariat is to ensure the proper functioning of the BCH and to assist governments and others in using the BCH.

Regarding public awareness and participation specifically, no particular role has been assigned to the Secretariat, as this issue was not in the work plan of the Intergovernmental Committee for the Cartagena Protocol on Biosafety (ICCP). It is expected that Parties to the Protocol will adopt a medium-term programme of work at the first meeting of the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol (COP-MOP), which could include treatment of the issue of public awareness and participation.

Future development of the BCH

The BCH will play a crucial role in the implementation of the provisions of the Protocol. Until now, the pilot phase of the BCH has been developed following recommendations of the ICCP. The first COP-MOP, which is scheduled for early 2004, will take decisions regarding the design of the BCH and its further development, and it is expected that future meetings of the COP-MOP will elaborate further on its development.

Annex: Selected types of information contained in the pilot phase of the BCH

1. Existing national legislation, regulations and guidelines for implementing the Protocol, as well as information required by Parties for the advance informed agreement procedure (Article 20.3(a)).
2. National laws, regulations and guidelines applicable to the import of LMOs intended for direct use as food or feed, or for processing (Article 11.5).
3. Bilateral, multilateral and regional agreements and arrangements (Articles 14.2 and 20.3(b)).
4. Contact details for competent national authorities (Articles 19.2 and 19.3), national focal points (Articles 19.1 and 19.3), and emergency contacts (Article 17.3(e)).
5. Reports submitted by the Parties on the operation of the Protocol (Article 20.3(e)).
6. Decisions by a Party on regulating the transit of specific Living Modified Organisms (LMOs) (Article 6.1).
7. Occurrence of unintentional transboundary movements that are likely to have significant adverse effects on biological diversity (Article 17.1).
8. Illegal transboundary movements of LMOs (Article 25.3).
9. Final decisions regarding the importation or release of LMOs (i.e. approval or prohibition, any conditions, requests for further information, extensions granted, reasons for decision) (Articles 10.3 and 20.3(d)).

10. Information on the application of domestic regulations to specific imports of LMOs (Article 14.4).
11. Final decisions regarding the domestic use of LMOs that may be subject to transboundary movement for direct use as food or feed, or for processing (Article 11.1).
12. Final decisions regarding the import of LMOs intended for direct use as food or feed, or for processing that are taken under domestic regulatory frameworks (Article 11.4) or in accordance with Annex III (Article 11.6) (requirement of Article 20.3(d)).
13. Declarations regarding the framework to be used for LMOs intended for direct use as food or feed, or for processing (Article 11.6).
14. Review and change of decisions regarding intentional transboundary movements of LMOs (Article 12.1).
15. LMOs granted exemption status by each Party (Article 13.1).
16. Cases where intentional transboundary movement may take place at the same time as the movement is notified to the Party of import (Article 13.1).
17. Summaries of risk assessments or environmental reviews of LMOs generated by regulatory processes and relevant information regarding products thereof (Article 20.3(c)).
18. Database of experts in the roster of experts on biosafety.
19. Database of capacity-building needs identified by governments.
20. Database of capacity-building opportunities and ongoing projects.
21. Bibliographic search mechanism to find scientific articles related to biosafety.
22. Links to key information sources in the field of biosafety

PUBLIC AND THE GMO ACT IN SLOVENIA

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Public Principle

One of the principles of the act is the public principle which states: the public has the right to be informed about GMO management, and to be involved in the procedure of issuing permission. Data on contained use, the deliberate release of GMO's into the environment and placing products on the market, and data on procedures and activities of ministries responsible for GMO management, shall be public in compliance with regulations in the field of environmental protection.

Public principle is incorporated into the act in different manners and provisions.

Commission for GMO Management

One of the mechanisms to implement this principle the Government of the Republic of Slovenia has set up the Commission for GMO management. The commission is consisted of seventeen members. They are representatives of social, humanist, natural, medical and veterinary sciences and are proposed by the universities, representatives of the scientific committees, representatives of non-governmental organisations, a representative of the Chamber of Commerce and Industry of Slovenia, and a representative of the Chamber of Agriculture and Forestry of Slovenia. The commission shall be independent and sovereign in its work, and its work shall be public.

Scientific Committees

In order to provide professional assistance to ministries two scientific committees (Committee for contained use and Committee for releasing GMOs) are nominated. Among others their duty is to provide expert opinions on GMO management in administrative procedures for issuing the permit. The ministry should provide public with perusal of this opinion in a procedure for issuing a permit for contained use class 3 and 4, for deliberate release of GMO and for placing GMO or products on the market. The committees shall issue annual reports on their work in the past year, and publish these in such a manner that they are accessible to the general public.

Consultation of and Information to the Public - Contained Use & Deliberate Release of GMOs into the Environment

In a procedure for issuing a permit for contained use class 3 and 4 and for deliberate release of GMO's into the environment, the ministry should provide the general public with perusal of the notification and risk assessment, with the opinion of the committee, and with public hearing. A public announcement containing a statement of the place and

time for perusal and public hearing and the manner of providing opinions and comments, shall be published in public media. The time limit for the perusal and the possibility of giving opinions and comments is defined. The ministry should also include a standpoint to the opinions and comments of the general public in the reasoning of the decision on a permit.

New information

In case of new information which could change the risk or classification in contained use, a new notification or request should be submitted. Through new notification again public is involved.

In case of new information for deliberate release the ministry should inform the general public about new data and changes that have occurred after the issue of a permit and about decisions in connection with it.

Emergency plan

A notifier, prior to the commencement of contained use or deliberate release, should ensure an emergency plan in the event of an accident which among other requirements should contain the manner and extent of providing information and warning competent bodies, services and the general population in the case of an accident or unintended release.

Accident or unintended release

The ministry should prepare a report on the accident or unintended release and measures taken and their efficiency, which the government shall adopt and acquaint the public without delay.

Consultation of and information to the public - Placing a product on the market

Consultation to the public

Whenever it is evident from the assessment report that the product is suitable for placing on the market, the ministry should in the procedure of issuing the permit for placing a product on the market or its extension, guarantee the general public perusal of the notification, the opinion of the committee for releasing GMOs and the assessment report. The public announcement, with a statement of the time and place for perusal and on the way of providing opinions and comments, shall be published in the public media. The time limit in which the ministry shall provide perusal and the opportunity to provide opinions and comments is defined in the Act. The ministry should also include a standpoint to opinions and comments given by the general public in the reasoning of its decision referred to in the previous paragraph.

Informing the public

The ministry should immediately inform the general public through the ministry responsible for consumer protection about the issue of a permit for placing a product on the market or its extension, or that the issue or extension of a permit has been refused. In the information about the issuing or extension of a permit should be stated which GMOs or their combination the product contains or from which it is composed and for what use the product is intended.

New information

In case of new information in connection with the risk the product could represent, the procedure of issuing a permit or its annulment is used and involvement of public is demanded.

Monitoring

A notifier who places a product on the market should ensure implementation of monitoring of the effects of the product and its use on the environment and human health in accordance with its programme and regularly report to the ministry on the results of monitoring. Data from the report on the results of monitoring shall be public in accordance with regulations on environmental protection.

Labelling products and GMOs

A notifier may only place on the market a product that states on the packaging or in the declaration data that it contains or consists of a GMO. The labelling on packaging or in the declaration should contain in a visible place the words: »This product contains a genetically modified organism«.

GMOs that are made available to third persons for contained use or for deliberate release should also be labelled even when making available in such a way is not considered placing on the market.

GMO Register

The documents, issued in the administrative procedures are part of the register. The GMO register shall consist of records of premise, contained use, deliberate releases of GMOs into the environment and placing of products on the market. Records referred to in the previous paragraph shall contain in particular data on:

- (1) business names and registered offices or addresses of notifiers for:
 - contained use,
 - deliberate release of GMOs into the environment, or
 - placing a product on the market,
- (2) addresses and properties of the premise
- (3) contained use and its classification,
- (4) deliberate releases of GMO's into the environment, including an exact description of the location of release, and
- (5) products and their placement on the market, including a description of the site in which the product is placed on the market.

An integral part of the register shall be receipts and permits issued for premises, contained use, deliberate release into the environment and for placing products on the market.

The ministry shall kept GMO register as a public document.

Anyone shall have the right to peruse the data from the GMO register and request and obtain an extract from the GMO register against payment of the costs, which may not exceed the material costs of communicating the data.

ACCESS TO PUBLIC SECTOR INFORMATION ACT

Slovene Parliament adopted the Access to public sector information Act which entered into force on the 22nd of March. One of the main objectives of the Act, prepared by the Ministry of information society, is to provide a legal instrument that allows the carrying out of the constitutional provided freedom of information in practice. The basic provisions of the Act are pointed out as follows:

- defines public bodies responsible for providing the information; according to this provision public bodies are all legislative, executive and judicial authorities on national, regional or local level, public agencies, public funds, bodies governed by public law and other bodies exercising a public authority;
- provides also a more comprehensive, but unified understanding of what are public sector information, basically by excluding certain types of information;
- imposes the obligation on public bodies to provide all public sector information, held by a particular public body, on the internet;
- to implement the obligation from the previous paragraph each public body is obliged to establish a catalogue of public sector information administered by the public body which is the main framework for the provision of public sector information;
- defines the procedure of access of individuals to public sector information;
- guarantees a free of charge insight and a charge restriction for transcript limited only to material costs;
- establishes an independent body – the deputy for access to public sector information – which is appointed by the parliament on a proposal by the president for a mandate period of 5 years, with his main function being the appellant institution against decisions of public bodies, still on an administrative level; his decisions are final, judicial review is allowed; the main reason for such a structure is the fact that due to the wide extent of different public bodies, stretching through the whole public sector but also involving certain persons of private law with public authorities an unified appellant body is a nuance for a coherent approach on the provision of public sector information;
- the function of the deputy has some principal similarities with the function of the Ombudsman, yet his role in the decision making process as an appellant differs significantly from that of the Ombudsman, which has according to the Access of public sector information act, a general monitoring function, together with the Ministry of information society which also performs certain functions for promoting and fostering the exploitation of public sector information.

JAVNOST IN ZAKON O RAVNANJU Z GENSKO SPREMENJENIMI ORGANIZMI (GSO)

V zakon je vključeno načelo javnosti, ki javnosti zagotavlja pravico, da je obveščena o ravnanju z GSO in vključena v postopke izdaje dovoljenj pri ravnanju z GSO.

Vlada RS kot svoje posvetovalno telo za spremljanje stanja in razvoja na področju ravnanja z GSO ustanovi komisijo za ravnanje z GSO, katere delo je javno, za

strokovno pomoč ministrstvom pa dva odbora, ki dajeta strokovno mnenje v upravnem postopku. Mnenja odborov o delu z GSO v 3. in 4. razredu, o namernem sproščanju GSO v okolje in o dajanju izdelka na trg so javna, prav tako so javna letna poročila odborov.

Javnost ima v postopkih za izdajo dovoljenja za delo z GSO v zaprtem sistemu iz tretjega ali četrtega varnostnega razreda in pri njihovem namernem sproščanju zagotovljen vpogled v prijavo in oceno tveganja ter javno obravnavo nameravanega dela. Ministrstvo, pristojno za ravnanje z GSO, mora v obrazložitvi v odločbi o dovoljenju vključiti tudi opredelitev do mnenj in pripomb javnosti, podanih v okviru javne obravnave. Pri dajanju izdelka na trg mora ministrstvo poleg zgoraj naštetega javnosti zagotoviti še vpogled v poročilo o primernosti izdelka in v dovoljenje.

Ministrstvo vodi register GSO kot javno knjigo, v katerem ima vsakdo pravico pregledovati podatke ter pridobiti izpiske iz njega. Register sestavljajo evidence, potrdila in dovoljenja za zaprte sisteme, dela v zaprtih sistemih, namernem sproščanju GSO in dajanju GSO na trg.

NATIONAL BIOSAFETY CLEARING-HOUSE – SLOVENIAN EXPERIENCE

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Slovenian Biosafety Clearing-House (BCH) is an integral part of the Biosafety Clearing House mechanism which was established under Cartagena Protocol (Article 20) in order to facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and to assist Parties to implement the Protocol.

The system of BCH was design as decentralised system with national BCHs components organized by the parties of the protocol and central portal (run by CBD Secretariat) to support and organise the information flows from national BCH (See also the Proceeding of the CBD Secretariat in this publication.).

Parties to the protocol differ in stages of development of their biosafety system, accessibility to the internet and computerisation in their countries, and availability of the information required by the Cartagena protocol as obligatory information that has to be accessible to all other parties. This makes the building up the national BCH rather difficult task for every country.

Building up national BCH is a two step process. First step is gathering obligatory and other information and organize it, second step is to publish it on the internet site.

In gathering information step it is curtail for parties with more limited resources to recognise the difference between need to know (Information requested by the protocol. e.g. decisions taken by the governments, summaries of risk assessments, relevant legislation, government contacts...) and nice to know information (Information that are very useful, but not required by the protocol. e.g. rosters of experts, capacity building needs and opportunities, links...). That way they can focus their efforts in order to comply with the protocol first and at the later stage broaden the scope of the useful (but not obligatory) information on their national BCH.

In the second step country has to decide on the format of the national BCH. This largely depends on the situation in the country. In very broad classification we can divide three different national BCH formats:

1. Using the central portal (<http://bch.biodiv.org/Pilot/Home.aspx>) as a mean to present their obligatory information

Plus:

- It is the easiest and quickest way to comply with the protocol with respect to make the obligatory information accessible to other parties to the protocol.
- The country doesn't have to build up separate national web based BCH, to comply with the protocol.
- If one has difficulties with the access to the computers or internet one can send the data on the CD or paper to CBD Secretariat, which than enters the data to the central portal.

Minus:

- Most information is entered in English, so one loses the opportunity to raise public awareness in home country, since knowledge of English is limited in most countries.
- The information on the central portal is available in very structured manner, therefore it is very difficult to obtain the complex picture of country biosafety system (e.g. You can find the list of the laws that relate to Cartagena protocol there, but you would have to read most of them to understand how they are related to each other and derived from that how the competences are divided/shared among different national competent authorities.).
- The scope of the information that country can enter to the Portal is limited.

2. Build the national web based BCH

Plus:

- Presentation of biosafety related issues in home language.
- Tailoring the form in which to present biosafety system in a more descriptive, easier to understand way.
- Possibility to cover also topics that are exempted from central portal options (covering biotechnology in more general terms if it is not covered by other web sites in the country, publish also national studies and activities connected to biosafety, organize internet discussion forums ...)

Minus:

- You have to type the obligatory information twice (once on national BCH and second time on central portal).

3. National web based BCH interlinked/interoperable with central portal

Plus:

- This way the data, that are entered to national BCH are automatically displayed also on central portal (after the approval of national BCH focal point and/or secretariat). This way you have to enter the data only once.
- This kind of BCH can also be designed in a way to receive automatically the information from government databases (e.g. government decisions register, risk assessment register ...) and in this way it is possible that the national BCH and central portal are fed from the government administrative procedures in real time.

Minus:

- Prerequisite for this type of BCH is well developed IT environment, together with existing government web based biosafety related databases and/or registers, which is unfortunately not the reality in most Parties to the protocol.

Slovenian experience

In Slovenia the trend towards information society is very strong, and web based government services are seen as very important in the future. Accessibility to computers and internet is also comparable with the EU, and in this respect it is worth to publish biosafety information for Slovenes in Slovene language (the page is bilingual en/si).

In year 2002 when we started to thinking about the Slovenian BCH (<http://www.bch.bf.uni-lj.si/>) we first faced the challenge that all countries face –

gathering information in efficient, organized and impartial manner. Luckily Slovenia is a very small, manageable country, but still we had to use all 'magic and tricks' to squeeze the information from preoccupied government employees and others.

We also decided to gather and present all obligatory information and as much of non obligatory information on Slovenian biosafety system as possible. This way one could use Slovenian BCH as on stop shopping point for biosafety area in Slovenia.

Next we chose the format of the Slovenian BCH to be web based but not interlinked or interoperable with central portal. The reason was, that Slovenia is just in the process to build up the Slovenian Biosafety Server, which will contain the data that are obligatory to be publically available by Slovenian regulation (See also Proceeding from Julijana Lebez Lozej and Radovan Tavzes in this publication.). We see the Slovenian BCH in the future as an integral part of this Server, which will also feed the data into Slovenian BCH and central portal. That means, that we plan that the simple web based BCH will evolve through time to interlinked and interoperable national BCH.

Next to the format one has to decide also on the design (menus, appearance ...). In our case we thought that it would be most convenient to mimic the central portal, for a simple reason, that we expected that visitors will jump from our site to the portal or other way around when searching information, so it would be convenient for them to find the same topics in the same place. For that reason we also provide links from our sub pages to the corresponding sub pages of the central portal (e.g. decisions, competent authorities ...) in this way coming a little bit closer to the interlinked format.

Challenges for Slovenian BCH in the future:

- *Marketing of Slovenian BCH*

It is clear that people involved in administrative procedures for GMO in the Parties to the Cartagena protocol will be aware of where to look for national BCH sites on the central portal without special announcement. But by our opinion the site is also very useful for other stakeholders as well as for interested general public. We are announcing the site on every event that we organize and this way we can reach some groups of stakeholders. To reach general public (at least the one that have the internet access) we would have to publish link to our page on as many as possible bio-related national sites. That remains the very difficult task for the future.

- *Development of the existing page to interlinked/interrelated national BCH*

As discussed in previous paragraphs we plan to evolve the Slovenian BCH to the interlinked/interrelated national BCH in the future.

- *Continuity*

Not just BCH but the whole Biosafety system has to compete for the resources (people and money) in the national budget every year. This makes stable financial and personal support somewhat unsure. But we assume that the parties will provide support for the activities defined in Cartagena protocol. In Slovenia because of the limited resources in the country the support in form of the UNEP-GEF project 'Development of National Biosafety Framework (NBF) for Slovenia' and other projects financed from abroad was extremely valuable and have speeded up many of the activities towards functional and efficient NBF.

You are kindly invited to visit Slovenian BCH at: <http://www.bch.bf.uni-lj.si/>.

NACIONALNE POSREDOVALNICE INFORMACIJ O BIOLOŠKI VARNOSTI – SLOVENSKA IZKUŠNJA

Slovenska posredovalnica informacij o biološki varnosti (BCH – Biosafety Clearing House) je integralni del Centralne posredovalnice informacij o biološki varnosti, ki je bila osnovana na podlagi Kartagenskega protokola (člen 20) z namenom izmenjave znanstvenih, strokovnih, okoljskih in pravnih informacij o živih gensko spremenjenih organizmih ter o izkušnjah z njimi; in za pomoč pogodbenicam pri izvajanju protokola. Sistem BCH je bil zasnovan kot sistem z nacionalnimi BCH komponentami, ki jih organizirajo države pogodbenice same in s centralnim portalom (upravlja ga CBD Sekretariat), ki podpira in organizira informacije iz nacionalnih BCH. Pogodbenice se med seboj razlikujejo po razvoju nacionalnih sistemov biološke varnosti, dostopnosti do interneta in računalnikov in po dostopnosti do informacij, ki so jih po Kartagenskem protokolu obvezane posredovati drugim pogodbenicam. Zato je vzpostavitev nacionalnih BCH zahtevna naloga za vsako državo. Za vzpostavitev nacionalne BCH je potrebno najprej vse informacije o biološki varnosti zbrati in organizirati, nato pa jih predstaviti na internetni strani v primerni obliki. Slovenska BCH (<http://www.bch.bf.uni-lj.si/>) je zasnovana kot dvojezična (slo./ang.) internetna stran, ki posnema strukturo centralnega portala, poleg tega pa podaja posamezne teme v bolj opisni, lažje razumljivi obliki in dodaja še druge informacije nacionalnega značaja, ki jih na centralnem portalu sicer ne najdemo.

NATIONAL BIOSAFETY SYSTEMS

NATIONAL BIOSAFETY FRAMEWORK FOR THE CZECH REPUBLIC

Information on the Project Development

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The Czech Republic signed the Cartagena Protocol on Biosafety on May 24, 2000, during the fifth meeting of the Conference of the Parties to the Convention on Biological Diversity in Nairobi, Kenya, when it was open for signature for the first time. The signature was based on the Czech Republic Government Decision of May 10, 2000. The Czech Republic belongs to the first Parties to the Convention on Biological Diversity ratifying the Cartagena Protocol. Ratification instruments were deposited on October 8, 2001 and the CR thus became the seventh country in this process.

These acts were prerequisite for the possibility to join the UNEP/GEF Project "Development of the National Biosafety Framework" launched in June 2001 with the aim to assist countries – Parties to the Convention on Biological Diversity - in ratification and implementation of the Cartagena Protocol on Biosafety. The development of the Project started in the Czech Republic after approval by competent national authorities since July 1, 2002, with supposed duration of 18 months. The National Co-ordinating Committee was established, composed from representatives of interested sectors and institutions, Czech Commission for the Use of Genetically Modified Organisms and Products, non-governmental organisations and private sector. Prof. Jan Káš, Institute of Chemical Technology, was nominated National Project Co-ordinator. The Ministry of the Environment is the National Executing Agency, its Environmental Risks Department guarantees technical aspects of activities (contact person Mrs. Zuzana Doubková), contact person of the Ministry of the Environment is Mrs. Milena Roudná, Global Relations Department.

So far development of the Project has followed rules for the framework content and timing of actions prescribed by the UNEP/GEF. The phases 0, 1 and 2 were terminated. A great attention was paid to elaboration of surveys in which experts from different spheres participated. Several workshops were organized for specialists, environmental inspectors and also public.

On April 24 – 25, 2003 the Sub-regional Meeting on Biosafety Framework was organized in Prague, in which representatives of the UNEP Biosafety Unit, Geneva, European Commission and four countries – Slovakia, Hungary, Croatia and the Czech Republic participated. Proceedings of the Meeting was edited and published in June 2003 by the Ministry of the Environment, Prague. The outcomes of the negotiations show similarity as to main problems with the biosafety framework in all participated countries of Central and Eastern Europe. Especially Biosafety Clearing House mechanism has not been satisfactorily developed or even established, mainly as to compatibility and link to the central Biosafety Clearing House (CBD Secretariat). The

presentations show that the Czech Republic has a relatively good experience in such areas as biosafety legislation, inspectors training or GMOs laboratory detection.

Experts from the Commission for the Use of Genetically Modified Organisms and Products represent important partners in the Project implementation in the Czech Republic. The Commission was established as an advisory body at the Ministry of the Environment in January 2001. The Secretariat is located at the Department of Environmental Risks of the Ministry of the Environment and its members are professionals nominated by administrative authorities, Academy of Sciences of the Czech Republic and by civic associations, including non-governmental organisations.

Many of activities have to be developed in the last project phase (phase 3) when the final drafting of the National Biosafety Framework is the main goal. The attention is paid mainly to the four corner-stones of the Framework, i.e. legal instruments, administrative systems, risk assessment procedures and systems for public participation.

As to legislation, the basic document represents the “*Act 153/2000 Coll., on the Use of Genetically Modified Organisms and Products and Amendment of Some Related Acts*” which came into effect on January 1, 2001. The Act together with three implementing Decrees covers the contained use, deliberate release of GMOs into the environment and placing on the market of GMOs as or in products, including the export and import thereof. The Act is harmonised with the legislation of the European Community and includes the main provisions of the Cartagena Protocol on Biosafety. A new Act on GMOs transposing the provisions of the EU *Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EC* and the provisions of the Protocol not implemented by the current legislation is at present prepared for discussion in the Parliament of the Czech Republic. It is foreseen that this new Act will come into force on January 1, 2004. The new Act on GMOs will also reflect the experience with the implementation of GMOs legislation.

Regarding State administration, the Ministry of the Environment is the competent authority handling the notifications and regulating the use of GMOs and biosafety in the Czech Republic. It co-operates with the Ministry of Health as to the risks for human health and with the Ministry of Agriculture as to the agricultural risk, animal health, crops and feeds. The Czech Environmental Inspectorate is the Competent Authority on State supervision of the use of GMOs. It co-operates in these activities with other State supervisory bodies. The procedure is apparent from the attached scheme. The Ministry of Environment after receiving and registration of applications send them for evaluation to the Czech Commission for the Use of Genetically Modified Organisms and Products, to the Ministry of Health and Ministry of Agriculture. Since 2004 all notifications will be also available for the public by means both of internet and special bulletin. According to received standpoints and comments additional information is usually required from the notifier and consequently new assessment provided. After final evaluation the Ministry of Environment makes the decision. In case of approval the permission is given for limited period of time (usually 5 – 10 years). After this period a new application for prolongation of permission must be submitted.

The risk assessment procedures follow strict rules. Only high-level experts selected by the governmental institutions on the basis of the Act on GMOs are authorized for these activities.

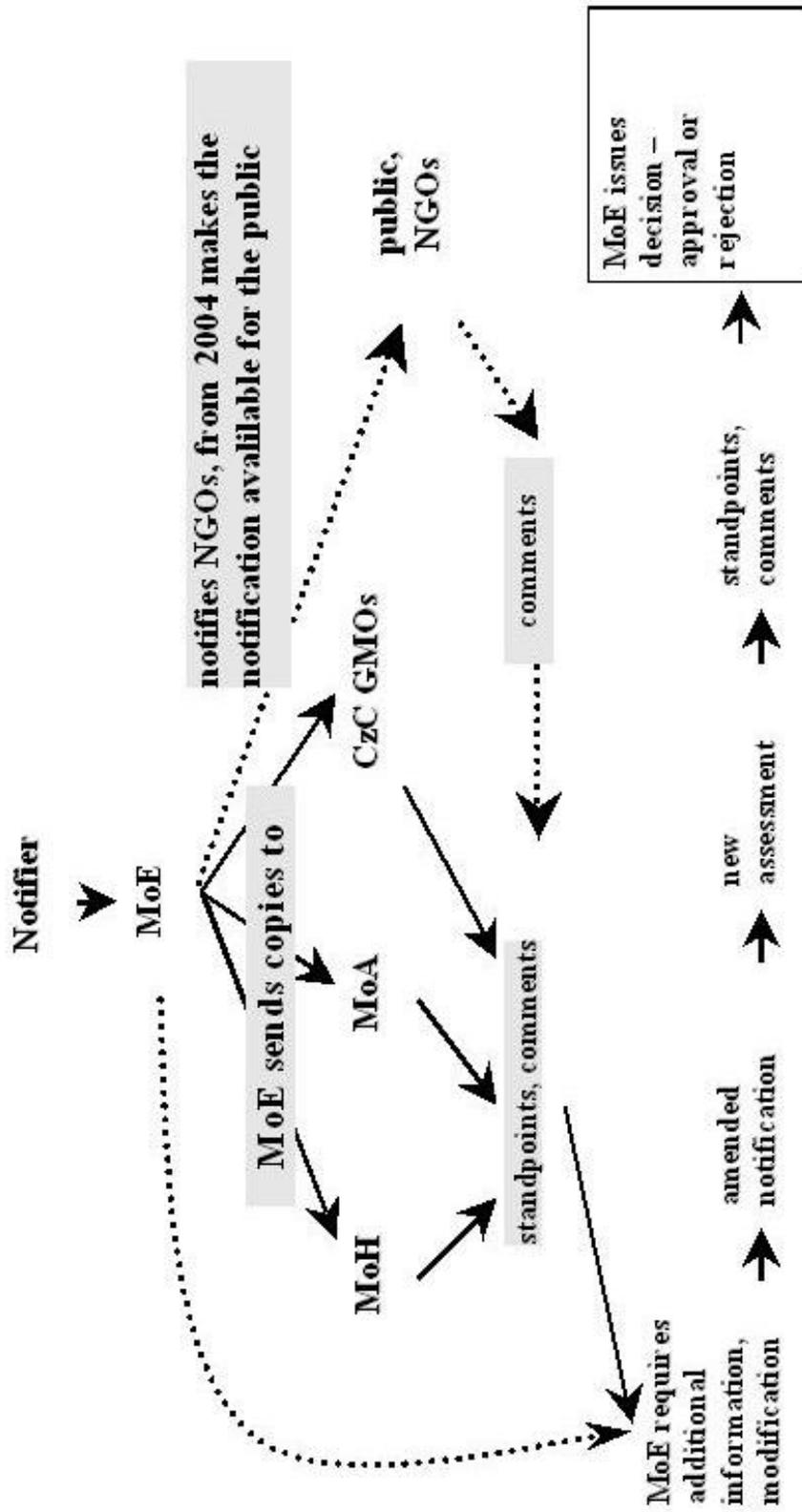
The system for public participation is being developed and includes various forms of information dissemination (internet, leaflets, special publications, workshops), communication with various types of stakeholders, etc. Non-governmental organizations can participate in the administrative procedure of assessing the notifications for the use of GMOs. According to the new prepared Act on GMOs public consultations will be required. for deliberate release of GMOs.

Several publications were published or are under preparation within the Project, including those for public. Official information can be found on the Ministry of the Environment web-site: <http://www.env.cz>, GMO link. A special web-site has been developed within the UNEP/GEF Biosafety Framework Project, both in the English and Czech versions: <http://gmo.vscht.cz>

Administrative procedure of circulation and assessment of the notifications for the use of GMOs (LMOs)

(Prepared by Zuzana Doubková)

Administrative procedure of circulation and assessment of the notifications for the use of GMOs (LMOs)



Notes:
 MoE = Ministry of the Environment, MoH - Ministry of Health,
 MoA - Ministry of Agriculture, CzC GMOs - Czech Commission for the Use of Genetically Modified Organisms and Products

UNEP/GEF PROJECT ON “DEVELOPMENT OF NATIONAL BIOSAFETY FRAMEWORK IN MACEDONIA”

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Acquiring its independence, the Republic of Macedonia entered into a process of creating an efficient Environment Management System consistent with the EU standards. In this context, National Environmental Action Plan (NEAP) has been developed aiming at integration of environmental issues into the programmes of economic and social development of the country.

The adoption of the legal regulations in the field of environment and nature protection, its harmonization with EU legislation is high priority of the Ministry of Environment and Physical Planning. On the basis of this, since 1996 we have been having a new Law on Environment and Nature Protection and Promotion. It underwent changes and amendments of the text adopted by the Assembly of the Republic of Macedonia in May 2000. In frame of this law as legal obligation for all public institutions working in this field, is to prepare topics that will support participation by all stakeholders, as well as, publish or otherwise make accessible, available explanatory material from the field of environment protection.

The Republic of Macedonia has accessed the Convention of Biodiversity with the adoption of the Law for its ratification (Official Gazette of RM No. 54/97). It entered into force on March 2, 1998. The responsible state organ for enforcement of this Convention in the Republic of Macedonia is the Ministry of Environment and Physical Planning in cooperation with the remaining state organs within the Government of RM. Presently, as ongoing is the preparation of the Development of National Biodiversity Strategy and Action Plan for implementation of the Convention on Biodiversity. As one of the main strategic principal is to promote and encourage understanding of the importance of biodiversity and its conservation, including the use of media and educational programmes. Within the scope of Action plan, as activity of high urgency is the preparation of Database for biodiversity easily accessible to the public, where included is safe use of GMO. As activity in order to increase public awareness, is developing mechanism with a view to ensuring that sufficient product information is made available to the public through labelling of all commercial products according world standards, in a manner which enables consumers to make informed environmental choices. The activities in scope of the Action plan that shall be taken and are with special accent to the public awareness are the following: publishing of scientific-popular literature for endemic and relict species; preparation of multimedia presentation and preparation of CD for biodiversity; preparation on web-site for biodiversity conservation; preparation on web-site for biodiversity traditional use of in manner of eco-tourism; preparation on video programme for biodiversity protection; publishing and dissemination of promotional material for local varieties and species; preparation on programmes for NGO and local population involvement in biodiversity protection as well as it's sustainable use; preparation on publications on biodiversity.

On initiative given by the Ministry of Environment and Physical planning, the Aarhus Convention on access to information, public participation in decision making and access to justice in environmental matters has been ratified by the Macedonian government (Official gazette –R.Macedonia 40/99). Presently as ongoing is the preparation on draft version of the strategy for implementation of the Aarhus Convention (REREP – Regional Programme for Environmental Reconstruction in SEE, from the stability pact).

Within the Ministry of Environment and Physical Planning there is Public Communication Office, with Information Centre as direct link with the public. As main objectives is to promote and improve the access to information, contribute to public awareness, give the public the opportunity to express its concerns and enable public authorities to take due account of such concerns. As available documentation: Catalogue for Data Sources (CDS); CDS Implementation Programme in the Republic of Macedonia with all relevant entities working in the field of environment. General Web site of the Ministry of Environment and Physical Planning is <http://w.infoeco@moe.gov.mk>

In frames of the topic Biosafety (release and safe use of living modified organisms), as emphasize is that management which has to follow achievements in the aspects of modern biotechnology is developing slowly. The existing regulations in Republic of Macedonia which is close to Biosafety don't contain any provisions to treat them. On the other hand, it is important to point out that although the Republic of Macedonia is making the first steps in this field, it has signed the Cartagena Protocol on Biosafety (26/07/2000) to the Biodiversity Convention and by this it joined the countries that expressed serious approach and strict control each country is required to introduce in order to control the transboundary movements of all modified organisms resulting from modern biotechnology. Presently, as ongoing is the UNEP/GEF Project on Development of National Biosafety Framework. Project is in the initial phase of its implementation process and in the fourth phase of the project as consisting element of the NBF would be to establish mechanisms for public participation and information.

PUBLIC ACCESS TO INFORMATION AND PUBLIC PARTICIPATION AT THE DECISION-MAKING ON BIOSAFETY ISSUES IN THE REPUBLIC OF MOLDOVA

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1. Public access to environmental information

The basic national document, which determines the principles of public access to information of all kinds, is the Law of the Republic of Moldova on Public Access to Information no. 982-XIV of 11.05.2000 (M.O. of RM no. 88-90/664 of 28.07.2000).

The deliberate non-observance and distortion of information by environmental bodies on the ecological situation about sources of pollution, radioactive situation, the situation and use of lands, water basins and other environmental objectives is sanctioned by the article 175 of the Draft Code of Offences and article 242 of the Penal Code with a fine amounting to 40-50 conventional units and even imprisonment for a period of up to 3 years with waving the right of activation in state positions.

The Ministry of Ecology, Constructions and Territorial Development has signed agreements and actively collaborates with the central press bodies and the national television and radio. A number of actions have been undertaken in order to strengthen state institutional and NGO capacities of attracting the public in the decision-making process and implement this principle in the society.

The juridical framework of the Republic of Moldova consists of the following documents:

- the Law on access to information
- the Law on environmental protection (chapter 4)
- the Law on state secret
- the Law on state ecological expertise and evaluation of impact upon the environment
- the Law on air protection
- the Law on principles of urbanism and territorial development
- the Law on the regime of hazardous products and substances
- the Law on biosafety

There are several ecological information “flows” between public institutions of Moldova. *The first “flow”* unfolds between the network for environmental pollution monitoring of the National Center for Preventive Medicine of the Ministry of Health Care and the network of the Center of observation of environmental pollution of the Hydro-meteorology Service. These two networks consist of 30 stations throughout the Republic of Moldova for registering the basic ecological data. *The second “flow”*

consists of 15 different institutions (Ministries and Departments). The Regulation on the system of integrated ecological monitoring (10.11.1998) establishes the data flow procedures from the mentioned networks to the Center of ecological Monitoring of the Ministry of Ecology, Constructions and Territorial Development.

2. Public participation in the decision-making

The public participation in the decision-making is stipulated in the Law on state ecological expertise and evaluation of impact upon the environment and in the Law on principles of urbanism and territorial development. The Law on state ecological expertise and evaluation of impact upon the environment stipulates the participation of associations of citizens and NGOs from Moldova at the adopting of decisions. The documents are held by local public authorities, which must inform the population about these documents in a period of 5 days, and about the method and time when these documents can be accessed and copied. The access to these documents is granted for a period of 30 days.

Public consultation and sociologic questionnaires are the means of public participation at development planning. The sociologic questionnaire is used when the documentation is extremely complicated and takes 15-60 days. It is done under the leadership of a counselor and a group of specialists on voluntary basis.

3. Access to justice

During the revision by the environmental bodies of the majority of laws, such as the Forestry Code, the Waters Code, the Law of the Animal Kingdom, the Law on air protection etc., separate chapters have been included regarding the juridical responsibilities for the non-observance of these laws, i.e. the mechanisms and methods of juridical solving of civil environmental clauses have been established.

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