

2005 No. 272

EUROPEAN COMMUNITIES

ENVIRONMENTAL PROTECTION

**The Genetically Modified Organisms (Deliberate Release)
(Amendment) Regulations (Northern Ireland) 2005**

Made - - - - - *24th May 2005*

Coming into operation *30th June 2005*

The Department of the Environment, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the control and regulation of genetically modified organisms, in exercise of the powers conferred by that section and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Genetically Modified Organisms (Deliberate Release) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 30th June 2005.

(2) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003

2.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003(d) shall be amended in accordance with the following provisions of this Regulation.

(2) In Regulation 2 –

(a) for the definition of “the Deliberate Release Directive” there shall be substituted the following definition –

“the Deliberate Release Directive” means Council Directive 2001/18/EC(e) on the deliberate release into the environment of genetically modified organisms as amended by, the Food and Feed Regulation and Council Regulation (EC) No. 1830/2003(f);”;
and

(a) S.I. 1991/755

(b) 1972 c. 68

(c) 1954 c. 33 (N.I.)

(d) S.R. 2003/167, as amended by S.R. 2003/206

(e) O.J. No. L106, 17.4.2001, p. 1

(f) O.J. No. L268, 18.10.2003, p. 24

(b) after the definition of “the First Simplified Procedure (crop plants) Decision” there shall be inserted the following definitions –

“the Food and Feed Regulation” means Council Regulation (EC) No. 1829/2003(a) on genetically modified food and feed;

“genetically modified feed” means –

- (a) feed containing, consisting of or produced from genetically modified organisms;
- or
- (b) genetically modified organisms for feed use;

“genetically modified food” means –

- (a) food containing or consisting of genetically modified organisms;
- (b) food produced from, or containing ingredients produced from, genetically modified organisms; or
- (c) genetically modified organisms for food use;”.

(3) In regulation 15 –

(a) in paragraph (a), after the words “has approval” there shall be inserted the words “and in accordance with the limitations and conditions to which the use of that product is subject”;

(b) for paragraph (f) there shall be substituted the following paragraph –

“(f) a genetically modified novel food or genetically modified novel food ingredient within the scope of Council Regulation (EC) No. 258/97(b), as amended by the Food and Feed Regulation and Council Regulation 1882/2003(c), is marketed; and”;

(c) after paragraph (f) there shall be inserted the following paragraph –

“(g) genetically modified food or feed authorised under the Food and Feed Regulation is marketed.”.

(4) After regulation 17 there shall be inserted the following regulation –

“Transitional measures for adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation

17A.—(1) Subject to paragraph (2), the marketing of traces of a genetically modified organism or combination of genetically modified organisms in products intended for direct use as food or feed or for processing shall be exempted from the requirements of Article 5(1)(a) of the Order (to carry out a risk assessment) and of Article 8(1)(a) of the Order (to obtain consent) provided that the conditions set out in Article 47 of the Food and Feed Regulation are met.

(2) Paragraph (1) shall cease to have effect on 18th April 2007.”.

(5) For paragraph (2) of regulation 21 there shall be substituted the following paragraph –

“(2) The Department shall not grant or refuse consent to release genetically modified organisms before the end of the period specified for representations and comments in accordance with regulations 20(b) and (f) and, if any comments referred to in regulation 20(f) are received within that period, before it has considered those comments.”.

Sealed with the Official Seal of the Department of the Environment on 24th May 2005.

(L.S.)

Judena Goldring

A senior officer of the Department of the Environment

(a) O.J. No. L268, 18.10.2003, p. 1
(b) O.J. No. L43, 14.2.1997, p. 1
(c) O.J. No. L284, 31.10.2003, p. 1

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 (the 2003 Regulations).

The amendments to the 2003 Regulations give effect in Northern Ireland to the consequential amendments made to Council Directive 2001/18/EC (O.J. No. L106, 17.4.02, p. 1) on the deliberate release into the environment of genetically modified organisms (the “Deliberate Release Directive”) by Council Regulation (EC) No. 1829/2003 (O.J. No. L268, 18.10.03, p. 1) on genetically modified food and feed (the “Food and Feed Regulation”).

These amending Regulations –

- (a) update references to relevant EC legislation (*Regulations 2(2)(a) and 2(3)(b)*);
- (b) provide that, where products have been approved in accordance with legislative provisions other than those contained in the 2003 Regulations, those products are only exempt from the requirements of Articles 5(1)(a) and 8(1)(a) of the Genetically Modified Organisms (NI) Order 1991 (the Order) if they have been marketed in accordance with any conditions or limitations imposed upon the consent that has been issued in relation to that product (*Regulation 2(3)(a)*);
- (c) provide for the marketing of genetically modified food and feed that has been authorised under the Food and Feed Regulation without the need for a marketing consent under Article 8(1)(a) of the Order, or an additional risk assessment under Article 5(1)(a) of the Order (*Regulation 2(3)(c)*);
- (d) provide that, until 18th April 2007, the placing on the market of traces of a genetically modified organism or a combination of genetically modified organisms in products intended for direct use as food or feed or for processing is exempt from the requirements of Article 8(1)(a) of the Order (to obtain a marketing consent) and of Article 5(1)(a) of the Order (to carry out a risk assessment) provided the conditions specified in Article 47 of the Food and Feed Regulation are met (*Regulation 2(4)*);
- (e) clarify that the Department must not grant or refuse to consent to release genetically modified organisms before the end of the latest date on which the representations mentioned in regulation 20(f) of the 2003 Regulations can be made (*Regulation 2(5)*).

Copies of the European Council Regulation and Directive may be obtained at <http://europa.eu.int/eur-lex/en/index.html> and from The Stationery Office Ltd., 16 Arthur Street, Belfast, BT1 4GD.

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