WELSH STATUTORY INSTRUMENTS

2005 No. 1913 (W.156)

ENVIRONMENTAL PROTECTION, WALES

The Genetically Modified Organisms (Deliberate Release) (Wales) (Amendment) Regulations 2005

Made - - - -	*12 July 2005*
Coming into force - -	*15 July 2005*

The National Assembly for Wales, being designated(**1**) for the purpose of section 2(2) of the European Communities Act(**2**) in relation to the control and regulation of the deliberate release, placing on the market and transboundary movements of genetically modified organisms, in exercise of the powers conferred on it by that section, makes the following Regulations—

Title, commencement and application

1. The title of these Regulations is the Genetically Modified Organisms (Deliberate Release) (Wales) (Amendment) Regulations 2005, they come into force on 15 July 2005 and they apply in relation to Wales.

Amendment of the Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002

2.—(1) The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002(**3**) are amended in accordance with the following provisions of this Regulation.

(2) In regulation 2—

(a) The following definition is substituted for the definition of "the Deliberate Release Directive"—

> ""the Deliberate Release Directive" ("*y Gyfarwyddeb Gollyngiadau Bwriadol*") means Council Directive 2001/18/EC(**4**) 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(**5**);"; and

(**1**) S.I.2003/2901.
(**2**) 1972 c. 68.
(**3**) S.I. 2002/3188.
(**4**) OJ No L106, 17.4.2001, p.1.
(**5**) OJ No L268, 18.10.2003, p.24.

(b) The following definitions are inserted in the appropriate place in accordance with the alphabet—

""the Food and Feed Regulation" ("*y Rheoliad Bwyd a Bwyd Anifeiliaid*") means Council Regulation (EC) No 1829/2003(**6**) on genetically modified food and feed;

"genetically modified feed" ("*bwyd anifeiliaid a addaswyd yn enentig*") means —

(a) feed containing, consisting of or produced from genetically modified organisms; or

(b) genetically modified organisms for feed use;

"genetically modified food" ("*bwyd a addaswyd yn enetig*") 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 16—

(a) In paragraph (a), the words "and in accordance with the limitations and conditions to which the use of that product is subject" are inserted after the words "has approval";

(b) The following paragraph is substituted for paragraph (f)—

"(f) a genetically modified novel food or genetically modified novel food ingredient within the scope of Council Regulation (EC) No 258/75(**7**), as amended by the Food and Feed Regulation and Council Regulation 1882/2003(**8**), is marketed; and"; and

(c) The following paragraph is inserted after paragraph (f)—

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

(4) The following regulation is inserted after regulation 18—

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

18A.—(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 section 108(1)(a) of the Act (to carry out a risk assessment) and of section 111(1)(a) of the Act (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 18 April 2007.".

(5) The following paragraph is substituted for paragraph (2) of regulation 22—

"(2) the National Assembly for Wales shall not grant or refuse consent to release genetically modified organisms before the end of the period specified for representations in accordance with regulations 21(b) and (f) above and, if any comments referred to in regulation 21(f) are received within that period, before it has considered those comments.".

(**6**) OJ No L258, 18.10.2003, p.1.
(**7**) OJ No L43, 14.2.1997, p.1.
(**8**) OJ No L284, 31.10.2003, p.1.