STATUTORY RULES OF NORTHERN IRELAND

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(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) 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(**3**) 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(**4**) 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 –

(**1**) S.I. 1991/755
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 2003/167, as amended by S.R. 2003/206

""the Deliberate Release Directive" means Council Directive 2001/18/EC(**5**) 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(**6**);"; and

(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(**7**) 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(**8**), as amended by the Food and Feed Regulation and Council Regulation 1882/2003(**9**), is marketed; and"; 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 –

(**5**) O.J. No. L106, 17.4.2001, p. 1
(**6**) O.J. No. L268, 18.10.2003, p. 24
(**7**) O.J. No. L268, 18.10.2003, p. 1
(**8**) O.J. No. L43, 14.2.1997, p. 1
(**9**) O.J. No. L284, 31.10.2003, p. 1