
WELSH STATUTORY INSTRUMENTS

2002 No. 3188

**The Genetically Modified Organisms
(Deliberate Release) (Wales) Regulations 2002**

Part I **E+W**

General

Interpretation **E+W**

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Environmental Protection Act 1990;

“the Advisory Committee on Releases to the Environment” (“*y Pwyllgor Ymgynghorol ar Ollyngiadau i’r Amgylchedd*”) means the Committee appointed by the National Assembly for Wales under section 124 of the Act;

“antibiotic resistance markers” (“*marcwyr ymwrthedd gwrthfotig*”) means genes employed in the modification of an organism to make that organism express resistance to a particular antibiotic or antibiotics;

“application for consent to release” (“*cais am ganiatâd i ollwng*”) shall include any notification made under the First Simplified Procedure (crop plants) Decision;

[^{F1}“approved product” (“*cynnyrch wedi’i gymeradwyo*”) means—

(a) a product permitted to be marketed in Wales by—

- (i) a consent granted by the Welsh Ministers under section 111(1) of the Act,
- (ii) an authorisation under Council Regulation (EC) No 1829/2003 on genetically modified food and feed, or

(b) a pre-exit approved product;]

^{F2}
...

^{F3}
...

[^{F4}“the Deliberate Release Directive” (“*y Gyfarwyddeb Gollyngiadau Bwriadol*”) means Council Directive 2001/18/EC on the deliberate release into the environment of genetically modified organisms [^{F5}as last amended by Directive (EU)] [^{F6}2018/350 amending Directive 2001/18/EC of the European Parliament and of the Council as regards the environmental risk assessment of genetically modified organisms];]

“the 1990 Directive” (“*Cyfarwyddeb 1990*”) means Council Directive 90/220/EEC^{M1} on the deliberate release into the environment of genetically modified organisms as amended by Commission Directive 1994/15/EC^{M2} and Commission Directive 1997/35/EC^{M3};

“electronic communication” (“*cyfathrebiad electronig*”) means the same as in the Electronic Communications Act 2000^{M4};

“environmental risk assessment” (“*asesiad risg amgylcheddol*”) means the environmental risk assessment required to be contained in an application for consent to release or market genetically modified organisms by regulation 12(1)(c) and regulation 17(2)(c) respectively;

“the First Simplified Procedure (crop plants) Decision” means Commission Decision [94/730/EC](#)^{M5};

F7 F8 ...

“genetically modified feed” (“*bwyd anifeiliaid a addaswyd yn enetig*”) 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;]

“genetically modified organisms” (“*organeddu a addaswyd yn enetig*”) means a genetically modified organism or a combination of genetically modified organisms;

“higher plant” (“*uwchblanhigyn*”) means a plant belonging to the taxonomic group *Spermatophytæ* (*Gymnospermae* or *Angiospermae*);

“local authority” (“*awdurdod lleol*”) means the council of a county or county borough;

“monitoring plan” (“*cynllun monitro*”) means the plan required by regulation 17(2)(g);

[^{F9}“pre-exit approved product” (“*cynnyrch wedi'i gymeradwyo cyn y diwrnod ymadael*”) means a product which, immediately before exit day, was permitted to be marketed in Wales by—

- (a) a consent granted in accordance with Article 15(3), 17(6) or 18(2) of the Deliberate Release Directive or Article 13(2) or (4) of the 1990 Directive, or
- (b) an authorisation under Council Regulation [\(EC\) No 1829/2003](#) on genetically modified food and feed,

and in respect of which the relevant consent or authorisation has not been withdrawn or otherwise become invalid;]

“the register” (“*y gofrestr*”) means the public register kept by the National Assembly for Wales under section 122 of the Act;

“the 1992 Regulations” (“*Rheoliadau 1992*”) means the Genetically Modified Organisms (Deliberate Release) Regulations 1992^{M6}.

(2) In these Regulations—

- (a) any reference to a numbered regulation or to a numbered Schedule is a reference to the regulation or Schedule in these Regulations so numbered; and
- (b) a reference to a numbered paragraph is a reference to the paragraph so numbered in the regulation or Schedule in which that reference occurs.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) substituted (31.12.2020) by [The Genetically Modified Organisms \(Deliberate Release and Transboundary Movement\) \(Miscellaneous Amendments\) \(Wales\) \(EU Exit\) \(No. 2\) Regulations 2019](#) (S.I. 2019/1492), regs. 1(3), **2(2)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

- F2** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1492), regs. 1(3), **2(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1492), regs. 1(3), **2(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in reg. 2 substituted (15.7.2005) by The Genetically Modified Organisms (Deliberate Release) (Wales) (Amendment) Regulations 2005 (S.I. 2005/1913), regs. 1, **2(2)(a)**
- F5** Words in reg. 2(1) substituted (28.3.2019) by The Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 (S.I. 2019/463), regs. 1(3), **17**
- F6** Words in reg. 2 substituted (30.10.2019) by The Genetically Modified Organisms (Deliberate Release) (Amendment) (Wales) Regulations 2019 (S.I. 2019/1316), regs. 1(2), **3**
- F7** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1492), regs. 1(3), **2(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in reg. 2 inserted (15.7.2005) by The Genetically Modified Organisms (Deliberate Release) (Wales) (Amendment) Regulations 2005 (S.I. 2005/1913), regs. 1, **2(2)(b)**
- F9** Words in reg. 2(1) inserted (31.12.2020) by The Genetically Modified Organisms (Deliberate Release and Transboundary Movement) (Miscellaneous Amendments) (Wales) (EU Exit) (No. 2) Regulations 2019 (S.I. 2019/1492), regs. 1(3), **2(2)(e)**; 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

- M1** OJ No. L117, 8.5.90, p.15.
- M2** OJ No. L103, 22.4.94, p.20.
- M3** OJ No. L169, 27.6.97, p.72.
- M4** 2000 c.7.
- M5** OJ No. L292, 12.11.1994, p.31.
- M6** S.I. 1992/3280. The functions of the Secretary of State under these regulations were transferred to the National Assembly for Wales under Article 3 and Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253).

Changes to legislation:

There are currently no known outstanding effects for the The Genetically Modified Organisms (Deliberate Release) (Wales) Regulations 2002, Section 2.