

EXPLANATORY MEMORANDUM TO
The Genetically Modified Organisms (Amendment) (EU Exit) Regulations
(Northern Ireland) 2020

2020 No. 269

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 11 of, and Part 1C of schedule 2 to the European Union (Withdrawal) Act 2018 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Statutory Rule will make necessary changes, which arise as a result of the implementation of the Ireland/Northern Ireland Protocol ('the Protocol') under the Withdrawal Agreement for the United Kingdom (UK) leaving the European Union (EU), to domestic legislation. It will reinstate EU legislation for the control and marketing of Genetically Modified Organisms (GMO's) in Northern Ireland as defined in Annex 2 of the Protocol.

3. Background

- 3.1. The control and marketing of GMOs in Northern Ireland is governed by EU legislation and are implemented by domestic legislation. As part of the UK's preparation for EU Exit, various EU provisions became 'retained EU Law' and domestic legislation was amended to ensure operability.
- 3.2. Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of GMOs specifies a framework of controls on the release of GMOs. It is implemented in Northern Ireland by the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003
- 3.3. Regulation (EC) No. 1946/2003 of the European Parliament and of the Council of 15th July 2003 on transboundary movements of GMOs regulates the export of GMOs from the EU to third countries. This is implemented in Northern Ireland by the Genetically Modified Organisms (Transboundary Movements) Regulations (Northern Ireland) 2005.
- 3.4. The Genetically Modified Organisms (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 makes amendments to the Genetically Modified Organisms (Risk Assessment) (Records and Exemptions) Regulations Northern Ireland 1996, the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 and the Genetically Modified Organisms (Transboundary Movements) Regulations (Northern Ireland) 2005 prior to the agreement for Northern Ireland to align to EU rules as detailed in Annex 2 of the Protocol.

- 3.5. This Statutory Rule makes amendments to the Genetically Modified Organisms (Amendment) (Northern Ireland) (EU Exit) Regulations 2019, reinstating EU provisions that are listed in Annex 2 of the Protocol, namely Part C of Directive 2001/18/EC and Regulation EC 1946/2003. The Statutory Rule also makes minor technical amendments to the Genetically Modified Organisms (Deliberate Release) Regulations (Northern Ireland) 2003 to reflect Northern Ireland's position as a non Member State.

4. Consultation

- 4.1. No consultations were carried out in respect of the statutory rule as its purpose is to resolve operability issues as a result of the Protocol. It does not introduce any new policy.

5. Equality Impact

- 5.1. There are no equality impact implications arising from this Regulation.

6. Regulatory Impact

- 6.1. The impacts of this Regulation are not expected to place any direct additional burdens on businesses, charities, voluntary bodies or the public sector.

7. Financial Implications

- 7.1. There are no additional costs on UK business arising from the Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. This Statutory Rule does not contravene Section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. This Regulation implements the requirements of the Ireland/Northern Ireland Protocol.

10. Parity or Replicatory Measure

- 10.1. These Regulations relate to Northern Ireland only. Similar Regulations are not required by other UK countries.

11. Additional Information

- 11.1. None..