
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2019 No.

**The Genetically Modified Organisms (Deliberate Release etc.)
(Miscellaneous Amendments) (Scotland) Regulations 2019**

**Amendment to the Genetically Modified Organisms (Deliberate Release) (Scotland)
Regulations 2002**

- 10.** In regulation 24 (decisions by the Scottish Ministers on applications for consent to market)—
- (a) in paragraph (1) for “In the cases of”, substitute “Subject to paragraph (8), in the cases of”,
 - (b) in paragraph (5)—
 - (i) after “agricultural plant species” insert “, as last amended by Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed(1)”, and
 - (ii) after “vegetable seed” insert “, as last amended by Commission Implementing Directive (EU) 2016/317 of 3 March 2016 amending Council Directives 66/401/EEC, 66/402/EEC, 2002/54/EC, 2002/55/EC, 2002/56/EC and 2002/57/EC as regards the official label of seed packages(2)”,
 - (c) in paragraph (6) after “1999/105/EC” insert “on the marketing of forest reproductive material(3)”, and
 - (d) after paragraph (6) insert—
 - “(7) A consent to market a genetically modified organism received by the Scottish Ministers must include a limit on the geographical scope of the cultivation of the genetically modified organism corresponding to any demand made by—
 - (a) the Scottish Ministers under regulation 26A(1), or
 - (b) a member State under Article 26b(1) of the Deliberate Release Directive,unless the applicant notifies the Scottish Ministers in writing of that applicant’s refusal to agree to the demand within 30 days of being notified of it by the Commission.
 - (8) Where a demand to limit the geographical scope of the cultivation of a genetically modified organism is made—
 - (a) by the Scottish Ministers under regulation 26A(1), or
 - (b) a member State under Article 26b(1) of the Deliberate Release Directive,after the date of circulation of the assessment report by the Commission under Article 14(2) of the Deliberate Release Directive, the 60 and 105 day periods specified in paragraph (1) (a) and (b) are to be extended by a single period of 15 days.
 - (9) The Scottish Ministers may, following the inclusion of a limit under paragraph (7), vary the consent to reintegrate all or any part of Scotland.

(1) OJ L 268, 18.10.2003, p.1.

(2) OJ L 60, 5.3.2016, p.72.

(3) OJ L 11, 15.1.2000, p.17.

(10) The Scottish Ministers must vary a consent in accordance with any request by a member State under Article 26b(5) of the Deliberate Release Directive to reintegrate all or part of its territory.

(11) The Scottish Ministers must inform—

- (a) the Commission of any refusal to agree to a demand notified to the Scottish Ministers under paragraph (7), and
- (b) the Commission, the member States and the holder of the consent of any variation under paragraph (9) or (10).’.