
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 541

The Genetically Modified Organisms (Deliberate Release) (Scotland) Regulations 2002

PART IV

DUTIES AFTER THE MAKING OF APPLICATIONS

Decisions by the Scottish Ministers on applications for consents to market

24.—(1) In the cases of subparagraphs (a) or (b), the Scottish Ministers may and in the case of subparagraph (c), the Scottish Ministers shall grant an application for consent to market genetically modified organisms only where they have prepared an assessment report which indicates that the genetically modified organisms should be marketed and—

- (a) no reasoned objection has been raised by a Member State or by the Commission during a sixty day period beginning on the day the Commission circulated the assessment report;
 - (b) a comment or a reasoned objection has been raised by either a Member State or by the Commission but all outstanding issues have been resolved in accordance with Article 15(1) of the Deliberate Release Directive within a 105 day period beginning on the date the Commission circulated the assessment report; or
 - (c) an objection has been raised and maintained by a competent authority of any Member State or the Commission in accordance with Articles 15 or 20 of the Deliberate Release Directive and the Commission has adopted a decision in accordance with Article 18(1) of the Deliberate Release Directive in favour of granting consent.
- (2) The Scottish Ministers shall—
- (a) inform the applicant; and
 - (b) ensure that the other Member States and the Commission are informed,

of any decision by the Scottish Ministers to grant consent to market genetically modified organisms within thirty days of its grant.

(3) For the purpose of calculating the final forty five day period of the 105 days in paragraph (1) (b), no period during which further information is awaited from the applicant shall be taken into account.

(4) Subject to paragraphs (5) and (6), a consent to market genetically modified organisms shall be given for a maximum period of ten years beginning with the day on which the consent is issued.

(5) For the purpose of granting consent to market a genetically modified organism or any progeny of that genetically modified organism contained in a plant variety where that plant variety is intended only for the marketing of its seeds under the relevant Community provisions the period of the first consent shall, notwithstanding paragraph (4), end at the latest ten years after the date of the first inclusion of the first plant variety containing the genetically modified organism on an official national catalogue of plant varieties in accordance with Council Directive [2002/53/EC](#) on

the common catalogue of varieties of agricultural plant species⁽¹⁾ and Council Directive [2002/55/EC](#) on the marketing of vegetable seed⁽²⁾.

(6) For the purpose of granting consent to market a genetically modified organism contained in forest reproductive material, the period of the first consent shall, notwithstanding paragraph (4), end at the latest ten years after the date of the first inclusion of basic material containing the genetically modified organism on an official national register of basic material in accordance with Council Directive [1999/105/EC](#)⁽³⁾.

⁽¹⁾ O.J. No. L 193, 20.7.02, p.1.
⁽²⁾ O.J. No. L 193, 20.7.02, p.33.
⁽³⁾ O.J. No. L 11, 15.1.00, p.17.