
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, provide for the enforcement and execution of Chapter II of Regulation (EC) No. 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (O.J. No. L 268, 18.10.03, p.1) (“the Community Regulation”) which relates to food. The Genetically Modified Animal Feed (Scotland) Regulations 2004 (S.S.I. 2004/[]) make provision for the enforcement of those provisions of the Community Regulation relating to animal feed.

In particular the Regulations—

- (a) designate the Food Standards Agency as the national competent authority for receiving applications for the authorisation of new genetically modified organisms for food use, food containing or consisting of genetically modified organisms, or food produced from or containing ingredients produced from genetically modified organisms (regulation 3);
- (b) provide for food authorities to enforce the provisions of these Regulations and Chapter II of the Community Regulation (regulation 4);
- (c) establish penalties for failing to comply with certain specified provisions of the Community Regulation (regulation 5 and the Schedule);
- (d) apply various provisions of the Food Safety Act 1990 with some modifications in their application for the purposes of these Regulations (regulation 6);
- (e) revoke the Genetically Modified and Novel Foods (Labelling) (Scotland) Regulations 2000 (regulation 7); and
- (f) make consequential amendments to the Novel Foods and Novel Food Ingredients Regulations 1997 by inserting a provision in the Schedule (regulation 8).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect which these Regulations would have on business costs, has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.