

SCHEDULE 1

Regulation 2(1)

Specified Community Provisions

<b>Column 1</b> <b>Provision of the Council Regulation</b>	<b>Column 2</b> <b>Subject Matter</b>
Article 4(1)	Requirement to ensure, at the first stage of placing on the market of a product consisting of or containing GMOs, that specified information is transmitted in writing to the operator receiving the product.
Article 4(2)	Requirement to ensure, at subsequent stages of placing on the market, that the information specified in Article 4(1) of the Council Regulation is transmitted in writing to the operator receiving the product.
Article 4(3)	Requirement to ensure that products consisting of or containing GMOs to be used as food or feed or for processing are accompanied by a declaration of use, along with a list of the unique identifiers for all those GMOs used to constitute the mixture.
Article 4(4)	Requirement to keep records of the information referred to in paragraphs (1), (2) and (3) of Article 4 for the specified period.
Article 4(6)	Requirement to ensure that the specified information appears on the labels of products consisting of or containing GMOs.
Article 5(1)	Requirement to ensure, when placing products produced from GMOs on the market, that the specified information is transmitted in writing to the operator receiving the product.
Article 5(2)	Requirement to keep records of the information referred to in Article 5(1) for the specified period.

SCHEDULE 2

Regulation 4(1)

Powers of Inspectors

1. At any reasonable time—
  - (a) to enter premises which the inspector has reason to believe it is necessary to enter and to take with the inspector any person duly authorised by a local authority [<sup>F1</sup>, Food Standards Scotland] or the Scottish Ministers and, if the inspector has reasonable cause to apprehend the risk of obstruction, a constable; and
  - (b) to take any equipment or materials required for any purpose for which the power of entry is being exercised.

### Textual Amendments

**F1** Words in [sch. 2 para. 1\(a\)](#) inserted (1.4.2021) by [The Feed \(Transfer of Functions\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/467\)](#), regs. 1(2), 4(7)

2. To carry out such tests and inspections (and to make such recordings), as may in any circumstances be necessary.

3. To direct that any, or any part of, premises which the inspector has power to enter, or anything in or on such premises, shall be left undisturbed (whether generally or in particular respects) for so long as is reasonably necessary for the purpose of any test or inspection.

4. To take samples of any organisms, articles or substances found in or on any premises which the inspector has power to enter.

5. In the case of any product found on premises which the inspector has power to enter which appears—

- (a) to consist of or contain genetically modified organisms and which the inspector has reasonable cause to believe is not labelled in accordance with the Council Regulation, or
- (b) if food or feed, to be produced from genetically modified organisms and in relation to which the inspector has reasonable cause to believe that the information specified in Article 5(1) of the Council Regulation has not been transmitted to the operator receiving the product,

to take possession of it and detain it for so long as is necessary for all or any of the following purposes—

- (i) to examine it;
- (ii) to ensure that it is not tampered with before any examination of it is completed; and
- (iii) to ensure that it is available for use as evidence in any proceedings for an offence under these Regulations.

6. To require any person whom the inspector has reasonable cause to believe to be able to give any information relevant to any test or inspection under this Schedule to answer (in the absence of persons other than a person nominated by the first named person to be present and any persons whom the inspector may allow to be present) such questions as the inspector thinks fit to ask.

7. To require the production of, or where the information is recorded in computerised form, the furnishing of extracts from, any records which are required to be kept for the purpose of complying with any of the specified Community provisions or it is necessary for the inspector to see for the purposes of any test or inspection under this Schedule and to inspect, and take copies of, or of any entry in, the records.

8. To require any person to afford the inspector such facilities and assistance with respect to any matters or things within the control of that person or in relation to which that person has responsibilities as are necessary to enable the inspector to exercise any of the powers conferred by this regulation.

9. Where under the power conferred by paragraph 5 an inspector takes possession of anything found on any premises, the inspector shall leave there, either with a responsible person or, if that is impracticable, fixed in a conspicuous position, a notice giving particulars sufficient to identify what has been seized and stating that the inspector has taken possession of it under that power; and before taking possession under that power of—

- (a) any thing that forms part of a batch of similar things; or
- (b) any substance,

an inspector shall, if it is practical and safe to do so, take a sample of it and give to a responsible person at the premises a portion of the sample marked in a manner sufficient to identify it.

**10.** Nothing in paragraph 6 authorises the inspector to require disclosure of anything which a person would be entitled to refuse to disclose on grounds of confidentiality in proceedings in the Court of Session.

**Changes to legislation:**

There are currently no known outstanding effects for the The Genetically Modified Organisms (Traceability and Labelling) (Scotland) Regulations 2004.