

**EXECUTIVE NOTE TO**  
**THE FEED (CORN GLUTEN FEED AND BREWERS GRAINS) (EMERGENCY**  
**CONTROLS) (SCOTLAND) REVOCATION REGULATIONS 2007**  
**SSI 2007/ 493**

The above instrument is made under powers conferred by section 2(2) of the European Communities Act 1972.

**Policy Objectives**

1. This instrument transposes Commission Decision 2007/157/EC of 7 March 2007, repealing Commission Decision 2005/317/EC of 18 April 2005, which introduced emergency controls on imports from the USA of maize products potentially containing or derived from the unauthorised GM line Bt10.

**Legislative Background**

2. Commission Decision 2005/317/EC - which was transposed into law in Scotland by the Feed (Corn Gluten Feed and Brewers Grains) (Emergency Controls) (Scotland) Regulations 2005 - required importers to provide a certificate of analysis to show that consignments from the USA of two maize products (corn gluten feed and brewers grains) were free of Bt10 GM maize before they were placed on the market. The Bt10 GM line has not been authorised for use in the EU. In January 2007 the Commission reviewed the position and adopted Commission Decision 2007/157/EC repealing the emergency controls. This measure came into force on 8 March 2007, the date of its publication in the Official Journal on the European Union.
3. Action to implement Commission Decision 2007/157/EC in the UK had to be deferred. This was because public consultation and transposition was delayed by the timing of elections in Scotland and Wales. To ensure a common coming-into-force date for the measure in all parts of the UK, consultation was deferred until after the Scottish and Welsh elections in May 2007.

**Extent**

4. The Regulations extend to Scotland only. Parallel legislation will be made in England, Wales and Northern Ireland.

**Policy background**

5. The GM variety Bt10 is unauthorised anywhere in the world. However in March 2005, the European Commission was advised by the US authorities that Bt10 maize seed had been supplied to some US farmers in error. As a result it was possible that some exports of maize products to the EU contained the Bt10 variety.
6. Commission Decision 2005/317/EC required Member States to undertake random sampling and analysis of consignments from the USA of corn gluten feed and brewers

grain to verify the absence of Bt10. Only one instance of Bt10 entering the EU was detected, in May 2005, when the consignment in question was determined to have been shipped from the USA before the results of its analysis had become available. The Decision was reviewed at the February 2007 meeting of the Standing Committee on the Food Chain and Animal Health, when it was noted that the USA had taken action to ensure that Bt10 would not be further propagated or distributed. It was therefore agreed that Commission Decision 2005/317/EC could be repealed, and Commission Decision 2007/157/EC was adopted.

### **Consultation**

7. The public consultation in Scotland took place over a three week period in July 2007, and involved a range of animal feed and GM stakeholders including industry trade associations, enforcement bodies and others (see attached list). This short consultation period was used because the transposing Regulations simply give effect to a Commission Decision repealing emergency controls the need for which had demonstrably passed. No comments were received in response to the Scottish consultation.

### **Guidance**

8. The Agency does not consider that guidance on this new measure is necessary as its provisions are largely self-explanatory.

### **Impact**

9. A Regulatory Impact Assessment is not attached to this memorandum. This is because the Regulations remove rather than impose an administrative burden on merchants and importers, who will no longer be required to provide a certificate of analysis, and on enforcement authorities who will no longer be required to check that imported consignments are accompanied by a certificate. A Regulatory Impact Assessment is not therefore considered necessary.

FOOD STANDARDS AGENCY SCOTLAND

29 October 2007

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## **LIST OF INTERESTED FEED AND GM CONSULTEES**

Aberdeen Buttery Co. Ltd.  
Aberdeen Scotch Meat Ltd.  
ABP Scotland  
AG BARR  
Agriculture Industries Confederation (AIC)  
AHDA  
AIC Scottish Council  
Allied Distillers  
Alsop Transport Services  
ANM Group Ltd  
Aquascot  
Association of Independent Crop Consultants  
Association of Meat Inspectors  
Association of Public Analysts of Scotland  
Association of Scottish Community Councils  
Assured Chicken Production (ACP)  
Ayrshire and Arran Health Board  
Balfron High School  
Barbour Index  
Baxters of Speyside  
Bearsden Academy  
Beef Assurance Scheme  
Biodynamic Agricultural Association  
Biomathematics & Statistics Scotland  
Biomedical Research Centre  
Biotechnology and Biological Sciences Research Council  
Blackface Sheep Breeders Association  
Blairgowrie High School  
British Dietetic Association  
British Egg Industry Council  
British Egg Products Association  
British Goat Society  
British Marine Finfish Association  
British Nutrition Foundation  
British Poultry Council  
British Soft Drinks Association  
British Trout Association  
British Veterinary Association  
Business Gateway  
Caledonian Cheese Co.  
Caledonian Cheese Company  
Campden & Chorleywood Food Research Association Group  
Centre for Human Ecology  
Centre for Public Health Nutrition Research  
Charis Innovative Food Services Limited  
Chilled Food Association Ltd  
Commercial Microbiology Limited  
Community Food and Health (Scotland)  
Convention of Scottish Local Authorities (COSLA)  
Co-operative Group (CWS) Ltd  
Country Markets Ltd.  
Dairy UK – Scotland  
Davidson Bros (Shotts) Ltd  
DEVRO (Scotland) Ltd.  
Diageo  
Dundee College  
Edinburgh Community Food Initiative  
Edinburgh Smoked Salmon  
Express Dairies Direct Service  
Falkirk Council Development Services  
Farming and Wildlife Advisory Group (Scotland)  
Federation of Small Businesses Scotland  
First Milk  
Fisheries Research Services  
Food Certification (Scotland) Ltd  
Food Training & Consultants Company  
Forth Valley College  
Friends of the Earth Scotland  
FRS Marine Laboratory  
Fusion Linking  
Fynefish Products  
G.A. & M.A. MacIver  
GeneWatch UK  
Glanbia Foods  
Glanbia Milk Ltd  
Glasgow Caledonian University  
Glasgow Metropolitan College  
Glasgow Scientific Services  
Glasgow University Veterinary School  
Glengorm Estate  
Glenside Organics  
Grampian Country Food Group  
Grampian Pig Producers  
Green City Wholefoods  
Greenpeace  
Greenwood Academy  
Greggs Scotland  
Guinness UDV

Halal Food Authority  
Harbro Farm Sales Ltd  
Harbro, Scotland  
Heriot-Watt University  
Highland Cattle Society  
Highland NHS Board  
Highlands & Islands Enterprise  
Highlands and Islands GM Concern  
Highlands and Islands Organic  
Association  
Hilton Group Plc.  
Hutchison Associates Ltd  
Independent Farming Group Scotland  
Institute of Auctioneers and Appraisers in  
Scotland  
Institute of Grocery Distribution  
James Finlay Ltd  
Kettle Produce Ltd.  
Kincardine Branch Labour Party  
Kingdom Bakers Ltd  
LACORS  
Landcatch Ltd  
Lees Of Scotland  
Lightbody Celebration Cakes  
Lomond & Argyll Primary Care NHS  
Trust  
Lothian Health Board  
M&D Catering  
M.D. Longhorn & Co  
Macaulay Land Research Institute  
MacPhie of Glenbervie Ltd  
MacRae Foods Ltd.  
Macsween of Edinburgh  
Malt Distillers Association of Scotland  
Marks & Spencer  
McAusland Cranford  
Meat & Livestock Commission  
Microgram  
Moray Beekeepers Association  
Moray Seafood Ltd  
Moredun Research Institute  
Munlochy GM Vigil  
Mylnefield Research Services Ltd  
Napier University  
National Beef Association  
National Beef Association, Scottish  
Council  
National Pig Association  
National Sheep Association  
National Tourist Board (Visit Scotland)

Natural Environmental Research Council  
NBA Scotland  
Neogen Europe Ltd  
NFU Scotland  
NHS Health Scotland  
North Atlantic Fisheries College  
Organic Food Federation  
Organic Scotland  
Orkney Herring Co Ltd  
Orkney Meat Ltd  
Pataks Frozen Food  
Paterson Arran Limited  
Puremalt Products Ltd  
Quality Meat Scotland  
Quality Trout UK Ltd  
Queen Margaret University College  
Renshaw Scott Ltd.  
Road Haulage Association Ltd  
Robert Gordon University  
Robert Wiseman Dairies  
Roslin Institute  
Rowett Research Institute  
Royal College of Midwives  
Royal College of Nursing  
Royal Environmental Health Institute for  
Scotland  
Royal Society of Edinburgh  
ruma  
Sanquhar Academy  
SCIMAC  
Scotch Whisky Association  
Scotch Whisky Research Institute  
Scotia Produce  
SCOTSS  
Scottish Agricultural College  
Scottish Agricultural Science Agency  
(SASA)  
Scottish Association of Farmers Markets  
(SAFM)  
Scottish Association of Master Bakers  
Scottish Bee Farmers Association  
Scottish Beekeepers Association  
Scottish Cattle Association  
Scottish Centre for Infection and  
Environmental Health  
Scottish Chambers of Commerce  
Scottish Civic Forum  
Scottish Committee Public Health  
Medicine  
Scottish Consumer Council

Scottish Corn Trade Association Ltd  
Scottish Council for Development and Industry  
Scottish Crofting Foundation  
Scottish Crop Research Institute  
Scottish Egg Producer Retailers Association  
Scottish Enterprise  
Scottish Enterprise / Food & Drink  
Scottish Environment Protection Agency  
Scottish Environmental Research Centre  
Scottish Executive Environment and Rural Affairs Department (SEERAD)  
Scottish Executive Health Department  
Scottish Federation of Meat Traders Association  
Scottish Flour Millers Association  
Scottish Food & Drink Federation  
Scottish Food Quality Certification Ltd  
Scottish Food Safety Officers Association  
Scottish Foodservice Project  
Scottish Gamekeepers Association  
Scottish Grocer's Federation  
Scottish Health Food Retailers Association  
Scottish Local Authorities  
Scottish Organic Producers' Association  
Scottish Retail Consortium  
Scottish Rural Property and Business Association  
Scottish Salmon Producers Organisation  
Scottish Salmon Smokers Association  
Scottish Sea Farms Ltd  
Scottish Seed & Nursery Trade Association  
Scottish Shellfish Marketing Group Ltd.  
Scottish Water  
Sea Fish Industry Authority  
Shetland Aquaculture  
Shetland Seafood Quality Control  
SIMBOIS  
Simply Organic  
SNH  
Society of CO's Environmental Health in Scotland  
Soil Association Scotland  
Spicemanns Ltd.  
Spitfire Resources  
Strathaird Salmon Ltd  
Strathmore Mineral Water Co Ltd  
STUC

Student Union  
SWRI (Scottish Women's Rural Institute)  
Tayside NHS Board  
Technical Indexes  
TESCO Stores Ltd.  
Trading Standards Institute  
UHI Millennium Institute  
UK Association of Frozen Food Producers  
UNIQ Prepared Foods  
United Central Bakeries Ltd  
United Fish Products  
University of Aberdeen  
University of Abertay  
University of Dundee  
University of Edinburgh  
University of Glasgow  
University of Paisley  
University of Stirling  
University of Strathclyde  
USDAW  
Verner Wheelock Associates  
W Forrest & Sons Ltd  
Walkers Shortbread Ltd  
Which? / Consumers Association  
Whitbread PLC.  
Wsieht Inquiry

9 Members of the Public