

EXECUTIVE NOTE

THE RICE PRODUCTS FROM THE UNITED STATES OF AMERICA (RESTRICTION ON FIRST PLACING ON THE MARKET) (SCOTLAND) REVOCATION REGULATIONS 2010

SSI 2010/248

The above instrument is made under powers conferred by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf. The instrument is subject to negative resolution procedure.

Issue

These Regulations implement Commission Decision 2010/315/EU repealing Commission Decision 2006/601/EC as amended, on emergency measures regarding the unauthorised genetically modified organism 'LLRICE601' in rice products originating from America, and providing for random testing for the absence of that organism in rice products (O.J. No. L 141, 9.6.2010, p.10).

These Regulations revoke The Rice products from the United States of America (Restriction on First Placing on the Market) (Scotland) Regulations 2008 (SSI 2008/87).

The Regulations will be made on 16 June 2010 and will come into force on 18 June 2010. Implementation of the Commission Decision requires the Regulations to be brought into force as soon as possible.

Legislative Background

The instrument is made and laid under section 2(2) of the European Communities Act 1972.

These Regulations implement Commission Decision 2010/315/EU repealing Commission Decision 2006/601/EC on emergency measures regarding the unauthorised genetically modified organism 'LLRICE601' in rice products originating from America, and providing for random testing for the absence of that organism in rice products.

Extent

The Regulations extend to Scotland only. Parallel legislation is being made in England, Wales and Northern Ireland.

Policy Background

In August 2006 the US authorities notified the EC that traces of unauthorised GMLL RICE601 had been detected in samples of commercial rice seed and may have entered the food and feed supply. At the end of August the Commission introduced emergency measures to prevent the importation of unauthorised GM material into the EU. The Commission adopted and published Commission Decision 2006/578/EC (subsequently repealed and replaced by Commission Decision 2006/601/EC) which specified that consignments of long

grain rice from the USA can only enter the EU market if they have been analysed and certified to contain no detectable material from LLRICE601.

Commission Decision 2006/601/EC was further amended by Commission Decision 2008/162/EC to reflect improvements in sampling and analysis carried out in the USA. Commission Decision 2006/601/EC as amended is implemented by the Rice Products from the United States of America (Restriction on First Placing on the Market) (Scotland) Regulations 2008.

The situation regarding the presence of LLRICE601 in the US rice harvest has now improved and together with the absence of positive results from the random sampling and analysis carried out by Member States allows for the revocation of the EU emergency measures and the domestic implementing SSI.

Impact

A Regulatory Impact Assessment has not been prepared for this instrument since this is an emergency measure to implement a Commission decision. The measure is not expected to impact on businesses, charities or voluntary bodies.

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