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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

The Environment, Food and Rural Affairs  
(Amendment) (EU Exit) Regulations 2019

PART 4

Amendment of retained direct EU legislation  
relating to genetically modified organisms

**Regulation (EC) No 1830/2003 of the European Parliament and of the Council**

7.—(1) Regulation (EC) No 1830/2003 of the European Parliament and of the Council concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC is amended as follows.

(2) In Article 3, after paragraph 13(1) insert—

“14. ‘Appropriate authority’ means—

- (a) in relation to England, the Secretary of State;
- (b) in relation to Wales, the Welsh Ministers;
- (c) in relation to Scotland, the Scottish Ministers;
- (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

but the appropriate authority is the Secretary of State if consent is given by—

- (a) in relation to Wales, the Welsh Ministers;
- (b) in relation to Scotland, the Scottish Ministers;
- (c) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;

15. ‘Relevant food standards authority’ means—

- (a) in relation to England, Wales and Northern Ireland, the Food Standards Agency;
- (b) in relation to Scotland, Food Standards Scotland.”

(3) In Article 4(7)(2), for the words from “established” to “retained EU law” substitute “referred to in, or, where relevant, the thresholds established or amended under, Article 4A of this Regulation”.

(4) After Article 4 insert—

*“Article 4A*

*Amending thresholds*

1. In relation to the thresholds provided for in Article 21 of [Directive 2001/18/EC](#) of the European Parliament and of the Council on the deliberate release into the environment of genetically modified organisms and repealing Council [Directive 90/220/EEC](#)(3) or established by virtue of any other relevant retained EU law, an appropriate authority may, by regulations, make provision establishing or amending, where relevant, thresholds mentioned in or established under Article 21(2) or (3) of that Directive.

2. Before making regulations under paragraph 1, the appropriate authority must consult the relevant food standards authority.”.

(5) For Article 8 substitute—

*“Article 8*

*Unique identifiers*

1. An appropriate authority may, by regulations, make provision for the purposes of adapting the system, as amended from time to time, and as relevant, for assigning unique identifiers to GMOs referred to in Articles 2 and 3 of [Commission Regulation \(EC\) No 65/2004](#)(4).

2. Before making regulations under paragraph 1, the appropriate authority—

- (a) must take account of developments in international fora, and
- (b) must consult the relevant food standards authority.”.

(6) For Article 9(2)(5) substitute—

“2. An appropriate authority may—

- (a) publish technical guidance on sampling and testing for the purposes of facilitating the implementation of this Regulation;
- (b) make provision, by regulations, on sampling and testing for the purposes mentioned in point (a), having first consulted the relevant food standards authority.”.

(7) For Article 10 substitute—

*“Article 10*

*Regulations*

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made by the Scottish Ministers under this Regulation, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010(6).

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979(7).

(3) OJ No L 106, 17.4.2001, p. 1, as last amended by Commission Directive (EU) 2018/350 (OJ No L 67, 9.3.2018, p. 30).

(4) Articles 2 and 3 were amended by [S.I. 2019/90](#).

(5) Article 9 was amended by [S.I. 2019/90](#).

(6) [2010 asp 10](#).

(7) [S.I. 1979/1573 \(N.I. 12\)](#).

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) Act 1954<sup>(8)</sup> as if they were a statutory instrument within the meaning of that Act.

8. Such regulations may—

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
- (b) make different provision for different purposes.”.

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(8) 1954 c. 33 (N.I.). Section 41(6) was amended by S.I. 1999/663.