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STATUTORY INSTRUMENTS

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**2002 No. 2443**

**Genetically Modified Organisms  
(Deliberate Release) Regulations 2002**

**PART IV**

**DUTIES AFTER THE MAKING OF APPLICATIONS**

**Decisions by the Secretary of State on applications for consent to market**

**24.**—(1) The Secretary of State may grant an application for consent to market genetically modified organisms only where she has prepared an assessment report which indicates that the genetically modified organisms should be marketed and—

- (a) no objection has been raised by a member State or by the Commission during a 60 day period beginning on the day the Commission circulated the assessment report, or
- (b) an objection or objections have been raised by either a member State or by the Commission but all outstanding issues have been resolved in accordance with Article 15(1) of the Deliberate Release Directive within a 105 day period beginning on the day the Commission circulated the assessment report, or
- (c) an objection has been raised by a member State or the Commission and the Commission has adopted a decision in accordance with Article 18(1) of the Deliberate Release Directive in favour of granting consent.

(2) The Secretary of State shall inform the competent authority or authorities of each member State and the Commission of her decision to grant consent to market genetically modified organisms within 30 days of its grant.

(3) For the purpose of calculating the final 45 day period of the 105 days in sub-paragraph (1)(b) no period during which further information is awaited from the applicant shall be taken into account.

(4) Subject to paragraphs (5) and (6), a consent to market genetically modified organisms shall be given for a maximum period of ten years beginning with the day on which the consent is issued.

(5) For the purpose of granting consent to market a genetically modified organism or any progeny of that genetically modified organism contained in a plant variety where that plant variety is intended only for the marketing of its seeds under the relevant Community provisions the period of the first consent shall end at the latest ten years after the date of the first inclusion of the first plant variety containing the genetically modified organism on an official national catalogue of plant varieties in accordance with Council Directives [2002/53/EC\(1\)](#) or [2002/55/EC\(2\)](#).

(6) For the purpose of granting consent to market a genetically modified organism contained in forest reproductive material, the period of the first consent shall end at the latest ten years after the date of the first inclusion of basic material containing the genetically modified organism on an official national register of basic material in accordance with Council Directive [1999/105/EC\(3\)](#).

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(1) OJ L193, 20.7.2002, p.1.

(2) OJ L193, 20.7.2002, p.33.

(3) Council Directive [1999/105/EC](#) on the marketing of forest reproductive material OJ L11 15.1.2000 p. 17.

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**Status:** *This is the original version (as it was originally made).*

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