
STATUTORY INSTRUMENTS

2004 No. 2411

The Genetically Modified Organisms (Deliberate Release) (Amendment) Regulations 2004

Amendment of the Genetically Modified Organisms (Deliberate Release) Regulations 2002

2.—(1) The Genetically Modified Organisms (Deliberate Release) Regulations 2002(1) shall be amended in accordance with the following provisions of this Regulation.

(2) In Regulation 2—

(a) for the definition of “the Deliberate Release Directive” there shall be substituted the following definition—

““the Deliberate Release Directive” means Council Directive [2001/18/EC\(2\)](#) on the deliberate release into the environment of genetically modified organisms as amended by the Food and Feed Regulation and Council Regulation [\(EC\) No 1830/2003\(3\)](#)”; and

(b) after the definition of “the First Simplified Procedure (crop plants) Decision” there shall be inserted the following definitions—

““the Food and Feed Regulation” means Council Regulation [\(EC\) No 1829/2003\(4\)](#) on genetically modified food and feed;

“genetically modified feed” means—

(a) feed containing, consisting of or produced from genetically modified organisms; or

(b) genetically modified organisms for feed use;

“genetically modified food” means—

(a) food containing or consisting of genetically modified organisms;

(b) food produced from, or containing ingredients produced from, genetically modified organisms; or

(c) genetically modified organisms for food use;”.

(3) In regulation 15—

(a) in paragraph (a), after the words “has approval” there shall be inserted the words “and in accordance with the limitations and conditions to which the use of that product is subject”;

(b) for paragraph (f) there shall be substituted the following paragraph—

“(f) a genetically modified novel food or genetically modified novel food ingredient within the scope of Council Regulation [\(EC\) No. 258/97\(5\)](#), as

(1) S.I.2002/2443.

(2) OJ No L106, 17.4.2001, p. 1.

(3) OJ No L268, 18.10.2003, p. 24.

(4) OJ No L258, 18.10.2003, p. 1.

(5) OJ No L43, 14.2.1997, p. 1.

amended by the Food and Feed Regulation and Council Regulation 1882/2003(6), is marketed; and”;

(c) after paragraph (f) there shall be inserted the following paragraph—

“(g) genetically modified food or feed authorised under the Food and Feed Regulation is marketed.”.

(4) After regulation 17 there shall be inserted the following regulation—

“Transitional measures for adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation.

17A.—(1) Subject to paragraph (2), the marketing of traces of a genetically modified organism or combination of genetically modified organisms in products intended for direct use as food or feed or for processing shall be exempted from the requirements of section 108(1)(a) of the Act (to carry out a risk assessment) and of section 111(1)(a) of the Act (to obtain consent) provided that the conditions set out in article 47 of the Food and Feed Regulation are met.

(2) Paragraph (1) shall cease to have effect on 18 April 2007.”.

(5) For paragraph (2) of regulation 21 there shall be substituted the following paragraph—

“(2) the Secretary of State shall not grant or refuse consent to release genetically modified organisms before the end of the period specified for representations in accordance with regulations 20(b) and (f) above and, if any comments referred to in regulation 20(f) are received within that period, before she has considered those comments.”.

Changes to legislation:

There are currently no known outstanding effects for the The Genetically Modified Organisms (Deliberate Release) (Amendment) Regulations 2004, Section 2.