

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision as respects Wales, for the administration and enforcement of Regulation EC No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms, which is directly applicable.

The Regulations come into force on 15 July 2005.

The Council Regulation implements at Community level the procedures laid down in the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (the Protocol), which was signed by the Community and its Member States in 2000. In accordance with the Protocol, Community exporters are required to ensure that all requirements of the Advance Informed Agreement Procedure, as set out in the Protocol, are fulfilled.

Regulation 3 designates the National Assembly for Wales as 'Competent Authority' for the purpose of the Council Regulation as regards Wales. Article 3(19) of the Council Regulation provides that competent authorities are responsible for performing the administrative functions required by the Protocol.

Regulation 4 provides for the enforcement of the Regulations and the specified Community provisions (the provisions of Regulation (EC) No. 1946/2003 specified in the Schedule).

Regulation 5 makes provision for the appointment of inspectors, and transitional arrangements for inspectors already appointed under the Environmental Protection Act 1990 (c. 43).

Regulation 6 provides powers of entry, including the power to carry out tests and inspections, and to take samples.

Regulation 7 enables inspectors to require the provision of information.

Regulation 8 makes it an offence to contravene the specified Community provisions; to obstruct inspectors in the exercise of powers under these Regulations; and to give false information; and sets out a due diligence defence in respect of contravention of the specified Community provisions.

Regulation 9 makes provision for offences committed due to the fault of another person.

Regulation 10 makes provision for offences committed by corporate bodies.

Regulations 11 and 12 prescribe penalties and specify time limits for bringing prosecutions.

Regulation 13 makes provision for the service of notices.

A regulatory appraisal has been prepared. Copies can be obtained from the Food and Market Development Division, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.

**Changes to legislation:**

There are currently no known outstanding effects for the The Genetically Modified Organisms (Transboundary Movement) (Wales) Regulations 2005.