
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement in relation to Wales Commission Decision [2008/289/EC](#) on emergency measures regarding the unauthorised genetically modified organism “Bt 63” in rice products (OJNo. L96, 9.4.2008, p.29).

These Regulations —

- (a) prohibit the first placing on the market of any “specified product” (defined in regulation 2(1)), except where —
 - (i) it is accompanied by—
 - (aa) an original analytical report based on a particular construct-specific method for detection of the genetically modified rice “Bt 63” issued by an official or accredited laboratory demonstrating that the product does not contain or consist of or is not produced from the genetically modified rice “Bt 63”, or
 - (bb) if it does not contain or consist of rice or is not produced from rice, a statement from the operator responsible for the consignment indicating that the food does not contain or consist of rice or is not produced from rice; or
 - (ii) the operator established in the Community who is responsible for the first placing on the market of the product has had the product tested and the analytical report in respect of that test demonstrates that it does not contain the genetically modified rice “Bt 63” (*regulation 3(1)(a)*); and
 - (iii) specified requirements for split consignments are complied with (*regulation 3(1)(b)*);
- (b) provide that a person who knowingly contravenes that prohibition is guilty of an offence and prescribe penalties for that offence (*regulation 3(2)*);
- (c) require an operator who becomes aware of a positive result of a test for the presence of the genetically modified rice “Bt 63” in a specified product that is under his or her control to inform the Food Standards Agency of that result immediately (*regulation 4(1)*);
- (d) provide that a person who without reasonable excuse fails to comply with that requirement is guilty of an offence and prescribe penalties for that offence (*regulation 4(2)*);
- (e) provide for their enforcement (*regulation 5*); and
- (f) apply with modifications certain provisions of the Food Safety Act 1990 ([1990 c. 16](#)) for the purposes of the Regulations (*regulation 6*).