

Explanatory Memorandum to the Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) (Revocation) Regulations 2010

This Explanatory Memorandum has been prepared by the Food Standards Agency Wales and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) (Revocation) Regulations 2010. I am satisfied that the benefits outweigh any costs.

Gwenda Thomas

Deputy Minister for Health and Social Services

16 June 2010

Description

1. These Regulations implement Commission Decision 2010/315/EU repealing Decision 2006/601/EC on emergency measures regarding the non-authorised genetically modified organism 'LL RICE 601' in rice products, and providing for random testing for the absence of that organism in rice products (OJ No.L141, 9.6.2010 p10).

Matters of special interest to the Constitutional Affairs Committee

2. The Instrument breaches the 21 day rule. Member States are required under European law to transpose and implement the provisions of the Commission Decision and parallel legislation in England came into force on 15 June, and will come into force in Scotland and Northern Ireland no later than 18 June 2010. The reason for this breach is that once Commission Decision 2006/601/EC has been revoked, there should be no restrictions on imports of long grain rice from the United States of America.
3. In August 2006 the US authorities notified the EC that traces of unauthorised LLRICE601 (around 0.1%) had been detected in samples of commercial rice seed and may have entered the food and feed supply. At the end of August the Commission introduced emergency measures to prevent the importation of unauthorised GM material into the EU. The Commission adopted and published Commission Decision 2006/578/EC (subsequently repealed and replaced by Commission Decision 2006/601/EC) which specified that consignments of long grain rice from the USA can only enter the EU market if they have been analysed and certified to contain no detectable material from LLRICE601.
4. Commission Decision 2006/601/EC was further amended by Commission Decision 2008/162/EC to reflect improvements in sampling and analysis carried out in the USA. Commission Decision 2006/601/EC, as amended, is implemented by the Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) Regulations 2008.
5. The situation regarding the presence of LLRICE601 in the US rice harvest has now improved and together with the absence of positive results from the random sampling and analysis carried out by Member States allows for the revocation of the EU emergency measures and the domestic implementing SI. The Food Standards Agency supports the Commission Decision, enabling UK companies to import US long grain rice products without the need for special sampling and analysis. Not to make the legislation within a similar timeframe to the rest of the UK could potentially lead to trade imbalances

Legislative Background

6. The powers enabling this Instrument to be made have been designated by virtue of the section 2(2) of the European Communities Act 1972. The Welsh Ministers have been designated for the purpose of that section in relation to measures relating to food (including drink) including the primary production of food and measures relating to feed produced for or fed to food-producing animals. Functions conferred on the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of paragraphs 28 and 30 of Schedule 11 of the Government of Wales Act 2006

Purpose and Intended effect of the legislation

7. These Regulations are required to implement a Commission Decision that repeals earlier emergency measures regarding the import into the EU of an unauthorised genetically modified organism LLRICE601 in rice products originating from America. These Regulations revoke the domestic regulations that implemented the EU emergency measures.
8. The import restrictions were introduced EU wide due to the single markets, avoiding duplication and potential lack of harmonisation across the 27 member states.
9. This action will allow UK companies to import/export US long grain rice products without trade restriction. The proposed Regulations will apply in Wales, however the policy being enacted through these proposals in relation to Commission Decision 2010/315/EU applies across the United Kingdom. As a consequence, similar legislation will be made in England, Scotland, and Northern Ireland.

Consultation

10. No consultation was carried out for this instrument as it concerns the revocation of emergency controls and no adverse impact on stakeholders is envisaged.

Guidance

11. No formal guidance will be provided but the revocation of the Commission Decision and its consequences will be published on the Food Standards Agency website and local enforcement authorities in Wales will be informed.

Regulatory Impact Assessment

12. The impact on business, charities or voluntary bodies and the public sector is neutral. An Impact Assessment has not been prepared for this instrument as it concerns the revocation of emergency controls and therefore no additional costs are envisaged.

