EXPLANATORY MEMORANDUM TO

THE RICE PRODUCTS FROM THE UNITED STATES OF AMERICA (RESTRICTION ON FIRST PLACING ON THE MARKET) (ENGLAND) (REVOCATION) REGULATIONS 2010

2010 No. 1585

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 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).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Regulations will be made on 13th June 2010 and will come into force on 16th June 2010. They will therefore breach the 21-day rule. The reason for the breach is that once Commission Decision 2006/601/EC has been revoked, there should be no restrictions on imports of long grain rice from the United States of America.

4. Legislative Context

4.1 The instrument is made and laid under section 2(2) of the European Communities Act 1972.

4.2 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.

5. Territorial Extent and Application

5.1 This instrument applies to England.

5.2 There will be separate but parallel legislation in Scotland, Wales and Northern Ireland.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 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 The Commission adopted and published Commission Decision 2006/578/EC (subsequently repealed and replaced by Commission Decision 2006/601/EC) which specified that consignments of long grain rice from the USA can only enter the EU market if they have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.

7.2 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) (England) Regulations 2008.

7.3 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.

- Consolidation

7.4 Not applicable.

8. Consultation outcome

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

9. Guidance

9.1 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 enforcement bodies informed through LACORS (the Local Authorities Coordinators of Regulatory Services).

10. Impact

10.1 The impact on business, charities or voluntary bodies is neutral.

10.2 The impact on the public sector is neutral.

10.3 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.

11. Regulating small business

11.1 The legislation applies to small business but the impact is neutral.

11.2 Therefore, no action is necessary to minimise the impact of the requirements.

12. Monitoring & review

12.1 Not applicable.

13. Contact

Alison Asquith at the Food Standards Agency, telephone 020 7276 8596 or e-mail: alison.asquith@foodstandards.gsi.gov.uk can answer queries about the Instrument.