EXPLANATORY MEMORANDUM TO

The Rice Products from the United States of America (Restrictions on First Placing on the Market) (Revocation) Regulations (Northern Ireland) 2010

2010 No. 214

1. Introduction

1.1 This explanatory memorandum has been prepared by the Food Standards Agency Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972.

2. Purpose of the Rule

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 Health Committee

3.1 The Regulations were made on 14 June 2010 and will come into operation on 16 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 The reason for the breach is that once Commission Decision 2006/601/EC has been revoked, there should be no restrictions on imports of long grain rice from the United States of America.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 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 rule applies to Northern Ireland.

5.2 Separate but parallel legislation is being drawn up in England, Scotland and Wales.

6. European Convention on Human Rights

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 The Commission adopted and published Commission Decision 2006/578/EC (subsequently repealed and replaced by Commission Decision 2006/601/EC) which specified that consignments of long grain rice from the USA can only enter the EU market if they have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

Consolidation

7.4 Not applicable.

8. Consultation outcome

8.1 No consultation was carried out for this rule 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. Equality Impact

10.1 These regulations will apply in equal measure to all Section 75 groups. It is not expected that any of these changes will impact differently across any of the Section 75 groups.

11. Impact

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

11.2 The impact on the public sector is neutral.

11.3 An Impact Assessment has not been prepared for this rule as it concerns the revocation of emergency controls and therefore no additional costs are envisaged.

12. Regulating Small Business

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

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

13. Monitoring and Review

13.1 Not applicable.

14. Contact

Mervyn Briggs at the Food Standards Agency NI, Tel: 028 9041 7742,

Email: mervyn.briggs@foodstandards.gsi.gov.uk