
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as respects Scotland, for the execution and enforcement of Regulation (EC) No. 1830/2003 of the European Parliament and of the Council concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC, which is directly applicable.

The Council Regulation seeks to ensure that consumers are fully and reliably informed about genetically modified organisms and the products, food and feed produced therefrom, so as to enable them to make an informed choice of product. The Council Regulation therefore provides a framework for the traceability of products consisting of or containing genetically modified organisms and food and feed produced from genetically modified organisms. The Council Regulation has as its objective the facilitation of accurate labelling, the monitoring of the effects on the environment and, where appropriate, on health, and the implementation of the appropriate risk management measures including, if necessary, withdrawal of products.

Regulation 3 makes provision for enforcement of the Regulations and of the Council Regulation, and for the appointment of inspectors. Regulation 4 and Schedule 2 sets out the powers of the inspectors including the power to carry out tests and inspections, to take samples, and to require the provision of information. Regulation 5 makes provision for local authorities and Scottish Ministers to obtain information.

Regulation 6 provides for the service by inspectors of notices dealing with incorrectly labelled products.

Regulation 7 makes it an offence to contravene specified Community provisions; to obstruct inspectors in the exercise of powers under these Regulations; to fail to comply with any requirement of the inspectors and to give false information. Regulation 8 makes provision in respect of offences committed by third parties. Regulation 9 provides for offences committed by corporate bodies.

Regulation 10 specifies time limits for bringing prosecutions.

Regulation 11 prescribes penalties for the offences contained in regulation 7.

Regulation 12 makes provision for service of notices under these Regulations.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Executive Environment and Rural Affairs Department, GM Team, Victoria Quay, Edinburgh EH6 6QQ.