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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, implement Commission Decision [2005/317/EC](#) on emergency measures regarding the non-authorized genetically modified organism Bt 10 in maize products (O.J. No. L 101, 21.4.05, p.14) (“the Commission Decision”).

The Regulations—

- (a) prohibit the first placing on the market of certain maize products originating from the United States of America (defined as “controlled products” in regulation 2(1)) unless, as required by Article 2 of the Commission Decision, it can be demonstrated that the products do not contain Bt 10 maize or feed produced from Bt 10 maize (regulation 3(1));
- (b) make it an offence to breach that prohibition (regulation 3(2));
- (c) apply with modifications certain provisions of the Agriculture Act [1970 \(c. 40\)](#) for the purposes of the Regulations (regulation 5);
- (d) apply with modifications certain provisions of the Feeding Stuffs (Sampling and Analysis) Regulations 1999 (S.I. [1999/1663](#)) for the purposes of the Regulations (regulation 6);
- (e) provide for the inspection, seizure and detention of controlled products (regulation 7); and
- (f) amend the Genetically Modified Animal Feed (Scotland) Regulations 2004 (S.S.I. [2004/433](#)) to provide that where controlled products are condemned, the expenses incurred by the enforcement authority in connection with the destruction or disposal of those products shall be payable on demand by the operator responsible for their first placing on the market (regulation 8).

The CN codes referred to in the definition of “controlled products” are the code numbers of the combined nomenclature established by Regulation 2658/87 on the tariff and statistical nomenclature and on the customs tariff (O.J. No. L 256, 7.9.87, p.1).

No regulatory impact assessment has been prepared in relation to these Regulations.