STATUTORY INSTRUMENTS

2002 No. 2443

Genetically Modified Organisms (Deliberate Release) Regulations 2002

PART V

GENERAL PROVISIONS FOR CONSENTS

New information on risks of damage from marketing genetically modified organisms

31.—(1) The Secretary of State shall immediately forward to the Commission and the competent authority or authorities of each member State any new information which becomes available to her which she considers could affect the assessment of the risk of damage being caused to the environment by marketing genetically modified organisms.

(2) Where an application for consent or for renewal of consent to market genetically modified organisms has been made to the Secretary of State and the information referred to in paragraph (1) becomes available to her before the application has been determined, she may seek to reach agreement with the Commission and the other member States pursuant to Articles 15(1) or 17(7) of the Deliberate Release Directive as applicable.

(3) Where an application for consent or for renewal of consent to market genetically modified organisms has been made to the Secretary of State and the information referred to in paragraph (1) becomes available to her after the consent has been granted or renewed, she shall within 60 days after receipt of the new information, forward to the Commission an assessment report prepared in accordance with Schedule 4 indicating whether the conditions of the consent should be varied, and, if so, how, or whether the consent should be revoked.

(4) The Secretary of State shall not forward an assessment report indicating that the consent to market genetically modified organisms as it relates to the protection of human health should be varied or revoked without the agreement of the Health and Safety Executive.

(5) Where the Secretary of State has indicated that the consent should be varied or revoked and either—

(a) no objection has been raised by a member State or by the Commission during a 60 day period beginning on the day the Commission circulated the assessment report, or

(b) an objection or objections have been raised by a member State or by the Commission but all outstanding issues have been resolved in accordance with Article 20(3) of the Deliberate Release Directive,

she shall vary or revoke the consent as proposed and inform the applicant, the competent authority or authorities of each member State and the Commission that she has done so within 30 days thereof.

(6) The Secretary of State shall only vary or revoke a consent to market genetically modified organisms under section 111(10) of the Act—

(a) where the information referred to in paragraph (1) has become available to her, and the procedure referred to in paragraphs (3) and (5) has been complied with, or

(b) in accordance with a decision adopted by the Commission under Article 18(1) or Article 23(2) of the Deliberate Release Directive.