

Explanatory Memorandum to The Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2008

This Explanatory Memorandum has been prepared by the Food Standards Agency Wales and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

These Regulations will amend minor drafting errors to The Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) Regulations 2008.

Matters of special interest to the Subordinate Legislation Committee

None.

Legislative Background

The powers enabling this Instrument to be made have been designated by virtue of section 2 (2) of the European Communities Act 1972. The Welsh Ministers have been designated for the purpose of that section in relation to measures relating to food (including drink) by virtue of the European Communities (Designation) (No.2) Order 2005 (SI 2005/1971). Functions conferred on the National Assembly for Wales are now exercisable by the Welsh Ministers by virtue of paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006.

Purpose and Intended effect of the legislation

The Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) Regulations 2008 which came into force on 20 March 2008, implemented emergency controls set out in Commission Decision 2006/601/EC (as amended), to deal with the import of long grain rice from the USA containing the unauthorised genetically modified RICE LL601.

The Commission Decision 2008/162 which was notified to Member States on 26 February 2008 removed the mandatory requirement for all consignments of US long grain rice to be sampled and tested at the point of import into the EU. This was in view of information from the USA that confirmed the US testing methods had been amended to match the sensitivity of the protocol used by enforcement authorities in the EU. As a result, the certification requirements were updated and the requirement for repeat testing at the point of import into the EU was removed.

Since publication of The Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) Regulations 2008 technical errors made during the drafting of the Regulations have come to light. The errors are: an incorrect definition of 'feed authority', referring to section 67 (1) of the Agriculture Act 1970 rather than 67 (1A) which refers to duties of Councils within Wales; and an incorrect reference to 'district' (following the abolition of the two tier local government in 1996 there are now only unitary authorities in Wales).

The proposed Rice Products from the United States of America (Restriction on First Placing on the Market) (Wales) (Amendment) Regulations 2008 will amend these drafting errors.

Implementation

It is intended that these regulations will come into force on 17 July 2008.

Consultation

These amending Regulations do not impose any new legal requirements. A full 12 week public consultation was therefore not conducted. Interested parties including industry, enforcement and consumer representatives were informed of the change by way of an Interested Parties letter and allowed four weeks in which to raise any issues or comments.

No responses to the letter were received.

No policy changes to the draft Regulations were identified as a consequence of the Interested Parties letter.

Regulatory Impact Assessment

It has not been deemed necessary to complete a Regulatory Impact Assessment in this instance given that these Regulations do not impose any new legal requirement and have no impact on industry, enforcement or consumers.