

Environment, Planning and Countryside

Date: Wednesday 22nd June 2005

Time : 9:30 am to 12:30 am

Venue: Committee Rooms 3 & 4

THE GENETICALLY MODIFIED ORGANISMS (TRACEABILITY AND LABELLING) (WALES) REGULATIONS 2005

Purpose

1. Committee Members are invited to scrutinise the proposed legislation.

Background

2. Regulation (EC) No 1830/2003 of the European Parliament and of the Council requires the traceability and labelling of genetically modified organisms (GMOs) and the traceability of food and feed products produced from GMOs, regardless of the presence or absence of GM material in the final food or feed product. These requirements strengthen the previous labelling rules, which were only triggered by the demonstrable presence of GM material in the final product. The Council Regulation also introduces a requirement to retain all traceability documentation for five years.
3. The objective of Council Regulation 1830/2003 is to create a harmonised EU framework for the traceability of products consisting of, or containing GMOs and for the traceability of food and feed produced from GMOs at all stages of the production and distribution chain, in order to facilitate effective labelling. It is considered that more effective labelling of products consisting of, or containing GMOs will better facilitate consumer choice and risk management in relation to these goods.
4. Council Regulation 1830/2003 is prescriptive and binding in its entirety, and is directly applicable in all Member States since April 2004. Each UK competent authority is required to enforce and administer the requirements of the Council Regulation. Non-implementation of these Regulations would leave the Assembly and the UK, as the Member State, in breach of its Community obligations and would leave a gap in the enforcement of these provisions. Consumers in Wales would be disadvantaged in comparison to their counterparts in the remainder of the UK who have implemented the regulation by negative resolution and could

leave the Assembly open to substantial criticism.

Enforcement

5. The proposed Wales Regulations implement the penalty and enforcement provisions of Council Regulation 1830/2003. The proposed Regulations appoint local authorities and port health authorities, where appropriate, to enforce the Council Regulation. The proposed Wales Regulations also provide for enforcement authorities to enter premises to carry out tests, take samples and/or require the provision of information. Where an inspector is satisfied that a product consisting of or containing GMOs or food or feed produced from GMOs has not been labelled in accordance with Regulation (EC) 1830/2003, the inspector is empowered to serve a notice withdrawing or prohibiting the movement of the product until labelling is corrected. The Regulation provides for criminal offences and penalties relating to breach of requirements of Council Regulation 1830/2003 and for obstruction of inspectors. Specific defences to the offences are also set out in the Regulations. The Food Standards Agency Wales will monitor enforcement action on these Regulations.
6. The intention behind enforcement of the labelling provisions is to ensure consumers have relevant information about GM ingredients to inform purchasing choices. Since 1999 local authorities and port health authorities have been responsible for enforcement of regulations requiring the labelling of GM food ingredients in Wales. The proposed Labelling Regulations extend the range of food and feed ingredients (e.g. flour, oils and glucose syrups) falling within the remit of these enforcement bodies.
7. It will not be possible to use analytical methods to test for GM presence for some of the products covered by the new regulations as no DNA or protein will be present. Checks will therefore be carried out through a comprehensive paper audit of traceability documentation thus eliminating the need for expensive testing methods.
8. The relevant authorities in the country of import will be responsible for enforcing labelling requirements for GM products entering the EU. Once inside the EU, properly labelled GM products are free to move unhindered. It is difficult to predict the volume of products consisting of or containing GMOs that will be imported into Wales, but this trade is not expected to place a significant burden on Welsh local authorities.
9. Food and Feed processing businesses in Wales will need to take all reasonable precautions and exercise all due diligence to ensure that the labelling of products, which they sell, meet the requirements of the EC Regulation. Companies can seek advice, on the suitability of the due diligence systems they have in place from their relevant enforcement officer or lawyer.

Consultation

10. The joint FSA Wales/National Assembly for Wales consultation package on the closely related GM food and feed and traceability and labelling Regulations was issued to approximately 384 stakeholders in Wales including all Assembly Members and two responses were received. Only one expressed substantive concerns about aspects of the assessment and enforcement arrangements, and these concerns were fed into the Regulatory Appraisal. No local authorities

responded. Local Authorities Co-ordinators for Regulatory Services (LACORS UK) have stated that do not expect local authorities to incur significant extra costs as a consequence of these Regulations.

Financial Implications

11. Any work associated with the preparation of this Order is being accommodated within current administration costs budgets. There are no additional financial implications for the Assembly arising from the making of these Regulations.

Carwyn Jones AM

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