



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020**

**DATE**            **15 October 2020**

**BY**                **Rebecca Evans MS, Minister for Finance and Trefnydd**

**SI laid in Parliament, which amends secondary legislation in a devolved area**

**Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2020**

The 2020 Regulations amends the following legislation which apply in Wales:

EU Regulations

- Part C of Directive 2001/18 of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC.
- Regulation (EC) No 1830/2003 of the European Parliament and of the Council deals with the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms.
- Regulation (EC) No 1946/2003 of the European Parliament and of the Council on transboundary movements of genetically modified organisms regulating the export of GMOs from the EU to third (non-EU) countries.
- Commission Decision 94/730/EC sets out special procedures that may be followed for applications to undertake certain types of trials of genetically modified plants.
- Council Decision 2002/812/EC specifies a standard format for summarising applications for consent to market genetically modified organisms.
- Council Decision 2002/813/EC specifies a standard format for summarising applications for consent for trials of genetically modified organisms.
- Council Decision 2003/701/EC specifies a standard format for consent

holders to report on the monitoring and/or outcome of trials with genetically modified organisms conducted under deliberate release legislation.

- Council Decision 2009/770/EC specifies the format of the post-marketing monitoring report that holders of consents to market genetically modified organisms are required to complete.

### Subordinate legislation

- The Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019
- The Food and Farming (Amendment) (EU Exit) Regulations 2019
- The Environment, Food and Rural Affairs (Amendment) (EU Exit) Regulations 2019
- The Animal Health and Genetically Modified Organisms (Amendment) (EU Exit) Regulations 2019
- Genetically Modified Organisms (Amendment) (England) (EU Exit) Regulations 2019

### **Any impact the SI may have on the Senedd's legislative competence and/or the Welsh Ministers' executive competence**

The 2020 Regulations relates to areas within devolved competence. The amendments ensure existing functions of the Welsh Ministers are retained as far as possible in relation to retained EU law and that the statute book operates properly following Implementation Period (IP) completion day, at the end of the Transition Period.

### **The purpose of the amendments**

The 2020 Regulations are subject to the procedure and amends retained EU legislation and existing United Kingdom legislation (including legislation previously made under the 2018 Act as set out above) relating to the control and movement, release and marketing of genetically modified organisms. These amendments are needed to implement the Protocol on Ireland/Northern Ireland in the Withdrawal Agreement.

The 2020 Regulations also makes a minor amendment to one piece of EU legislation which was transferred into UK law, i.e., retained direct EU legislation (as it applies in Great Britain). This formally cancels a provision in that legislation which grants powers to adopt Delegated Acts on the EU Commission and will be of no practical application in Great Britain after the end of the transition period.

The 2020 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments is available here:

<https://statutoryinstruments.parliament.uk/timeline/x6J24beo/SI-2020/>

### **Why consent was given**

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency and expediency and to ensure consistency and coherence of the statute book. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional at the end of the Implementation Period.