Dear Sir.

ENVIRONMENTAL PROTECTION ACT 1990, SECTION 111: CONSENT TO RELEASE GENETICALLY MODIFIED ORGANISMS
REFERENCE: 07/R42/1

1. On behalf of the Secretary of State for the Environment, Food and Rural Affairs, in accordance with section 111 of the Environmental Protection Act 1990, I hereby grant consent for the release of genetically modified organisms as more particularly set out in paragraph 2 and subject to the limitations and conditions set out in the Schedule.

2. Particulars of the consent to release-

   (a) Consent to release granted to:

   BASF Plant Science GmbH.

   (b) Genetically Modified Organism to be released:

   The genetically modified organism (GMO) is potato Solanum tuberosum L. The host organism is S. tuberosum, which has been transformed with the acetohydroxyacid synthase gene, derived from Arabidopsis thaliana and with resistance genes Rpi-blb1 and Rpi-blb2, derived from Solanum bulbocastanum.

   (c) Maximum size of the release:

   In each year of the release, the GMO area shall not exceed 1 hectare.

   In each year, the total number of GMOs planted shall not exceed 45,000.
A maximum number of 225,000 GMOs shall be planted over the 5 years of the release, in accordance with the limitations and conditions of this consent.

(d) Purpose of the release:

The purpose of this release is:

(i) within the frame of safety studies, to compile data on the agronomic performance and environmental effects of the GMO;
(ii) to evaluate resistance against *Phytophthora infestans*; and
(iii) to generate seed tubers and collect plant material for further analysis.

(e) Location of the release:

District East Riding of Yorkshire, community Preston/Hedon; grid reference TA1729

(f) Dates of the release:

The release shall take place between 21 May 2007 and 30 November 2011.

3. Before granting this consent, I have: -

(a) taken advice from the Advisory Committee on Releases to the Environment and Natural England and

(b) agreed the terms, limitations and conditions of this consent with the Food Standards Agency and, insofar as they relate to the protection of human health and safety, with the Health and Safety Executive.

*DR SUE POPPLE*

On behalf of the Secretary of State for the Environment, Food and Rural Affairs
Schedule to the Letter of Consent dated 14 May 2007 to release Genetically Modified Organisms

Reference 07/R42/1

LIMITATIONS AND CONDITIONS OF CONSENT

Reference in the letter of consent and in this Schedule to:

(a) “GMO” means the genetically modified organism set out in paragraph 2(b) of the letter of consent;

(b) “GMO area” means those areas of the trial site where the GMO is released in accordance with the consent as more particularly described in Condition 4;

(c) “groundkeeper” means potato tubers and plants growing from potato tubers remaining in the soil after harvest;

(d) “holder of the consent” means the party named in paragraph 2(a) of the letter of consent or such other or additional party who has been approved by the Secretary of State;

(e) “letter of consent” means the letter granting consent to release the GMO which is subject to these limitations and conditions and “consent” in this schedule shall be construed accordingly;

(f) “release” means planting the GMO within the boundaries of the GMO area during the release period;

(g) “release period” means the period from May 2007-November 2011.

(h) “termination of the trial” means the completion of the trial period as more particularly described in Condition 11;

(i) “trial period” means the period from the first release of the GMO until the termination of the trial;

(j) “trial site” means the area of land to be used in each year of the trial, as more particularly described in Condition 4 and situated at the location set out in paragraph 2(e) of the letter of consent;

(k) “trial” means the release of the GMO and management of that release in accordance with the limitations and conditions of this consent;
“true potato seed” means seed resulting from fertilised potato flowers; and
“volunteer” means potato plants growing from true potato seed.

**General requirements of this consent**

**Condition 1.** The holder of the consent shall, during the trial period:

1. subject to the conditions below, comply with the relevant conditions contained or referred to in section 112 of the Environmental Protection Act 1990,
2. restrict human access to the trial site to personnel who have been informed of the limitations and conditions of the consent, and
3. allow the GM Inspectorate access to the trial site on request.

**Condition 2.** The holder of the consent shall apply to the Secretary of State in writing for any variation to the consent prior to planting of the GMO in any year during the release period.

**Condition 3.** Where the holder of the consent intends to enter into any agreement with a person or persons who will perform the whole or any part of the trial on the holder’s behalf, then:

1. such an agreement shall be in writing and it shall incorporate those limitations and conditions in this Schedule (including any variation) as the Secretary of State reasonably requires; and
2. the first release of the GMO in any year of the trial shall not take place until any agreement or variation of an agreement has received the written approval of the Secretary of State.

**Size and description of the trial sites**

**Condition 4.** The consent holder shall ensure that:

1. the total area of land used for the trial at the trial site shall not exceed 2 hectares in any year of the trial.
2. an area of at least 20 metres width surrounding the trial site shall not be planted with potatoes during the period between the planting and harvest of the GMOs.
(3) the GMO area shall be no greater than 1 hectare within the area described in paragraph (1) above.

**Condition 5.** The consent holder shall provide to the Secretary of State the six figure grid reference of the trial site and a plan showing the location of the GMO area within the trial site at least one week before GMOs are planted in each year of the trial. Any deviation from the plan must be notified to the Secretary of State in writing as soon as practicable and in any event before planting of the GMO takes place.

**Management of the site**

**Condition 6.** The consent holder shall for the GMO area:

1. harvest potato tubers according to good agricultural practice to avoid groundkeepers and ensure that harvested tubers are removed from the GMO area before the 30th November following each release.
2. inactivate potato tops (above ground green parts) mechanically or with an approved chemical treatment before the potato tubers are harvested and ensure that these potato tops remain on the soil surface of each GMO area to decompose.
3. ensure that all equipment used for planting and harvesting of potatoes within the GMO area is cleaned thoroughly before leaving the GMO area.
4. in the two years following harvest of the GMOs, leave the GMO area fallow and refrain from ploughing the land, using only shallow tillage as required.
5. treat all groundkeepers and volunteers during the period referred to in condition 6(4) with an application of glyphosate herbicide or hand pull and remove from the site prior to flowering and in accordance with Condition 7. In subsequent years appropriate herbicides or handpulling should be used to control groundkeepers and volunteers prior to flowering.
6. during the period referred to in Condition 8(2), refrain from cultivating potatoes or any plant species in which volunteers are difficult to identify or control.

**Material removed from the trial site**

**Condition 7.** The consent holder shall ensure that all potato plant material removed from the GMO areas is placed in sealed, labelled bags or containers for transfer to conditions
under which the Genetically Modified (Contained Use) Regulations 2000 (SI 2000/2831), as amended, apply or to conditions of equivalent containment, or to an authorised waste disposal facility for disposal by deep burial or incineration.

**Monitoring**

**Condition 8.** The consent holder shall:

1. inspect each GMO area during the period of cultivation of GMOs at least once per month to ensure that the limitations and conditions of this consent are being met.
2. following the harvest of GMOs from each GMO area, inspect this area at least once per month from March to November until there has elapsed a period of 2 consecutive years when no groundkeepers or volunteers have been found.
3. maintain raw data and reports of inspections of groundkeepers and volunteers and provide this information to the Secretary of State on request as soon as possible.

**Reports**

**Condition 9.** The holder of the consent shall by either one month after the date of termination of each release in the first year of the trial or by 30 November 2007, whichever is the sooner, submit a report to the Secretary of State in the format outlined in the Annex to Commission Decision 2003/701/EC (O.J. L254, 08/10/2003, p.21), (the first report). The first report shall also include the following information:

1. an assessment of any risks or actual or potential adverse effects to human health or the environment from the GMO,
2. whether the trial progressed as planned and if it did not:
   - (i) what occurred;
   - (ii) any additional measures that were taken;
   - (iii) any additional measures that will be taken; and
   - (iv) why these measures were taken.
**Condition 10.** Subject to condition 11, the consent holder shall submit reports in the format specified in the Annex to Decision 2003/701/EC to the Secretary of State on each anniversary of the date that the first report is submitted in accordance with Condition 9. These reports shall include the following information:

1. an assessment of the effectiveness of measures to control groundkeepers and volunteers, including details of the number of groundkeepers and volunteers detected each month on each GMO area.
2. the re-evaluation of monitoring requirements, including whether or not the consent holder proposes to continue monitoring and the reasons for this decision,
3. any additional precautions considered necessary to minimise the dispersal of the GMO outside of the GMO area.

**Condition 11.** The reports referred to in Condition 10 shall continue to be submitted until the Secretary of State has agreed in writing that there has elapsed a period of 2 consecutive years when no groundkeepers or volunteers have been found on any of the trial sites, and that the trial is therefore terminated.

**Emergency action**

**Condition 12.** Subject to condition 14, in the event of an emergency, the consent holder shall:

1. take immediate and appropriate preventative and remedial action.
2. notify the Secretary of State of the emergency as soon as practicable and in any event within thirty-six hours of the matter constituting the emergency, detailing the nature of the emergency and any action that has been taken.
3. submit a plan to the Secretary of State for his approval as soon as practicable and in any event within forty-eight hours of the matter constituting the emergency, detailing any continued or further action that he proposes to take to restrict the dispersal of the GMO from the GMO area.

**Condition 13.** For the purposes of Condition 12, an emergency includes vandalism or any other unauthorised interference with the GMO area.
Condition 14. None of the provisions of Condition 12 shall prevent the Secretary of State from taking such action as he reasonably believes is necessary to prevent, reduce or remedy any risk of harm to human health or of damage to the environment.