
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Chemicals (Health and Safety) and
Genetically Modified Organisms (Contained Use)
(Amendment etc.) (EU Exit) Regulations 2019**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) Except as provided by paragraph (4), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(4) An amendment or revocation made by Schedule 1 has the same extent as the provision amended or revoked.

Amendments to retained EU law

2.—(1) Schedule 1 contains amendments to the following subordinate legislation—

- (a) the Health and Safety (Enforcing Authority) Regulations 1998(1);
- (b) the Health and Safety (Enforcing Authority) Regulations (Northern Ireland) 1999(2);
- (c) the Control of Substances Hazardous to Health Regulations 2002(3);
- (d) the Dangerous Substances and Explosive Atmospheres Regulations 2002(4);
- (e) the Control of Substances Hazardous to Health Regulations (Northern Ireland) 2003(5);
- (f) the Dangerous Substances and Explosive Atmospheres Regulations (Northern Ireland) 2003(6);
- (g) the Plant Protection Products (Fees and Charges) Regulations 2011(7);
- (h) the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013(8);
- (i) the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013(9);
- (j) the Genetically Modified Organisms (Contained Use) Regulations 2014(10);

(1) S.I. 1998/494, amended by S.I. 2015/21.
(2) S.R. 1999 No. 90, amended by S.R. 2015 No. 265.
(3) S.I. 2002/2677, amended by S.I. 2015/21.
(4) S.I. 2002/2776, amended by S.I. 2015/21.
(5) S.R. 2003 No. 34, amended by S.R. 2015 No. 265.
(6) S.R. 2003 No. 152, amended by S.R. 2015 No. 265.
(7) S.I. 2011/2132, amended by S.I. 2016/254.
(8) S.I. 2013/1506.
(9) S.R. 2013 No.206.
(10) S.I. 2014/1663, amended by S.I. 2015/1637.

- (k) the Control of Major Accident Hazards Regulations 2015(**11**);
 - (l) the Explosives (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2015(**12**);
 - (m) the Biocidal Products (Fees and Charges) Regulations (Northern Ireland) 2015(**13**);
 - (n) the Control of Major Accident Hazards Regulations (Northern Ireland) 2015(**14**);
 - (o) the Genetically Modified Organisms (Contained Use) Regulations (Northern Ireland) 2015(**15**);
 - (p) the Health and Safety and Nuclear (Fees) Regulations 2016(**16**).
- (2) Schedule 2 contains amendments to the following retained direct EU legislation—
- (a) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH);
 - (b) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures;
 - (c) Commission Regulation (EU) No 544/2011 of 10 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the data requirements for active substances;
 - (d) Commission Regulation (EU) No 545/2011 of 10 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the data requirements for plant protection products;
 - (e) Commission Regulation (EU) No 547/2011 of 8 June 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards labelling requirements for plant protection products;
 - (f) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products;
 - (g) Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals;
 - (h) Commission Regulation (EU) No 283/2013 of 1 March 2013 setting out the data requirements for active substances, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market;
 - (i) Commission Regulation (EU) No 284/2013 of 1 March 2013 setting out the data requirements for plant protection products, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market;
 - (j) Commission Implementing Regulation (EU) No 354/2013 of 18 April 2013 on changes of biocidal products authorised in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council;
 - (k) Commission Implementing Regulation (EU) No 414/2013 of 6 May 2013 specifying a procedure for the authorisation of some biocidal products in accordance with Regulation (EU) No 528/2012 of the European Parliament and of the Council;

(11) S.I. 2015/483.

(12) S.R. 2015 No. 236.

(13) S.R. 2015 No. 254.

(14) S.R. 2015 No. 325.

(15) S.R. 2015 No. 339.

(16) S.I. 2016/253.

- (l) Commission Implementing Regulation (EU) No 88/2014 of 31 January 2014 specifying a procedure for the amendment of Annex I to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products;
 - (m) Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council.
- (3) Schedule 3 contains amendments to Part 2 of Annex II to the EEA agreement.

Revocation of Commission Regulation (EU) No 440/2010

3. Commission Regulation (EU) No 440/2010 of 21 May 2010 on the fees payable to the European Chemicals Agency pursuant to Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures is revoked.

Transitional provision in relation to Regulation (EC) No 1272/2008

4. A classification which, immediately before exit day, is set out in Table 3 of Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures⁽¹⁷⁾ is treated as if it were approved by the Secretary of State in accordance with Article 37A of Regulation (EC) No 1272/2008.

Transitional provision in relation to Regulation (EU) No 649/2012

5.—(1) A chemical which, immediately before exit day, is listed in Annex I or Annex V of Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals⁽¹⁸⁾ is treated as having been included in the UK PIC list and assigned to one or more of five groups of chemicals in the UK PIC list by the Secretary of State on exit day in accordance with Article 7 of Regulation (EU) No 649/2012.

(2) In paragraph (1), “UK PIC list” means the list established and maintained in accordance with Articles 7 and 23 of Regulation (EU) No 649/2012 as amended by Schedule 2.

Date

Name
Parliamentary Under Secretary of State
Department for Work and Pensions

⁽¹⁷⁾ OJNo. L 353, 31.12.2008, p. 1, as amended.

⁽¹⁸⁾ OJ No. L 201, 27.07.2012, p. 60, as amended.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 No. 720*

We consent

Names
Two of the Lords Commissioners of Her
Majesty's Treasury

Date