

SCHEDULE 2

AMENDMENTS TO RETAINED DIRECT EU LEGISLATION

Commission Delegated Regulation (EU) No 1062/2014

235. After Article 22 insert—

“Article 22A

Transitional measures for ongoing applications submitted before exit day

1. This Article applies where an application was made before exit day to a Member State in accordance with Article 3 and accepted under Article 4 of Regulation (EU) No 1062/2014 or Article 9 of Regulation (EC) No 1451/2007 as they had effect immediately before exit day and where a decision on approval has not been made before exit day.
2. The application will be treated as having been received under Article 4 of this Regulation as it has effect in retained EU law if the participant resubmits their application and supporting dossier to the competent authority within:
 - (a) 90 days after exit day where the United Kingdom was the evaluating Member State prior to exit day; or
 - (b) 180 days after exit day where the United Kingdom was not the evaluating Member State prior to exit day.

Article 22B

Declaration of interest to notify

1. This Article applies where a declaration of interest to notify was submitted before exit day under Article 16 of Regulation (EU) No 1062/2014 as it had effect immediately before exit day.
2. Where a declaration of interest to notify made pursuant to Article 16(1) was declared compliant under Article 16(3) or (4) it will be treated as being compliant under this Regulation as it has effect in retained EU law.
3. If a declaration of interest to notify was made pursuant to Article 16(1) but no decision on whether the declaration is compliant has been made before exit day, the person with an interest to notify may submit their declaration of interest under Article 16 of this Regulation to the competent authority within 180 days of exit day.
4. In circumstances where the time period for declarations of interest to notify as specified in Article 16(1)(a) of Regulation (EU) 1062/2014 has not expired before exit day, applications for declarations of interest to notify may be made to the competent authority under this Regulation at the latest 365 days after the publication of the decision or guidance referred to in point (a) of Article 15 of Regulation (EU) 1062/2014.

Where a declaration of interest is made in compliance with paragraph 3 or 4 the declaration shall be treated as having been made under Article 16 of this Regulation.

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*

Article 22C

Notification procedure pursuant to Articles 14(2) and 16(5)

1. This Article applies in relation to notifications made under Article 14(2) or 16(5) of Regulation (EU) 1062/2014.
2. Where a notification made under Article 14(2) or Article 16(5) was declared compliant under Article 17(5) before exit day, the notification will be treated as if it were compliant under this Regulation. The Secretary of State must update Annex II to this Regulation in accordance with Article 89(2) of Regulation 528/2012 if:
 - (a) a declaration of interest to notify is resubmitted to the competent authority; and
 - (b) the information as detailed within Annex I to this Regulation is resubmitted to the competent authority within a period of 180 days of exit day.
3. The applications referred to in Article 3(1) must be submitted to the competent authority within two years of the notification of the declaration of compliance made under Article 17(5) of this Regulation.
4. Where a notification made pursuant to either Article 14(2) or Article 16(5) was made in accordance with Regulation (EU) 1062/2014 before exit day but for which no declaration of compliance pursuant to Article 17(5) was made before exit day, the person may within 180 days of exit day resubmit their notification to the competent authority under Article 16 of this Regulation.
5. Where the relevant notification deadline as specified within Article 14(2) or Article 16(5) of Regulation (EU) 1062/2014 has not passed before exit day, a person may submit their notification to the competent authority under Article 16 of this Regulation, provided the notification is submitted before that notification deadline has passed.
6. A declaration of compliance made in accordance with paragraph 3 or 4 shall be considered as having been made under Article 17(5) of this Regulation.

Article 22D

Dossiers submitted to Rapporteur Member States before exit day

1. This Article applies where a dossier was submitted before exit day for evaluation by a Member State in accordance with Article 14 of [Commission Regulation \(EC\) No 1451/2007](#).
2. The application will be treated as having being made under this Regulation if the applicant resubmits their application and supporting dossier to the competent authority within:
 - (a) 90 days of exit day where the United Kingdom was the Reference Member State, prior to exit day; or
 - (b) 180 days where the United Kingdom was a Concerned Member State, prior to exit day.”