
STATUTORY INSTRUMENTS

1993 No. 3050

The Notification of New Substances Regulations 1993

PART IV

DISCLOSURE OF INFORMATION

Disclosure of information provided under Part II of these Regulations

18.—(1) Subject to the following paragraphs of this regulation, in so far as any provision in Part II is made under section 2(2) of the European Communities Act 1972, information notified under that provision shall be treated as relevant information for the purposes of section 28 of the Health and Safety at Work etc. Act 1974.

(2) Where a person making a notification in pursuance of Part II indicates that it contains certain information the disclosure of which might harm his competitive position and should be kept confidential, full justification for that indication shall be given and the competent authority shall decide which information shall be kept confidential and shall inform the notifier of the decision.

(3) Nothing in paragraph (2) shall apply to the following information which, where applicable, cannot be kept confidential—

- (a) the trade name of the substance;
- (b) the name of the manufacturer and notifier;
- (c) the physico-chemical data concerning the substance provided in paragraph 3 of Part A, B or C (as appropriate) of Schedule 2;
- (d) the possible ways of rendering the substance harmless;
- (e) the summary results of toxicological and ecotoxicological tests;
- (f) if essential to the classification and labelling for the purpose of introducing the substance into Annex I to the Directive, the degree of purity of the substance and the identity of any impurity or additive which is known to be a dangerous substance;
- (g) the recommended methods and precautions referred to in paragraph 2.3 and the emergency measures referred to in paragraph 2.4 or 2.5 of Part A, B or C (as appropriate) of Schedule 2;
- (h) in the case of a substance which is a dangerous substance, the information to be contained in the safety data sheet provided for the purposes of regulation 6 of the Chemicals (Hazard Information and Packaging) Regulations 1993; and
- (i) in the case of substances listed in the approved supply list, analytical methods that make it possible to detect the substance when discharged into the environment and to determine the direct exposure of humans.

(4) If the manufacturer, an importer or the notifier himself subsequently discloses previously confidential information he shall inform the competent authority accordingly and such information shall no longer be treated as being confidential for the purposes of these Regulations.