

Changes to legislation: There are currently no known outstanding effects for the The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019, Paragraph 35. (See end of Document for details)

SCHEDULE 2

AMENDMENTS TO RETAINED DIRECT EU LEGISLATION

35. In Article 38—

(a) in the heading, for “harmonised” substitute “ mandatory ” and for “Part 3 of Annex VI” substitute “ the [F1GB] mandatory classification and labelling list ”;

(b) before paragraph 1, insert a new paragraph—

“**A1.** Any opinion of the Agency referred to in Article 37 must specify the reasons for the opinion.”;

(c) in paragraph 1, for “referred to in Article 37(4) and any decision according to Article 37(5)” substitute “ of the Agency referred to in Article 37A ”;

(d) for paragraph 2, substitute—

“**2.** When making publicly available an opinion or a decision as referred to in Article 37 or Article 37A, the Agency must not publish any information in relation to which paragraph 3 applies.”;

(e) after paragraph 2, insert—

“**3.** This paragraph applies to information which has been made available to the Agency in relation to which a person has submitted a justification, accepted by the Agency as valid, as to why publication of the information is potentially harmful to the commercial interests of that person or any other person.”

Textual Amendments

F1 Word in [Sch. 2 para. 35](#) substituted (31.12.2020 immediately before IP completion day) by [The Chemicals \(Health and Safety\) and Genetically Modified Organisms \(Contained Use\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1567\)](#), reg. 1(2), [Sch. 2 para. 9\(a\)](#)

Commencement Information

I1 [Sch. 2 para. 35](#) in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1\(2\)](#)

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