
STATUTORY INSTRUMENTS

1992 No. 3217

**The Genetically Modified Organisms
(Contained Use) Regulations 1992**

PART IV

DISCLOSURE OF INFORMATION NOTIFIED AND PUBLICITY

Disclosure of information notified

15.—(1) The information notified in pursuance of regulations 8 to 10 shall not 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 regulations 8 to 10 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 in such a case after consulting the notifier the Executive shall decide which information shall be kept confidential and shall inform the notifier of its decision.

(3) Nothing in paragraph (2) shall apply to the following information which shall not be kept confidential—

- (a) the name and address of the notifier and the location of the activity involving genetic modification;
- (b) the purpose of the activity;
- (c) the description of the genetically modified organism involved;
- (d) methods and plans for monitoring the genetically modified organism and for emergency response; and
- (e) the evaluation of foreseeable effects and in particular pathogenic effects and ecologically disruptive effects.

(4) Notwithstanding paragraph (3), where the Executive is satisfied on the basis of detailed evidence submitted to it by the notifier and where appropriate, after consultation with the notifier, that it is necessary to withhold, for the time being, certain of the information specified in paragraph (3) in order to protect his intellectual property rights, the Executive shall withhold that information to the extent and for so long as it is necessary to protect those rights.

(5) Information which is kept confidential in accordance with paragraph (2) or withheld in accordance with paragraph (4) shall be disclosed only—

- (a) to the Secretary of State;
- (b) to the European Commission or the competent authority for Northern Ireland or another member State;
- (c) for the purpose of any legal proceedings;
- (d) with the consent of the notifier; or
- (e) to the extent necessary to evaluate the notification.

(6) A person who receives information in accordance with sub-paragraph (e) of paragraph (5) shall not use that information except for a purpose of the Executive or the Secretary of State.

(7) Where the notifier has requested that certain information in the notification shall be kept confidential in accordance with paragraph (2) or withheld in accordance with paragraph (4), the Executive shall not disclose any of that information (except in accordance with paragraph (5)) until at least 14 days after it has reached a decision under the relevant paragraph.

(8) After consulting the notifier, the Executive may review any decision made under paragraph (2) or (4) and shall inform the notifier of the result of that review.

(9) Where, for whatever reason, the notifier withdraws the notification, the Executive shall not thereafter disclose any of the information supplied.

Register of notifications

16.—(1) The Executive shall maintain a register of notifications to which regulation 8(3) or 9(5) relate (for which the consent of the Executive is required) and that register shall be open to inspection by members of the public at any reasonable time.

(2) The register referred to in paragraph (1) shall contain in relation to each such notification—

- (a) such of the information referred to in regulation 15(3) as has not been withheld in accordance with paragraph (4) of that regulation; and
- (b) a statement as to whether or not the consent of the Executive has been granted.

(3) The information referred to in sub-paragraph (a) of paragraph (2) shall be entered in the register within 14 days of its receipt by the Executive and the information referred to in sub-paragraph (b) of that paragraph within 14 days of the decision whether to grant the consent or not having been made, except that where the notifier has requested that certain information specified in regulation 15(3) be withheld in accordance with regulation 15(4), that information shall only be entered in the register not less than 14 days but not more than 28 days after the Executive has made a decision not to withhold that information.

(4) Copies of the register shall be maintained at—

- (a) the area office of the Executive in whose area the notifier is situated; and
- (b) Baynards House, 1, Chepstow Place, Westbourne Grove, London W2 4TF, and
- (c) Magdalen House, Stanley Precinct, Bootle, Merseyside, L20 3QZ.