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STATUTORY RULES OF NORTHERN IRELAND

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**2001 No. 422**

**Biocidal Products Regulations (Northern Ireland) 2001**

**Part IV**

**Use of Information**

**Confidentiality**

**26.**—(1) Information provided to the Executive under these Regulations shall not be treated as relevant information for the purposes of Article 30 of the 1978 Order.

(2) Subject to the following paragraphs, where a person indicates to the Executive in writing that information provided by him to it under these Regulations should be kept confidential because the disclosure of that information might harm his industrial and commercial position—

- (a) he shall provide to the Executive full written justification for that indication; and
- (b) the Executive shall decide which information shall be kept confidential on the basis of that justification.

(3) Information which a person has indicated should be kept confidential and in relation to which the Executive has not made a decision under paragraph (2)(b) shall not be disclosed except—

- (a) to a Government Department, the Great Britain Executive, the Commission or to a competent authority;
- (b) where the information is provided in support of an application made under these Regulations, to the extent necessary to enable the Executive to deal with the application in question.

(4) Where the Executive has made a decision under paragraph (2)(b) that certain information shall not be kept confidential, that information shall not be disclosed until there has elapsed a period of 14 days following the day on which the Executive informed the person providing the information of its decision except—

- (a) to a Government Department, the Great Britain Executive, the Commission or to a competent authority;
- (b) where the information is provided in support of an application made under these Regulations, to the extent necessary to enable the Executive to deal with the application in question.

(5) A person who receives information by virtue of paragraph (3)(b), (4)(b) or (11)(b) shall not use that information except for the purposes of the Executive.

(6) After a biocidal product has been authorised or registered under these Regulations, the Executive shall not keep the information specified in Schedule 6 relating to that biocidal product confidential.

(7) If—

- (a) the applicant for the authorisation or registration of a biocidal product; or

- (b) the manufacturer or the importer of that biocidal product or an active substance contained in that biocidal product,

discloses any information relating to that biocidal product or that active substance which the Executive has decided under paragraph (2)(b) shall be kept confidential, that applicant shall inform the Executive accordingly, and such information shall no longer be treated as being confidential for the purposes of these Regulations.

(8) Subject to paragraph (9), where, pursuant to paragraph (2), a person has indicated that he has provided confidential information, he shall forthwith inform the Executive in writing of any change in circumstances which may affect the justification given by him under paragraph (2)(a).

(9) Paragraph (8) shall not apply if the Executive has informed the person in question that the information he has provided shall not be kept confidential.

(10) Where—

- (a) the Executive has decided to keep information confidential pursuant to paragraph (2)(b); and

- (b) a person has informed it of a change in circumstances pursuant to paragraph (8),

after consulting that person as appropriate, the Executive shall review whether the information in question should continue to be kept confidential and shall inform that person of the result of that review.

(11) If, following a review referred to in paragraph (10), the Executive decides that the information in question shall not be kept confidential, that information shall not be disclosed until there has elapsed a period of 14 days following the day on which the Executive informed the person providing the information of its decision except—

- (a) to a Government Department, the Great Britain Executive, the Commission or to a competent authority;

(b) where—

- (i) the information is provided in support of an application made under these Regulations, and

- (ii) the Executive has not finally disposed of that application,

to the extent necessary to enable the Executive to deal with the application.

(12) This regulation is without prejudice to the provisions of the Environmental Information Regulations (Northern Ireland) 1993(1).