

SCHEDULE 5

Regulation 7

Amendment of the Data Sharing Regulation

1. Commission Implementing Regulation (EU) 2016/9 on joint submission of data and data-sharing in accordance with Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) is amended in accordance with this Schedule.

2.—(1) Article 2 is amended as follows.

(2) In paragraph 1, omit “or participants in a Substance Information Exchange Forum (SIEF)”.

(3) In paragraph 2—

(a) in the first subparagraph—

(i) for “already exists on the date of entry into force of this Regulation” substitute “existed before 25 January 2016”;

(ii) after “paragraph 1.” insert “A waiver under Article 2(2) of the EU Implementing Regulation which is in effect immediately before exit day has effect on and after exit day as a waiver under this Article of this Regulation (and here “EU Implementing Regulation” means Commission Implementing Regulation (EU) 2016/9 as it has effect in EU law).”;

(b) in the second subparagraph, for “Articles 27 and 30” substitute “Article 27”;

(c) in the third subparagraph—

(i) in point (a), for “after the date of entry into force of this Regulation” substitute “on or after 25 January 2016”;

(ii) in point (b), for the words from “the date” to the end substitute “25 January 2016, that is requested”.

(4) In paragraph 3—

(a) in the third subparagraph, for “the entry into force of this Regulation” substitute “25 January 2016”;

(b) in the fourth subparagraph, after “of a study” insert “(whether to ECHA or the Agency)”;

(c) after the fourth subparagraph, insert—

“In this paragraph the term “ECHA” has the same meaning as in Regulation (EC) No 1907/2006.”.

3. In Article 3—

(a) in paragraph 2, for “Articles 27(6) and 30(3)” substitute “Article 27(6)”;

(b) in paragraph 3, for “Articles 26 or 29” substitute “Article 26”.

4. In Article 4—

(a) in paragraph 1, for “Articles 27(3) and 30(1)” substitute “Article 27(3)”;

(b) in paragraph 3, for “Articles 27 and 30” substitute “Article 27”;

(c) in paragraph 5, in the first subparagraph—

(i) for “already exists on the date of entry into force of this Regulation” substitute “existed before 25 January 2016”;

(ii) after “model.” insert—

“A waiver under Article 4(5) of the EU Implementing Regulation which is in effect immediately before exit day has effect on and after exit day as a waiver under

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this Article of this Regulation (and here “EU Implementing Regulation” means Commission Implementing Regulation (EU) 2016/9 as it has effect in EU law).”.

5. In Article 5—
 - (a) in paragraph 1, for “Articles 27(5) and 30(3)” substitute “Article 27(5)”;
 - (b) omit paragraph 2.
6. Omit Article 6.