

SCHEDULE 2

AMENDMENTS TO RETAINED DIRECT EU LEGISLATION

Commission Delegated Regulation (EU) No 1062/2014

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

(2) For point (a), substitute—

“(a) ‘non-approval decision’ means a decision—

- (i) pursuant to Article 9(1)(b) of Regulation (EU) No 528/2012 not to approve a substance/product-type combination;
- (ii) made before exit day, pursuant to the third subparagraph of Article 89(1) of that Regulation as it had effect immediately before exit day, not to approve a substance/product-type combination;
- (iii) made after exit day, pursuant to Article 89(5) of that Regulation, not to approve a substance/product-type combination; or
- (iv) not to include it in Annex I or IA to [Directive 98/8/EC](#).”

(3) In point (b)(i)—

(a) in the second indent after the words “a Regulation” insert “, made before exit day,”;

(b) after the second indent, insert—

— “a decision issued by the Secretary of State pursuant to Article 89(5) of Regulation (EU) No 528/2012 after exit day;”.

(4) For point (d), substitute—

“(d) ‘competent authority’ means the authority appointed in accordance with—

- (i) regulation 5 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013⁽¹⁾;
- (ii) regulation 5 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013⁽²⁾.”

(5) After point (d), insert—

“(e) ‘the consent requirement’ means the requirement for consent in accordance with Article 83B of Regulation (EU) No 528/2012.

(f) ‘appropriate fee’ means the fee payable for the activity concerned in—

- (i) regulations made under section 43 of the Health and Safety at Work etc. Act 1974⁽³⁾ where the competent authority is appointed in accordance with regulation 5 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013; or
- (ii) regulations made under Article 40 of the Health and Safety at Work (Northern Ireland) Order 1978⁽⁴⁾ where the competent authority is appointed in accordance with regulation 5 of the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations (Northern Ireland) 2013

(g) ‘Devolved Authority’ means—

- (i) the Scottish Ministers,

(1) [S.I. 2013/1506](#).

(2) [S.R. 2013 No. 206](#).

(3) [1974 c. 37](#).

(4) [S.I. 1978/1039 \(N.I. 9\)](#).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 No. 720*

- (ii) the Welsh Ministers, or
- (iii) a Northern Ireland department.”