

## SCHEDULE 1

### Amendment of Schedule 1 to the 2019 Regulations

#### **Amendments relating to the Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013**

17. For paragraph 23 substitute—

- “23.—(1) Regulation 14 is amended as follows.
- (2) In paragraph (1)—
- (a) for “paragraphs (3) and (4)” substitute “paragraph (4)”;
- (b) at the end insert “or the Review Regulation listed in paragraph (2A)”.
- (3) In paragraph (2)—
- (a) at the start, for “The decisions” substitute “In relation to the Biocides Regulation, the decisions”;
- (b) above paragraph (a) insert—
- “(za) to prohibit or amend the terms and conditions under which a biocidal product may be made available on the market under Article 17A(2);”;
- (c) omit sub-paragraphs (f), (g), (k) and (l);
- (d) before sub-paragraph (m) insert—
- “(la) to reject an application due to non-payment of fees under Article 54(3);
- (lb) to establish technical equivalence under Article 54(4);
- (lc) to reject an application for failure to provide additional information under Article 54(5);”;
- (e) after paragraph (n) insert—
- “(na) to give a prospective applicant data under Article 63(3);
- (nb) to refuse a request under Article 63(3) where every effort has not been made to reach an agreement;”;
- (f) after paragraph (o) insert—
- “(oa) to allow a subsequent applicant to refer to data previously provided by P under Article 64(1);”.
- (4) After paragraph (2) insert—
- “(2A) In relation to the Review Regulation, the decision referred to in paragraph 9(1) is a decision to reject a notification made under Articles 14(2) or 16(5).”.
- (5) Omit paragraph (3).
- (6) In paragraph (4)—
- (a) in sub-paragraph (a)—
- (i) for “(g)” substitute “(e)”;
- (ii) after “(j)” insert “(la), (lc);”;
- (b) in sub-paragraph (b) omit “and 2(l)”;
- (c) in sub-paragraph (d) omit “, (k)”;
- (d) after sub-paragraph (d) insert—

**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 2020 No. 1567*

- “(e) in relation to paragraph (2)(za), the decision relates to a notification by P, or someone on behalf of P”;
  - (f) in relation to paragraph (2A), the decision relates to a notification by P, or by someone on behalf of P”.
- (7) In paragraph (7), for “Commission or another competent authority” substitute “Secretary of State or a Devolved Authority”.