SCHEDULE 2

Amendment of Schedule 2 to the 2019 Regulations

Amendments relating to Regulation (EC) No 1272/2008 ("the CLP Regulation")

7. For paragraph 33 (amendment of Article 37 of the CLP Regulation) substitute—

"**33.** For Article 37 substitute—

"**Article 37 Procedure for mandatory classification and labelling where the EU Risk Assessment Committee publishes an opinion**

1. This Article applies in relation to a substance—

(a) on which the Committee for Risk Assessment of the European Chemicals Agency ("the Committee") publishes an opinion under Article 37(4) of the EU CLP Regulation on or after IP completion day, or

(b) on which the Committee has published an opinion under Article 37(4) of the EU CLP Regulation before IP completion day, but which has not, as at IP completion day, been included in Part 3 of Annex VI of the EU CLP Regulation.

2. Within 6 months of the publication of the Committee's opinion, the Agency must publish a technical report on the Committee's opinion.

3. Within 12 months of the publication by the Agency of the technical report, the Agency must publish its own opinion.

4. Where the Agency's opinion recommends aligning with the Committee's opinion that there should be a change—

(a) within 12 months of the publication of its opinion, the Agency must—

(i) submit a recommendation to the Secretary of State to give effect to the classification and labelling requirement set out in the Agency's opinion, and

(ii) send a copy of that recommendation to the Devolved Authorities;

(b) within 3 months of the recommendation being submitted by the Agency, the Secretary of State must—

(i) decide whether to accept the recommendation;

(ii) publish that decision, together with reasons for the decision;

(iii) where the decision referred to in paragraph (i) is to accept the recommendation, specify (alongside the decision and the reasons for the decision) the date from when any new or revised classification and labelling requirement must be complied with;

(iv) notify the Agency of the decision and details referred to in paragraphs (ii) and (iii);

(c) the Secretary of State's functions under paragraph (b)(i) and (iii) are subject to the consent requirement in Article 53B;

(d) within one month of the Secretary of State notifying the Agency of a decision in accordance with paragraph (b)(iv), the Agency must update the GB mandatory classification and labelling list accordingly, making

clear the date from when the new or revised classification and labelling requirement must be complied with.

5. Where the Agency's opinion does not recommend aligning with the Committee's opinion the Agency may produce a proposal under paragraph 2 of Article 37A for a new or revised mandatory classification and labelling requirement.".".