
STATUTORY INSTRUMENTS

2019 No. 672

The Detergents (Amendment) (EU Exit) Regulations 2019

PART 3

Amendment of retained direct EU legislation

13.—(1) Article 10 is amended as follows.

(2) In paragraph 1, for “Member States' competent authorities”, substitute “ The competent authority ”.

(3) In paragraph 2, for the words from “the Member States” to “necessary measures.”, substitute “the competent authority must make a decision as to whether or not the test concerned produced a false positive result. The competent authority must:

- make a decision within 90 days of it becoming aware of a concern that the relevant test may have produced a false positive result;
- take appropriate expert advice and take that advice into account when coming to a decision;
- after taking a decision, promptly communicate it to the manufacturer concerned together with an explanation of the appeal process set out below.”.

(4) After paragraph 2, insert—

“**3.** If the competent authority decides that a test produced false positive results:

- those results must be disregarded for the purpose of ensuring compliance with the provisions of this Regulation;
- the manufacturer may, within 14 days of having that decision communicated to it by the competent authority, appeal to the court against the decision.

4. On appeal, the court may:

- allow the appeal and rule that the tests did not produce false positive results, or
- dismiss the appeal.

(Article 18A makes further provision concerning appeals).”.

Commencement Information

- II** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Detergents (Amendment) (EU Exit) Regulations 2019, Section 13.