

SCHEDULE 2

AMENDMENTS TO RETAINED DIRECT EU LEGISLATION

Regulation (EC) No 1272/2008

35. In Article 38—

- (a) in the heading, for “harmonised” substitute “mandatory” and for “Part 3 of Annex VI” substitute “the UK mandatory classification and labelling list”;
- (b) before paragraph 1, insert a new paragraph—

“**A1.** Any opinion of the Agency referred to in Article 37 must specify the reasons for the opinion.”;
- (c) in paragraph 1, for “referred to in Article 37(4) and any decision according to Article 37(5)” substitute “of the Agency referred to in Article 37A”;
- (d) for paragraph 2, substitute—

“**2.** When making publicly available an opinion or a decision as referred to in Article 37 or Article 37A, the Agency must not publish any information in relation to which paragraph 3 applies.”;
- (e) after paragraph 2, insert—

“**3.** This paragraph applies to information which has been made available to the Agency in relation to which a person has submitted a justification, accepted by the Agency as valid, as to why publication of the information is potentially harmful to the commercial interests of that person or any other person.”