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STATUTORY INSTRUMENTS

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**2022 No. 1037**

**The Chemicals (Health and Safety) Trade and  
Miscellaneous Amendments Regulations 2022**

**PART 3**

**AMENDMENTS TO RETAINED DIRECT EU LEGISLATION**

**Regulation (EC) No 1272/2008**

7.—(1) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures<sup>(1)</sup> is amended as follows.

- (2) In Article 21(3), omit “in that Part”.
- (3) In Article 53—
  - (a) in paragraph 1,
    - (i) from “The Commission” to “amending” substitute “The Secretary of State may by regulations amend”;
    - (ii) omit from “Where imperative” to “this paragraph”.
  - (b) omit paragraph 2.
- (4) Omit Article 53a (Exercise of the delegation).
- (5) Omit Article 53b (Urgency procedure).
- (6) Omit Article 53c (Separate delegated acts for different delegated powers).

**Regulation (EU) No 649/2012**

8.—(1) Regulation (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals (recast)<sup>(2)</sup> is amended as follows.

- (2) In Article 3(16), substitute—

““export” means:

  - (a) the export of a chemical made in accordance with sections 33(4), 35 or 36 of the Taxation (Cross-border Trade) Act 2018<sup>(3)</sup>;
  - (b) the removal of a chemical from Great Britain to Northern Ireland; or

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<sup>(1)</sup> EUR 2008/1272. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures was amended by the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/720) and the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1567).

<sup>(2)</sup> EUR 2012/649.

<sup>(3)</sup> 2018 c. 22.

- (c) the export of a chemical where the chemicals are, immediately prior to export, in a temporary storage facility or subject to the control of any HMRC officer as described in paragraph 1(2) of Schedule 1 to the Taxation (Cross-border Trade) Act 2018, but does not include chemicals which are under a transit procedure by which chargeable goods may be moved between places in Great Britain..”.

### **Regulation (EU) No 528/2012**

**9.**—(1) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products<sup>(4)</sup> is amended as follows.

- (2) In Article 2(3), omit “or other Union legislation”.
- (3) In Article 64(2), omit “, as applicable”<sup>(5)</sup>.

### **Commission Delegated Regulation (EU) No 1062/2014**

**10.**—(1) Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council<sup>(6)</sup> is amended as follows.

- (2) In the heading of Article 5, for “category 6” substitute “category B”.
- (3) In Article 5(1), for “category 6” substitute “category B”.
- (4) In Article 6(7)(a), for “UK mandatory classification” substitute “GB mandatory classification”.
- (5) In Article 20, omit “the third subparagraph of”.
- (6) In Article 22—
- (a) in paragraph (1), for “point (a)(ii) of Article 89(7)” substitute “Article 89(8)”;
- (b) in paragraph (3), omit “point (a)(ii) of”<sup>(7)</sup>.

### **Commission Implementing Regulation (EU) No 88/2014**

**11.**—(1) Commission Implementing Regulation (EU) No 88/2014 of 31 January 2014 specifying a procedure for the amendment of Annex I to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products<sup>(8)</sup> is amended as follows.

- (2) In Article 1(a), for “category 1, 2, 3, 4, 5 or 6” substitute “category A or category B”.
- (3) In Article 3(2), for “category 6” substitute “category B”.

(4) EUR 2018/528. Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products was amended by the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/720) and the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1567).

(5) Article 64 of EUR 2018/528 was amended by paragraph 110(3) of Schedule 2 of the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/720).

(6) EUR 2014/1062. Commission Delegated Regulation (EU) No 1062/2014 of 4 August 2014 on the work programme for the systematic examination of all existing active substances contained in biocidal products referred to in Regulation (EU) No 528/2012 of the European Parliament and of the Council Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/720).

(7) Article 22 of EUR 2014/1062 was amended by paragraph 234 of the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/720) and the Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1567).

(8) EUR 2014/88.

- (4) In Article 4, in both places it occurs—
  - (a) for “category 1, 2, 3, 4 or 5” substitute “category A”;
  - (b) for “category 6” substitute “category B”.
- (5) In Annex I—
  - (a) in Part A, including the heading, in both places it occurs for “category 1, 2, 3, 4 or 5” substitute “category A”;
  - (b) in Part B, including the heading, in both places it occurs for “category 6” substitute “category B”.