



Department  
for Environment  
Food & Rural Affairs

# UK REACH

James Dancy –Head of Transition and Post 2020 Policy –  
Chemicals and Pesticides

Department of Environment, Food and Rural Affairs (UK)





## Current situation

- The United Kingdom left the EU on 31 January 2020 and entered into a Transition Period.
- During this Transition Period the UK remains within the EU REACH regulatory framework and the regulatory obligations currently held by UK industry are retained.
- This means that EU businesses have not needed to take any immediate action in order to retain GB market access during this period;
- The Transition Period will end on 31 December 2020.



## UK/EU Negotiations

- The UK is currently negotiating a Trade Agreement with the EU, and that deal should ensure high levels of protection for the environment and human and animal health
- The UK's approach to negotiations contains a Chemicals Annex (in the TBT chapter). This includes a proposal for the UK and EU to agree data and information sharing mechanisms.



## UK REACH

- The UK Government has been clear that regardless of the outcome of negotiations, we will no longer be a member of the customs union or single market after the transition period
- Nor will we accept any arrangement that keeps the UK under the jurisdiction of the European Court of Justice.
- This means that from 1 January 2021 **the UK will put in place its own independent chemicals regulatory framework, UK REACH.**



## Establishing UK REACH

- The European Union (Withdrawal) Act 2018 (as amended by the European Union (Withdrawal Agreement) Act 2020) will convert directly applicable EU law into domestic law, including the REACH Regulation.
- **This UK regulatory framework will:**
  - Mirror EU REACH as far as possible.
  - Minimise disruption to supply chains for chemicals through our transitional measures.
- **The Health and Safety Executive (HSE), will act as the UK Agency under UK REACH.**



## What UK REACH means for industry

- **Both the UK and EU would operate REACH**, and the two systems would not be linked in any way.
- Businesses will need to take steps to ensure regulatory requirements are fulfilled in both the UK and EU in order to maintain continuity of supply chains.
- Companies from both markets would have ‘3<sup>rd</sup> country’ status in the other.
- **GB companies importing chemicals directly from EU/EEA suppliers, will change from downstream users to importers under UK REACH.**



## Actions for Business: Access to the GB Market - Transitional Measures

- All existing GB-held EU REACH registrations, authorisations, and imported substances (from EEA/EU) will remain valid at the end of the Transition Period.
  - Existing GB-held EU REACH registrants have **120 days** to provide UK authorities with some initial information.
  - Importers of substances from EU based registrants have **300 days** to provide UK authorities with some initial information.
- Companies then have **2, 4 or 6 years** beginning after those 300 days (28 Oct 2021) for full registrations to be completed (this includes providing full substance data packages).
- These deadlines are dependent on tonnage bands and hazard profile, with the highest tonnage and most hazardous chemicals first.



Deadline Post 28 October 2021	Tonnage	Hazardous Property
<b>2 years from 28 October 2021</b>	1000 tonnes or more per year	<ul style="list-style-type: none"><li>• Carcinogenic, mutagenic or toxic for reproduction (CMRs) - 1 tonne or more per year</li><li>• Very toxic to aquatic organisms (acute or chronic) - 100 tonnes or more per year</li><li>• Candidate list substances (as at 31 December 2020)</li></ul>
<b>4 years from 28 October 2021</b>	100 tonnes or more per year	<ul style="list-style-type: none"><li>• Candidate list substances (as at 27 October 2023)</li></ul>
<b>6 years from 28 October 2021</b>	1 tonne or more per year	



## Grace Period Deadline Extensions

- We have kept transition process under review. We listened to industry's concerns about the previous timelines for supplying data to the UK regulator and have extended the deadlines set in legislation from **180 to 300 days for GB importers of goods from the EU. We also extended the full registration deadline from 2yrs to a phased approach across 2, 4 & 6yrs (+300 days).**
- This provides GB importers to use these first 120 days to establish how GB based suppliers have assumed registration obligations and whether they need to do so themselves.
- It also provides more time for industry to fulfil full registration obligations.



## Actions for EU Business: Access to the GB Market - Transitional Measures

### Option 1: Your GB customer will register the substance under UK REACH

- Use of the 'notification' provision is available for your GB downstream users to ensure continuity of supply at the end of the Transition Period.
- To notify they must provide some information to the regulator (the HSE) **within 300 days** of the end of the Transition Period.
- Your GB customer will then need to register the substance **within the deadline appropriate to their tonnage band and hazard profile.**
- This will be classed as a new registration and will therefore be subject to fees payable to the UK Agency (the HSE).



## Actions for Business: Access to the GB Market - Transitional Measures

### **Option 2: The EEA exporter would register the substance under UK REACH, using a GB-based entity**

- EEA based exporters may choose to register the substance under UK REACH through a GB-based Only Representative or an affiliate GB importer.
- Your GB Downstream users may make use of the notification process to ensure compliance in the interim between the end of the Transition Period and registration obligations being taken up by your GB-based entity.
- If the EEA exporter takes on registration obligations via a GB-based entity, their GB customers will retain their downstream users status.
- This will be classed as a new registration and will therefore be subject to fees payable to the UK Agency (the HSE).



## New EU and UK REACH registrations

- To register a new chemical for the EU/EEA and GB markets a company would need to register with both REACH regimes.
- Under UK REACH that would mean setting up an account on *Comply with UK REACH*.
- Applications for authorisations would need to be submitted to the UK Regulator, the HSE.
- Under EU REACH the process remains unchanged.



## Authorisations

- Applications for authorisations would need to be submitted to the UK Regulator, the HSE.
- Existing GB-based authorisations will be transferred to UK REACH automatically.
- GB downstream users of EU-based authorisations may continue to use that substance in accordance with the authorisation in GB.
- In **both cases** basic information must be submitted **within 60 days** of UK REACH coming into force.
- Existing NI-based authorisations will remain valid under EU REACH.



## Northern Ireland Protocol

- Under the Northern Ireland Protocol, NI businesses will remain within EU REACH.
- This means that all existing NI-based EU REACH registrations will remain valid and NI businesses will continue to be able to trade into the EU/EEA.
- GB-based EU REACH registrations will no longer be valid in NI.
- You may wish to encourage any NI based downstream users you supply to take measures to retain EU/EEA market access i.e. hold a valid EU REACH registration.



## IT System: *Comply with UK REACH*

- ‘Comply with UK REACH’ will be ready to support registrations of chemicals in GB from the point UK REACH comes into force.
- Its functionality has been built to facilitate new registrations and the transitional measures:
  - register existing GB-held registrations (‘grandfathering’);
  - submit downstream user import notifications (DUIN); and
  - submit new substance registrations and PPORD notifications.



## Joint Registrations and REACH-IT

- We want industry to replicate joint registrations as is currently the case in the EU.
- We have worked with industry stakeholders to develop the GB process and supporting IT tools.
- *Comply with UK REACH* will place companies 'grandfathering' into substance specific groups.
- Downstream users and importers will be added to the same substance specific groups once they have provided their initial information within 300 days, and subsequently undertake a substance inquiry.



## Appeals

- The REACH SI does not create an equivalent to the ECHA Board of Appeal. Appeals against decisions of the UK Agency will be heard by the First Tier Tribunal.
- The procedures will be similar to those for other appeals heard by the FTT and there will be the same rights for companies or individuals to seek redress.
- There are no fees for taking an appeal to the First Tier Tribunal.



## Maintaining EU/EEA Market Access

- EU REACH registrations and existing EU authorisations decisions held by GB entities would no longer be valid under EU REACH after the Transition Period.
- GB registration holders would need to transfer their registration to an EU/EEA Legal Entity.
- Alternatively, EU/EEA companies may register the substance themselves as an importer.
- CEFIC has issued advice on suspensive clauses to facilitate transfers.



## To sum up we recommend that UK and EU businesses:

- Identify the chemicals they manufacture, sell or use and their regulatory responsibilities with respect to that chemical in the GB market.
- Check contingency plans across their supply chain to understand what information they may need to provide to maintain GB and EU market access.
- Consider appropriate actions if the status of existing EU REACH registrations or authorisation could change.



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## Further guidance

- If there are further queries or they wish to receive occasional updates related to EU Exit and Chemicals, contact: [REACH-IT@defra.gov.uk](mailto:REACH-IT@defra.gov.uk)