BREXIT

Webinar Réglementations produits au Royaume-Uni
UK REACH, GB CLP, GB BPR, GB PIC

Intervention des experts de l'ambassade du Royaume-Uni, DIT, DEFRA, HSE

12 Janvier 2021

FRANCE CHIMIE

Brexit : France Chimie est mobilisée pour accompagner ses adhérents

- **Une information régulière**

Lettre du département technique, mails, actualités…

- **4 webinars en 2019 et 2020 – dernier webinar 12/10/20**

https://francechimie-my.sharepoint.com/:p:/g/personal/mcalando_francechimie_fr/ET6661Jr7ONEpI1mjAyyL0UBefjXh3GcPdJaw2loutxYkQ?rtime=cGra9u222Eg

- **Une page dédiée « Brexit et réglementation » sur le site France Chimie**

https://www.francechimie.fr/positions-expertises/sante-securite-environnement/produits-chimiques/brexit-et-reglementation

- **Note Brexit & REACH**

https://www.francechimie.fr/brexit-reach-comment-eviter-la-rupture-de-chaine-d-approvisionnement-au-1er-janvier-2021

Agenda du webinar

- **Introduction**

  Sophia Boukersi et Alastair Gardner - Department for International Trade

- **Regulating Chemicals after the Transition Period (GB CLP, GB BPR, GB PIC)**

  Leo McDaid, HSE

- **UK Reach**

  Simon Johnson, DEFRA

- **Q & A – *via chat***


BUSINESS
IS
GREAT
BRITAIN & NORTHERN IRELAND
Sophia Boukersi
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Department for International Trade
Alastair Gardner,
Trade Specialist, Chemicals, Bioeconomy, International Trade & Investment
Department for International Trade
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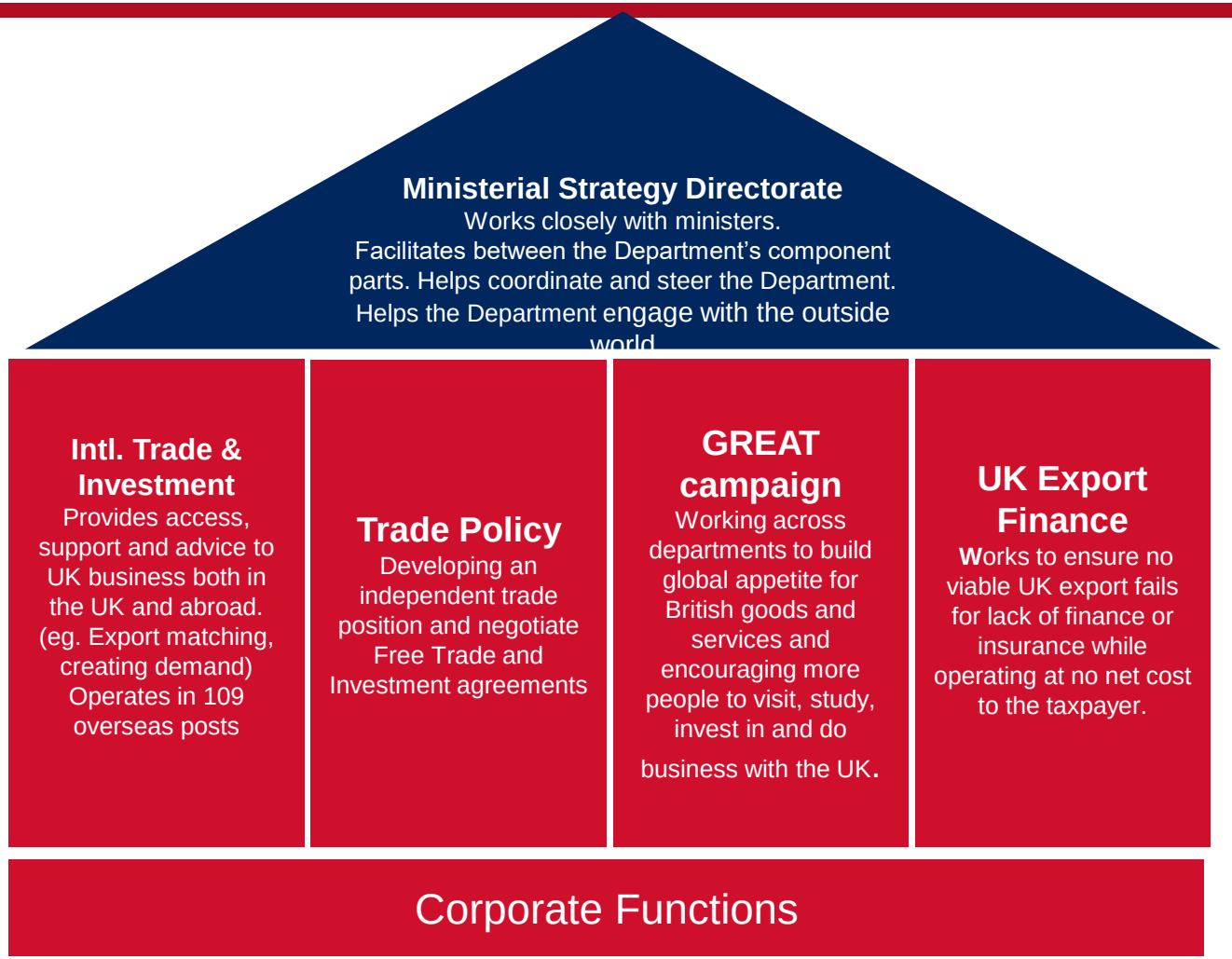
HSE
Simon Johnson
EU Exit Team: Chemicals and Pesticides Chemicals, Pesticides, & Hazardous Waste |
Environmental Quality
Department for Environment Food and Rural Affairs
Department for
International Trade

Department for International Trade (DIT) Background



GREAT BRITAIN & NORTHERN IRELAND

HM Government

Trade & Investment Support - France

- Dedicated Chemicals team in place for over 2 years

- Support for UK businesses in France
- Build networks with French based chemicals Industry

  - French Chemicals Council, trade bodies
  - Building strong networks with French chemicals businesses
  - Identification of partners, agents, distributors
  - Trade successes, especially in personal care

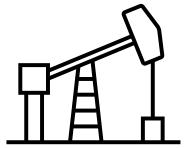
- Identify and overcome barriers to trade

Trade Strategy – Chemicals Sector

- Ensuring that UK companies in the chemicals supply chain are accessing the support available to them via DIT's regional, overseas and sector teams
- Promoting UK expertise at overseas trade shows, conferences and with individual key customers
- Identifying new high value markets and new opportunities for UK businesses
- Promoting UK's expertise in formulated products across high value sectors such as infrastructure, marine, automotive
- Engaging with trade associations and industry bodies to ensure that no business with the capability to trade overseas misses the opportunity to do so

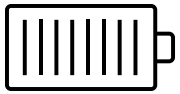
UK Chemicals Industry Inward Investment

- Attracting FDI into the UK through long term working relationships with key inward investors in the chemicals sector. Focusing our support where UK Government can add most value – removing blockages to investment, building linkages with other parts of Government and key stakeholders.
- Identifying and targeting new overseas investors.
- Working closely with UK chemicals industry on major strategic developments in the sector that open up particular investment opportunities, focusing particularly on:



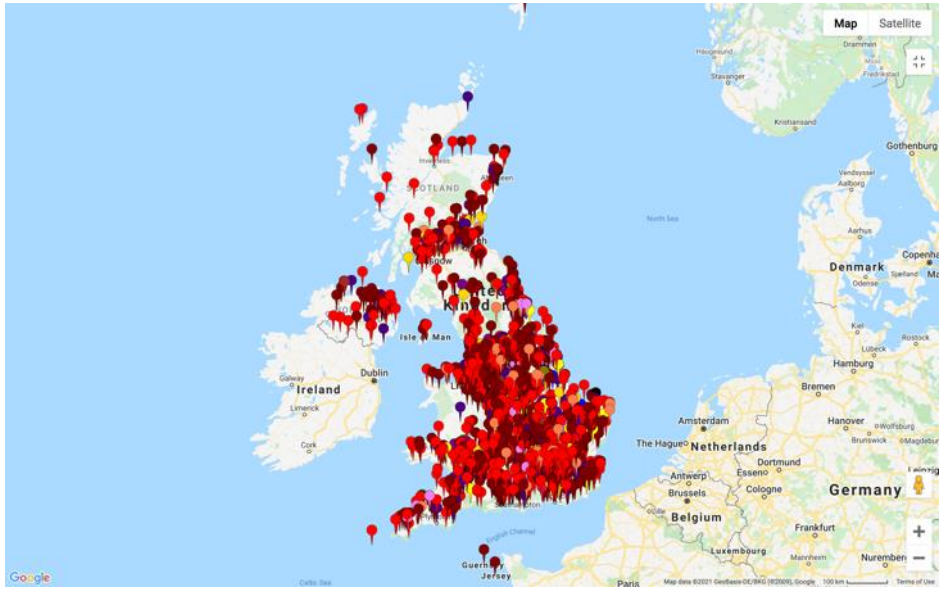
- **Price advantaged raw material – shale-derived ethylene**

- **Green Industrial Revolution – strong opportunities to invest in low carbon technologies and solutions**



- **UK Industrial Strategy Grand challenge on mobility for chemicals material into EV batteries (e.g. lithium polymer ingredients, battery anodes)**

UK’s Speciality Chemicals Industry



Additional mapping work underway to identify capabilities in each sub sector

- **Personal care**
- **Inks paints coatings**
- **Adhesives, Sealants**
- **Additives**
- **Lubricants**
- **Fine chemicals manufacture**
- **Contract research & manufacture**
- **Over 250 chemicals distributors in UK**
- **Strong downstream and retail sectors**

Regulating Chemicals after the Transition Period

Health and Safety Executive

Leo McDaid
Chemicals Trade Policy & Negotiations Team Leader, HSE

UK's departure from the EU

- UK left the EU on 31 December 2020 – now a third country for EU.
- Agreement reached with EU on future trading relationship on 24 December – includes an Annex on chemicals under TBT chapter.
- Government has made clear it will maintain regulatory and legal autonomy in GB – slightly different arrangements for NI.
- Main feature of Annex – regulatory co-operation between EU & UK, including in international fora such as UN GHS, OECD
- Arrangements for CLP, biocides and PIC regulation in GB largely unaffected by negotiation outcome

Classification, Labelling and Packaging

GB CLP Regulation – After the UK Transition Period

Unchanged

- The main duties/obligations on manufacturers, importers, downstream users and distributors (“suppliers”) to classify, label and package the substances and mixtures placed on the market will remain.

- Suppliers must comply with mandatory (formerly harmonised) classification and labelling to access GB market.

- GB will effectively adopt the United Nations Globally Harmonized System (UN GHS) in the same way as the EU at the end of the transition period.

HSE

GB CLP Regulation – After the UK Transition Period

Main changes

- GB will have its own independent GB CLP system.
- GB will have a new mandatory classification and labelling system and a GB mandatory classification and labelling list (GB MCL List).
- There will be GB notification arrangements for new and already notified substances with details sent to HSE (GB CLP Agency), instead of ECHA.
- There will be new requirements on GB-based distributors who are currently supplied by the EU/EEA, who will become importers after the end of the transition period, ***if*** these supply arrangements continue.
- EU/EEA companies will need a GB or NI based company to place products on market in UK.
- There will be changes to GB CLP to implement the NI Protocol and Unfettered Access.

HSE

GB CLP Regulation – After the UK Transition Period

Actions businesses can take

- Understand your role in the supply chain & your obligations under the GB CLP Regulation.
- Identify whether you will continue to be supplied by businesses in the EU/EEA, after the end of the transition period.
- Decide whether you may need help - with the duties and obligations of an importer i.e. classification, labelling and packaging of substances and mixtures, and take action.
- Work with the actors in your supply chain including suppliers and exporters – they may be willing to help you e.g. by providing information and data on classification, to help you meet your classification/labelling obligations.
- Think about existing stock on the shelves and any action needed

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Northern Ireland Protocol and CLP

- EU CLP Regulation will continue to apply in Northern Ireland including published and upcoming ATPs (harmonised classifications) and Annex VIII which will apply from 1 January 2021
- Northern Ireland-based businesses must:
  - notify ECHA of new/revised hazard classification and labelling of their substances to the ECHA Classification and Labelling Inventory.
  - follow scientific and technical developments in relation to the substances and mixtures and update classification and labelling accordingly,
- Northern Ireland businesses with information about a change in a harmonised classification, must submit a proposal to an EU Member State Competent Authority where the substance is on the market.
- Northern Ireland-based downstream users and distributors currently supplied by businesses in the EU/EEA will not face any new EU CLP Regulation requirements if these supply arrangements continue.
- **But** Northern Ireland- based businesses who trade in substances/mixtures from GB to Northern Ireland will become responsible for classification, labelling and packaging under the EU CLP Regulation even if they are currently a downstream user or distributor relying on another actor in the supply chain.

HSE

GB CLP Regulation – After the UK Transition Period

- How do I…?

How do I comply with GB mandatory classification and labelling?

URL for the GB mandatory classification and labelling list (GB MCL list) from 1 January 2021 will be:
https://www.hse.gov.uk/chemical-classification/assets/docs/mcl-list.xlsx

Index No	Chemical name	EC No	CAS No	Classification		Labelling			Specific Conc. Limits, M-factors and ATEs (*) (*) ATEs for oral	Notes	Date of Secretary of State's Decision (new/revise	Date of entry into legal effect of new/revised UK mandatory classification and	Final compliance date
				Hazard Class and Category Code(s)	Hazard statement Code(s)	Pictogram, Signal Word Code(s)	Hazard statement Code(s)	Suppl. Hazard statement Code(s)					
001-001-00-9	hydrogen	215-605-7	1333-74-0	Flam. Gas 1 Press. Gas	H220	GHS02 GHS04 Dgr	H220			U			
001-002-00-4	aluminium lithium hydride	240-877-9	16853-85-3	Water-react. 1 Skin Corr. 1A	H260 H314	GHS02 GHS05 Dgr	H260 H314						
001-003-00-X	sodium hydride	231-587-3	7646-69-7	Water-react. 1	H260	GHS02 Dgr	H260						
001-004-00-5	calcium hydride	232-189-2	7789-78-8	Water-react. 1	H260	GHS02 Dgr	H260						
003-001-00-4	lithium	231-102-5	7439-93-2	Water-react 1 Skin Corr. 1B	H260 H314	GHS02 GHS05 Dgr	H260 H314	EUH014					
003-002-00-X	n-hexyllithium	404-950-0	21369-64-2	Water-react. 1 Pyr. Sol. 1 Skin Corr. 1A	H260 H250 H314	GHS02 GHS05 Dgr	H260 H250 H314	EUH014					

HSE

How do I notify under the GB CLP Regulation?

The following information will be required in a GB CLP notification

- identity of the notifier: Name, address and contact details,
- identity of substance: Chemical name (including IUPAC or other international chemical name), EC/CAS number and name, molecular/structural formula, composition (purity/impurities/additives);
- classification: Hazard class and category codes and hazard statements;
- justification for absence of hazard classification (if applicable);
- specific concentration limits, M-factors and/or acute toxicity estimates (ATE) – if applicable;
- labelling: Signal word, hazard pictogram(s), hazard statements, supplementary hazard statements (if applicable).

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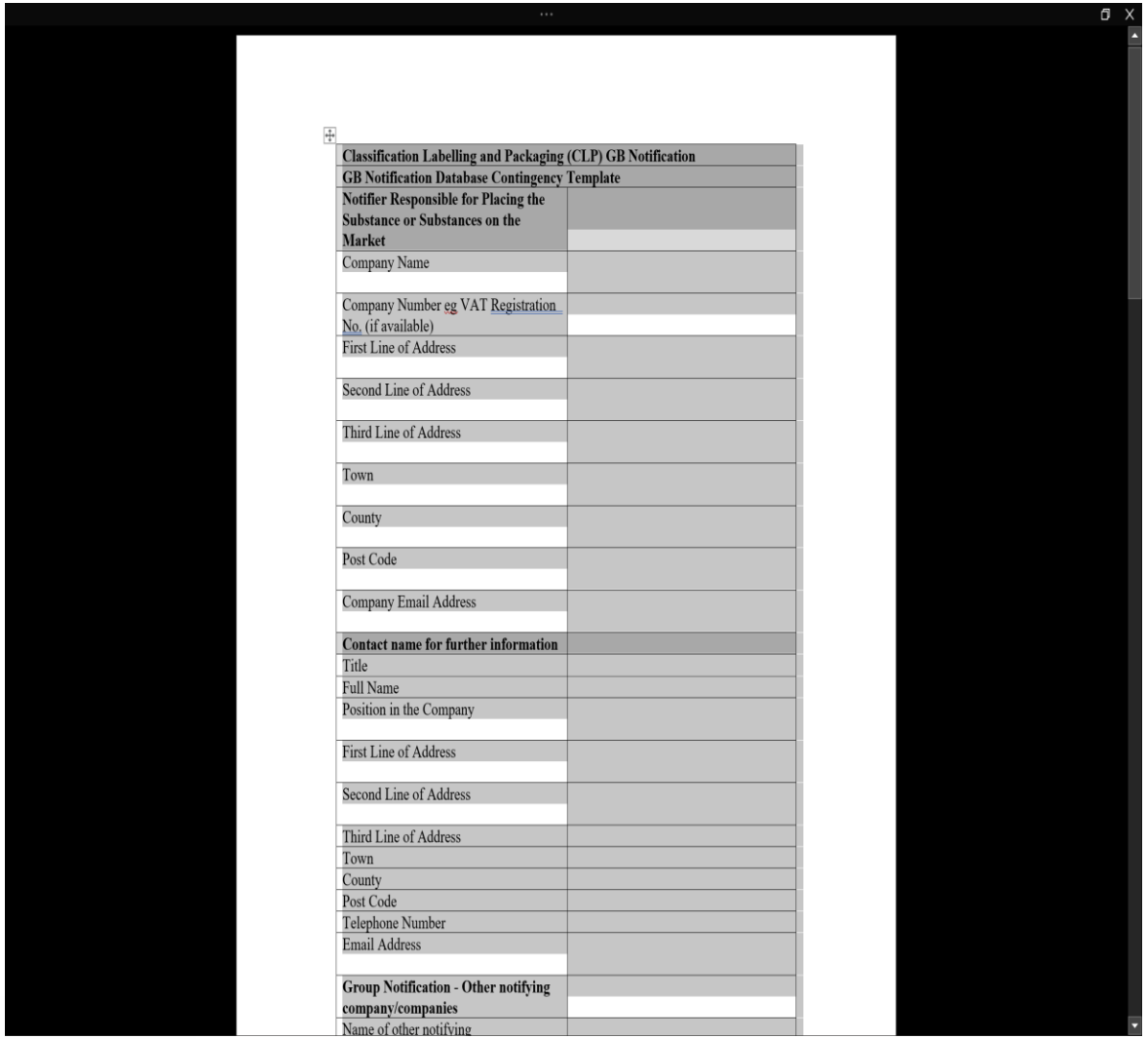
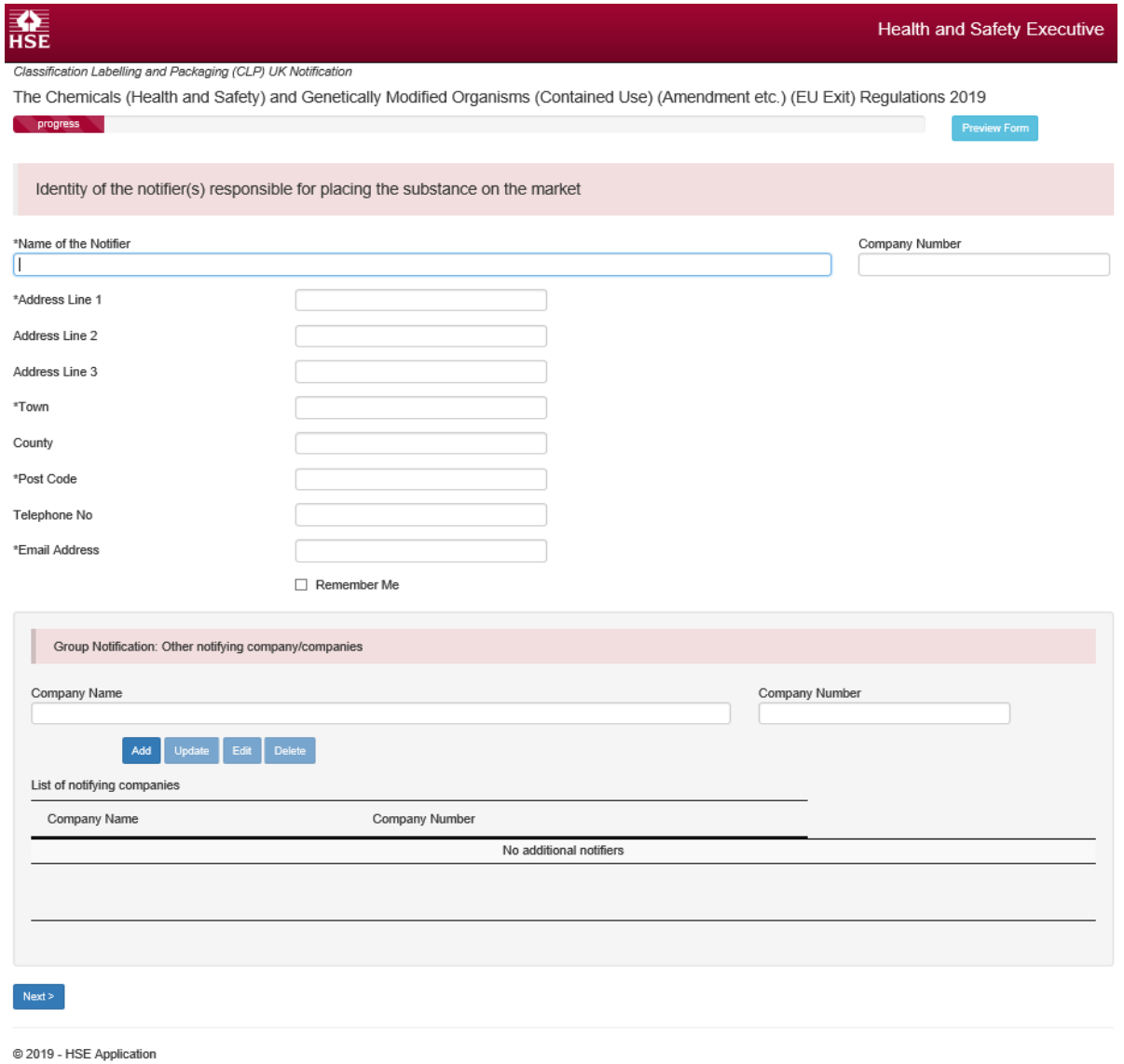
GB CLP Notification

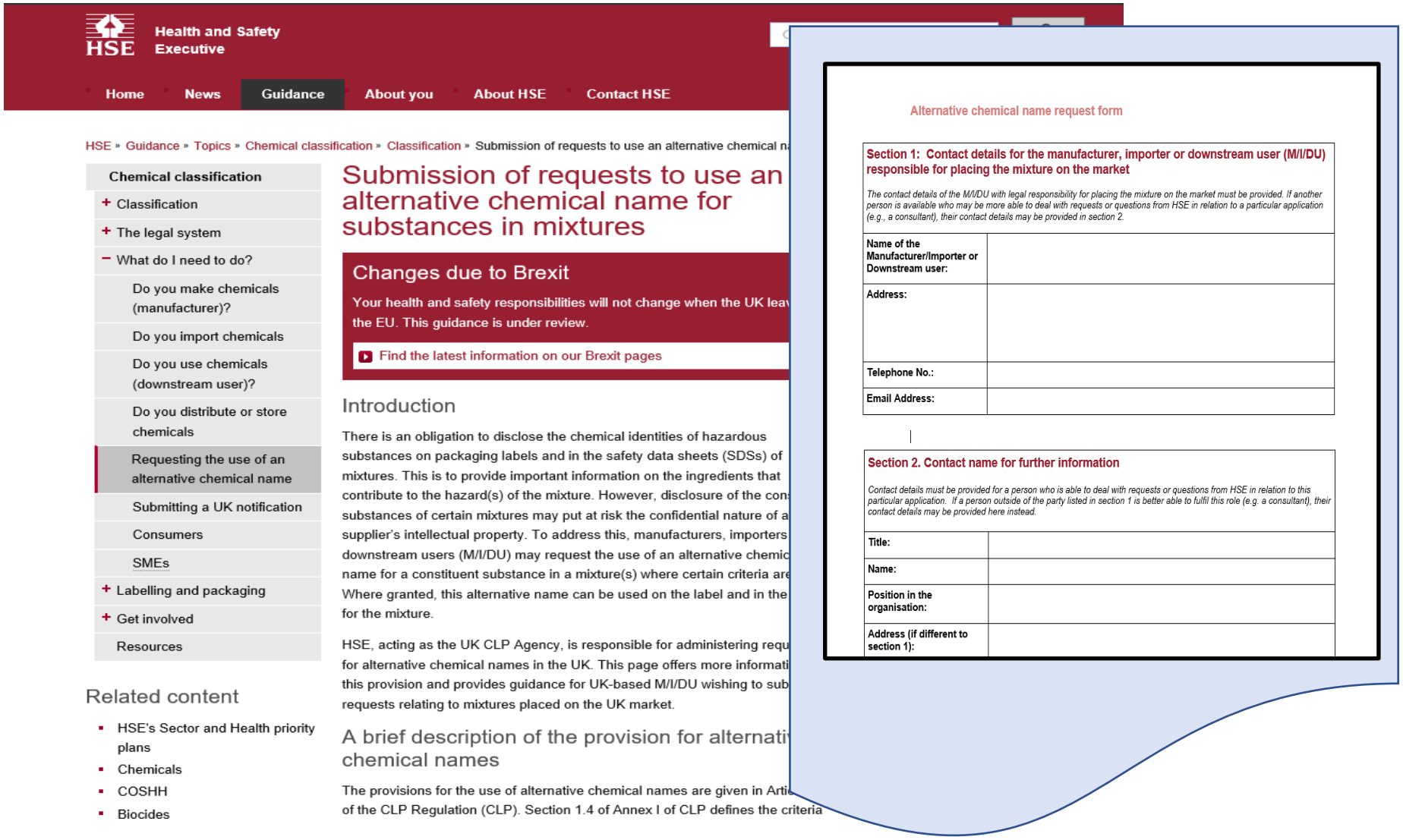


Classification Labelling and Packaging (CLP) GB Notification	
GB Notification Database Contingency Template	
Notifier Responsible for Placing the Substance or Substances on the Market	
Company Name	
Company Number eg VAT Registration No. (if available)	
First Line of Address	
Second Line of Address	
Third Line of Address	
Town	
County	
Post Code	
Company Email Address	
Contact name for further information	
Title	
Full Name	
Position in the Company	
First Line of Address	
Second Line of Address	
Third Line of Address	
Town	
County	
Post Code	
Telephone Number	
Email Address	
Group Notification - Other notifying company/companies	
Name of other notifying	



HSE

How do I request an alternative chemical name?



Health and Safety Executive

Home | News | Guidance | About you | About HSE | Contact HSE

HSE » Guidance » Topics » Chemical classification » Classification » Submission of requests to use an alternative chemical n

Chemical classification
+ Classification
+ The legal system
− What do I need to do?
Do you make chemicals (manufacturer)?
Do you import chemicals
Do you use chemicals (downstream user)?
Do you distribute or store chemicals
Requesting the use of an alternative chemical name
Submitting a UK notification
Consumers
SMEs
+ Labelling and packaging
+ Get involved
Resources

Related content
- HSE's Sector and Health priority plans
- Chemicals
- COSHH
- Biocides

Submission of requests to use an alternative chemical name for substances in mixtures

Changes due to Brexit
Your health and safety responsibilities will not change when the UK leav
the EU. This guidance is under review.
Find the latest information on our Brexit pages

Introduction

There is an obligation to disclose the chemical identities of hazardous substances on packaging labels and in the safety data sheets (SDSs) of mixtures. This is to provide important information on the ingredients that contribute to the hazard(s) of the mixture. However, disclosure of the cons substances of certain mixtures may put at risk the confidential nature of a supplier's intellectual property. To address this, manufacturers, importers downstream users (M/I/DU) may request the use of an alternative chemic name for a constituent substance in a mixture(s) where certain criteria are Where granted, this alternative name can be used on the label and in the for the mixture.

HSE, acting as the UK CLP Agency, is responsible for administering requ for alternative chemical names in the UK. This page offers more informati this provision and provides guidance for UK-based M/I/DU wishing to sub requests relating to mixtures placed on the UK market.

A brief description of the provision for alternati chemical names

The provisions for the use of alternative chemical names are given in Arti of the CLP Regulation (CLP). Section 1.4 of Annex I of CLP defines the criteria

Alternative chemical name request form

Section 1: Contact details for the manufacturer, importer or downstream user (M/I/DU) responsible for placing the mixture on the market

The contact details of the M/I/DU with legal responsibility for placing the mixture on the market must be provided. If another person is available who may be more able to deal with requests or questions from HSE in relation to a particular application (e.g., a consultant), their contact details may be provided in section 2.

Name of the Manufacturer/Importer or Downstream user:	
Address:	
Telephone No.:	
Email Address:	

Section 2. Contact name for further information

Contact details must be provided for a person who is able to deal with requests or questions from HSE in relation to this particular application. If a person outside of the party listed in section 1 is better able to fulfil this role (e.g. a consultant), their contact details may be provided here instead.

Title:	
Name:	
Position in the organisation:	
Address (if different to section 1):	

How do I label chemicals under the GB CLP Regulation?

Labelling requirements

- GB CLP hazard labels are there to help identify hazardous chemicals and explain what the hazards are and how to avoid them.
- Under the GB CLP Regulation, there are no significant changes to the existing GHS labelling elements and requirements.
- Hazard labelling for substances and mixture placed on the GB market must be in English although other languages may also appear in addition to English.
- Supplemental information on the label –
  - EUH statements and GB REACH statements
  - Other ‘chemicals’ labelling requirements including those from Biocides, Pesticides and Detergents Regulations.
  - Name & address of GB/NI company putting product on market.

HSE

Further Guidance

The updated HSE Chemical Classification webpages will be available on the HSE website from 1 January 2021

- HSE will continue to publish information on the HSE 'Brexit' webpage - http://www.hse.gov.uk/Brexit/
- For information on GB CLP – see https://www.hse.gov.uk/brexit/clp.htm and the scenario table.
- For information on GB CLP and Northern Ireland - see https://www.hse.gov.uk/brexit/clp-ni.htm

- The Chemicals (Health and Safety) and Genetically Modified Organisms (Contained Use) (Amendment etc.) (EU Exit) Regulations 2020 - http://www.legislation.gov.uk/id/uksi/2020/1567
- If you require further assistance or guidance, please contact
  - EU-Exitchemicals@hse.gov.uk
- For information from the EU on the impact of the withdrawal and the NI Protocol –
  - https://echa.europa.eu/uk-withdrawal-from-the-eu
  - https://echa.europa.eu/uk-company-based-in-northern-ireland
  - https://echa.europa.eu/support/qas-support/browse/-/qa/70Qx/view/ids/1701

HSE

Questions

Thank you for listening

REACH and CLP*:
REACH.CLP@HSE.gov.uk

Biocidal Products Regulation (BPR)

GB BPR from 1 January 2021

- Biocidal Products for GB market
  - Headlines
  - GB BPR Transitional Arrangements
  - Resubmitting applications and dossiers to GB

- Northern Ireland Protocol
  - Biocidal Products for NI market
  - Biocidal Products moving from NI to GB

GB Preparations for 1 Jan 2021

- HSE has put in place a GB regulatory framework for biocides.
- The new GB regime will reflect the EU framework, but they will operate independently.
- Some EU functions have been removed as they no longer operate in a GB-only context.
- HSE will act as competent authority for GB.
- Active substance and biocidal product applications for GB will come to HSE.

Biocides post Transition Period – Headlines 1/3

- ✓ ‘Lift & shift’ of the legislation (no policy changes)
- ✓ Active Substance (Non)Approvals valid in EU on 31 December 2020 remain valid in GB
- ✓ Product authorisations currently valid in GB remain valid
- ✓ EU Article 95 List becomes the GB Article 95 List *

Biocides post Transition Period – Headlines 2/3

- HSE loses access to ECHA IT tools
- HSE loses access to data stored in ECHA systems
- Applications & data have to be resubmitted to HSE
- Companies have to be established in UK
  - (for Art 95 listing and product authorisation).

Biocides post Transition Period – Headlines 3/3

- EU active substance (a.s.) Review programme transferred to GB programme
  - (where dossiers resubmitted)

- GB review programme (priorities/timings) tbc
  - Will be set up once a.s. applications resubmitted

- Products still remain on market under transitional arrangements until a.s. review completed

GB BPR Transitional Arrangements 1/5

Approved Active Substances

- Approval remains valid until expiry date *

- Renewal applications to be made to GB

- For use in products, active substance supplier to be on GB Article 95 List
  - within 2 years of end of TP

GB BPR Transitional Arrangements 2/5

Active Substances – Evaluations Ongoing :

•Resubmit to HSE for GB approval

- Within 90 days (UK=eCA) or 180 days (UK≠eCA) of the end of the TP

•Supporting data also required (including data relied on via letter of access)

•GB will not be part of EU Active Substance Review programme

- GB responsible for making our own decisions on GB approvals

HSE

GB BPR Transitional Arrangements 3/5

Authorised products

- Underlying data to be submitted:
  - on application for a change to the authorisation or
  - at renewal or
  - if HSE requests
- Companies to be established in the UK
  - within 1 year of end of TP to hold a GB authorisation
- Active Substance source to be on GB Article 95 List
  - within 2 years of end of TP

HSE

GB BPR Transitional Arrangements 4/5

Products - Applications ongoing

- Resubmit to HSE for GB national authorisation
  - within 90 days (UK=refMS) or 180 days (UK=cMS) of the end of the TP
- Supporting data also required (including data relied on via letter of access)
- If UK=refMS/eCA at any time,
  - application will be continued on resubmission (deadlines suspended)
- If UK≠refMS/eCA at any time (mutual recognitions or Unions),
  - application to be resubmitted as application for GB national authorisation (deadlines restart in GB)

HSE

GB BPR
Transitional Arrangements 5/5

Article 95 listing

- EU Article 95 list of suppliers of active substances will be transferred to a GB Article 95 list at the end of the Transition Period

- To remain on the GB Article 95 list:
  - businesses must submit a supporting dossier or letter of access, as submitted to ECHA,
  - be established in the UK

  - within 2 years of the end of the Transition Period

- HSE will publish which companies have fulfilled the requirements (list updated regularly up to deadline).

HSE

(Re)Submission of Applications & dossiers to GB

- Download the relevant Application form from HSE's website
  - Complete form
- Submit application form to HSE via email
- HSE will send an Upload link (secure)
  - Upload your files
  - Link remains valid for 5 working days
  - Only upload files specific to that application

Process Summary – Active Substances & Products

Main changes
-Application forms
-Templates
-HSE's Upload Link

Main changes
-Communication via email

Main changes
-OMS not involved
-OGDs / DAs

Main changes
-SoS makes decision
-HSE publishes PAR, SPC, public lists

Northern Ireland Protocol (NIP): Biocidal Products for NI market

- Biocidal products supplied in NI will be subject to EU BPR
- HSE NI will continue to be NI competent authority
- HSE (GB) will support NI in processing product applications
- Current active substance (non-) approvals remain valid in NI (and GB)
- Biocidal product authorisations currently valid in UK remain valid in NI (& GB)

  NB: for NI products, Authorisation Holder must be established in EU/EEA or NI

Northern Ireland Protocol (NIP): Biocidal Products for NI market

- EU BPR requires authorisation holder to be established in EU/EEA. NIP extends this to Northern Ireland.
- GB BPR requires authorisation holder to be established in UK (inc NI)

For an authorisation in…	You must be established in….	From…
Great Britain	UK (Great Britain or Northern Ireland)	1 Jan 2022
Northern Ireland	Northern Ireland or EU/EEA	1 Jan 2021
EU/EEA	Northern Ireland or EU/EEA	1 Jan 2021

HSE

Northern Ireland Protocol (NIP): Unfettered Access from NI to GB

- UK Government committed to ‘unfettered access’ for NI goods moving to the rest of the UK

- NB. Biocides = ‘Highly Regulated Goods’

- BPR notification procedure:
  - Eligibility – a.s. approval, Article 95 and establishment
  - Notify same information as provided for EU/NI authorisation + authorisation certificate to HSE
  - Biocidal product may be made available after 90 days provided no objections raised
  - No charge

HSE

Further Information

- Biocides section of the HSE website:
  http://www.hse.gov.uk/biocides/index.htm

- Biocides section of the HSE Transition pages:
  https://www.hse.gov.uk/brexit/biocides.htm

- Biocides e-bulletin:
  Sign up for free from our website (links above)

Questions

Thank you for listening

- Biocides (general): biocidesenquiries@hse.gov.uk
- BPR applications: pa.biocides@hse.gov.uk
- COPR applications: pa.copr@hse.gov.uk

Prior Informed Consent

Prior Informed Consent (PIC) – After the UK Transition Period

Unchanged

- HSE continues to act as the GB PIC Designated National Authority (DNA).

Main Changes

- Companies exporting PIC-listed chemicals from Great Britain will no longer be able to use ePIC and will need to notify HSE of exports of listed chemicals using the new notification procedures.
- The PIC regime will apply to listed chemicals that are exported from Great Britain, including to EU countries and to NI. Companies that currently only move listed chemicals within the EU single market and do not export them outside the EU or NI will have to start to notify these to HSE.

HSE

Prior Informed Consent (PIC) – After the UK Transition Period

Main Changes (continued)

- Where explicit consent has been given by an importing country to another EU country under the current EU PIC arrangements, it will be necessary to seek the consent of that country for GB exports of the chemical. HSE will seek consent on the exporter's behalf.

- Exporters and importers will need to include in the information they submit to HSE in the first quarter of each year, details of the quantities of listed chemicals exported to or imported from EU countries and NI, as well as other countries.

HSE

Prior Informed Consent (PIC) – After the UK Transition Period

HSE Health and Safety Executive

Form for export notification of a PIC chemical/mixture/article

Note for the importing country:

This export notification for a chemical that is banned or severely restricted in the United Kingdom (UK) is sent by the PIC Designated National Authority (UKDNA) in accordance with Article 8 of Regulation (EU) No 649/2012, as it forms part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018.

The UKDNA will only notify the first yearly export from the UK to your country of the chemical, mixture or article identified below. You are kindly requested to acknowledge receipt of this export notification within 30 days of the date of the email, preferably by completing the form for acknowledging receipt, attached to the email.

Reference number:

Exporting country:

Importing country:

HSE

Guidance on UK PIC: Your roles and duties

Contents

1. Preface
2. Introduction
3. UK PIC guidance on export notifications

Preface

This guidance has been prepared by HSE as the PIC Designated National Authority (UK DNA). The aim of this document is to describe the new processes in place for the export and import of banned or severely restricted chemicals under UK PIC (following the UK's withdrawal from the European Union). Some parts of ECHA's current Guidance on the EU PIC Regulation (649/2012) are still relevant and can be found within the PIC guidance document publicly available on the ECHA website.

Introduction

The PIC UK DNA has created this short guidance to assist UK exporters of PIC-listed chemicals to comply with the requirements of the UK PIC system for notifying exports of certain hazardous chemicals. This document covers the changes to the EU PIC Regulation made by virtue of Section 3 of the EU Withdrawal Act 2019 to enable it to operate in the UK after EU

UK PIC List

(referred to in Article 7 of the PIC Regulation)

Part 1

Chemicals subject to export notification procedure

(referred to in Article 8 of the PIC Regulation)

Where chemicals listed in this part of the UK PIC List are subject to the PIC procedure, the export notification obligations set out in Article 8(2), (3) and (4) will not apply provided that the conditions laid down in points (b) and (c) of the first subparagraph of Article 8(6) have been fulfilled. Such chemicals, which are identified by the symbol '#' in the list below, are listed again in Part 3 of the UK PIC List for ease of reference. Where the chemicals listed in this part of the UK PIC List qualify for PIC notification, those chemicals are also listed in Part 2 of the UK PIC List. Such chemicals are identified by the symbol '+' in the list below.

Chemical	CAS Number	Einecs No	Commodity code (**	Subcategory (*)	Subcategory (*)	Countries for which no notification is required

Further Guidance

The updated PIC webpages will be available on the HSE website from 1 January 2021

- Guidance for GB Businesses on EU Exit can be found at https://www.hse.gov.uk/brexit/pic.htm

- Guidance for NI businesses on EU Exit and the NIP for PIC can be found at https://www.hse.gov.uk/brexit/pic-ni.htm

- Information is also available on ECHA's website at https://echa.europa.eu/advice-to-companies-q-as/general and https://echa.europa.eu/support/qas-support/browse/-/qa/70Qx/view/ids/1711

- HSENI will be publishing further information on PIC on its website.

HSE

Department for Environment Food & Rural Affairs

UK REACH

Simon Johnson–Head of Stakeholder Communications and Engagement Team – Chemicals

Department of Environment, Food and Rural Affairs (UK)

Environment Agency

Forestry Commission

NATURAL ENGLAND

Department
for Environment
Food & Rural Affairs

UK REACH

- The UK Government has been clear that regardless of the outcome of negotiations, we would no longer be a member of the customs union or single market after the transition period

- Nor would 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 has put in place its own independent chemicals regulatory framework which includes UK REACH**.

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Establishing UK REACH

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

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What UK REACH means for industry

- **Both the UK and EU operate REACH**, and the two systems are independent of each other.
- 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 have '3rd country' status in the other.

- **GB companies importing chemicals directly from EU/EEA suppliers change *from downstream users to importers* under UK REACH.**

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

- All existing GB-held EU REACH registrations, authorisations, and imported substances (from EEA/EU) remained 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.

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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).

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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).

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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.

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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.

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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.

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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

- Detailed guidance has now been published: https://www.hse.gov.uk/brexit/reach-guidance.htm