



Department  
for Environment  
Food & Rural Affairs

# Post 2020 Chemicals Regulation: UK REACH





## Current situation

- The United Kingdom left the EU on 31 January and entered into a Transition Period.
- During this Transition Period the UK will remain within the EU REACH regulatory framework and the regulatory obligations currently held by UK industry will be retained.
- The Transition Period will end on 31 December 2020 at which point UK REACH will come into force.



## What UK REACH means for industry

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



## Establishing UK REACH

- From 1 January 2021 the UK will put in place its own independent chemicals regulatory framework, UK REACH.
- There are 3 main building blocks:
  - Legislation
  - IT System
  - Capability and Capacity



## In Summary

- 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. Three Statutory Instruments allow REACH to function properly in the UK and add further refinements to the regime.
- The *Comply with UK REACH* IT system will be ready to support registrations of chemicals in the UK from the point UK REACH comes into force. Its functionality has been built to facilitate new registrations and transitional measures
- We will have a strong and effective regulatory agency by building on the established expertise of the HSE. Supported by the Environment Agency.



## What are we doing to help businesses?

- Grace period provisions. We will keep the time frames under review.
- Avoiding change for change's sake.
- For example, in building the Comply with UK REACH IT system we have made sure it will work very much like the ECHA owned REACH-IT, including the same software requirements and many of the processes that businesses have been using and understand.



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

- All existing UK-held EU REACH registrations, authorisations, and imported substances (from EEA/EU) will remain valid at the end of the Transition Period.
  - Existing UK-held EU REACH registrants have **120 days** to provide UK authorities with some initial information.
  - We have extended the deadline for importers of substances from EU based registrants by a further 120 days. These registrants now have **300 days** to provide UK authorities with some initial information.
- Companies then have **2, 4 or 6 years** beginning after those 300 days for full registrations to be completed
- 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
2 years from 28 October 2021	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>
4 years from 28 October 2021	100 tonnes or more per year	<ul style="list-style-type: none"><li>● Candidate list substances (as at 27 October 2023)</li></ul>
6 years from 28 October 2021	1 tonne or more per year	



## Grace Period Deadline Extensions

- We have always said that we would keep the transition process under review and work closely with a broad range of stakeholders to do so.
- 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 UK importers of goods from the EU.**
- This provides UK importers to use these first 120 days to establish how UK based suppliers have assumed registration obligations and whether they need to do so themselves.
- Despite this extension, registrants under UK REACH will still carry the same obligations to submit data to the UK regulator



## Maintaining EU/EEA Market Access and Making New Registrations

- REACH registrations and existing EU authorisations decisions held by UK entities would no longer be valid under EU REACH after the Transition Period.
- UK registration holders would need to transfer their registration to an EU-27/EEA Legal Entity.
- Alternatively, EU/EEA companies may register the substance themselves as an importer.
- **To register a new chemical for the EU/EEA and UK markets businesses would need to register with both REACH regimes.**



## Data Sharing

- We have always been clear that we want industry to replicate joint registrations as is currently the case in the EU.
- Joint registrations are a way of reducing costs to business and help remove the need for additional testing, especially on vertebrate animals.
- We have worked with industry stakeholders to develop the UK process and supporting IT tools.
- Registrants will be placed in specific substance groups which will allow them to start data sharing negotiations and assign a lead registrant.



## Negotiations

- The UK is looking to negotiate a deal like those the EU has previously struck with other friendly countries like Canada and negotiations have now begun.
- We have set out in our approach to negotiations specifically relating to a Chemicals Annex, that a deal should ensure high levels of protection for the environment and human and animal health.
- It also puts forward that, to support industry, the UK and EU could agree data and information sharing mechanisms.



## 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 UK market.
- Check plans across their supply chain to understand what information they may need to provide to maintain UK and EU market access.
- Consider appropriate actions if the status of existing EU REACH registrations or authorisations could change.



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## Contact us

- 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)