



# UK REACH: Changes in Obligations and Risks to Businesses Post Brexit



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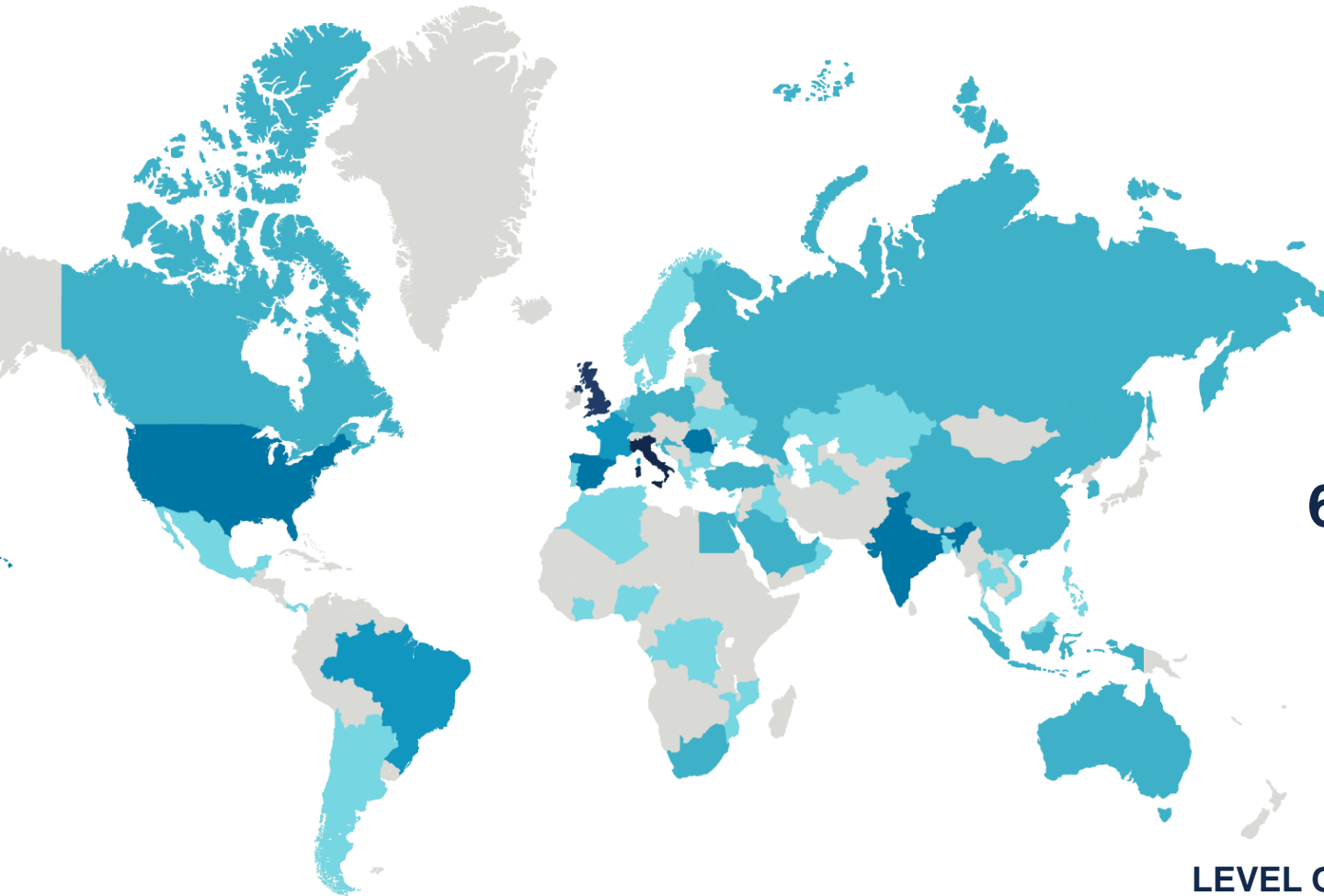
# Introduction

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- ❑ Brief RINA overview
- ❑ UK REACH - What has changed, Authorities, Requirements
- ❑ Future Impacts of UK REACH
- ❑ Role Specific Obligations:
  - ❑ UK REACH IT system
  - ❑ Registration
  - ❑ Authorisations
- ❑ Summary and Actions

# RINA worldwide



**3700+** Staff

**170+** Offices

**65+** Countries

**LEVEL OF RINA PRESENCE:**



# RINA capability



## SERVICES FOR



**Marine**



**Transport &  
Infrastructure**



**Industry**



**Certification**

**Energy**



# About Product Regulatory Compliance



- We support the European Commission, manufacturers, importers and distributors of electrical and engineering products to identify, understand and meet technical and environmental legislation
- Compliance & Risks Knowledge Partner since 2008



# UK REACH

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## What has changed?:

- EU REACH Regulation was brought into UK law on 1 January 2021
- Northern Ireland Protocol
- 'third country' status



# UK REACH

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## Authorities:

**HSE** is the UK Agency for UK REACH and assumes ECHA functions

**Defra** assumes the European Commission role:

Decisions taken in consultation with devolved administrations



Department  
for Environment  
Food & Rural Affairs

# UK REACH

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The UK baseline as at 1<sup>st</sup> Jan 2021 is based on the EU status, including:

- Candidate List,
- Annexes, and
- Authorisations
  - CTACsub authorisation



# Future Developments

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Potential for future divergence due to:

- Different Substances being listed
- Decision timescales causing different:
  - Implementation times
  - Durations for the same substance being added to lists
  - Conditions for use.

No agreement for HSE to access ECHA substance detailed information database.

ECHA website is still available to UK (and any other country in the world)



# Comply with UK REACH



**Comply with UK REACH**

Use the 'Comply with UK REACH' service to:

- Transfer your EU REACH registration into UK REACH
- Submit a new registration for a substance
- Notify that you're going to continue importing substances from the EU or European Economic Area (EEA) by submitting a Downstream User Import Notification (DUIN)
- Transfer your assets, to another legal entity

# Registrations

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## Your obligations:

UK REACH has new Registration obligations on importers of chemicals from the EU-27 and the Rest of the World, triggering new obligations for:

- Importers importing from EU-27
- Existing UK Importers of new substances from the Rest of the World

The same principles of *no data, no market* is applicable

EU REACH registrations held by have been 'grandfathered' into UK REACH

# Registrations

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Existing UK-held EU REACH registrants have **120 days** to provide to HSE basic information

Businesses that relied on a registration held by an EU or EEA-based company have **300 days** to provide to HSE basic information

## What do you need to do?

1. Identify substance import >1 tonne/year based on last 3 years average;
2. Using 'Comply with UK REACH' IT system confirm import volumes of applicable substances; and
3. Identify full registration deadline (2/4/6 years) for substances which is dependant on tonnage band and hazard profile.

# Registration- Deadline



Compliance deadline (years)	Tonnage (per year)	Hazardous Properties
2	1000 tonnes or more	Candidate list substances (as at 31 December 2020) Carcinogenic, mutagenic or toxic for reproduction (CMRs) 1 tonne or more per year Very toxic to aquatic organisms (acute or chronic) 100 tonnes or more per year
4	100 tonnes or more	Candidate list substances (as at 27 October 2023)
6	1 tonne or more	

# Registration

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## **Maintaining EU Market access:**

REACH registrations authorisations decisions held by UK entities are no longer valid under EU REACH.

UK registration holders should have transferred their registration before the transition period.

EU/EEA companies may register the substance themselves as an importer.

## **New Registrations:**

New chemicals require registration in both regimes

# Authorisations

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## EU Authorisations:

If approved by the EU before the end of the transition period you must Notify HSE using 'Comply with UK REACH' within 60 days

## Pending Authorisations:

### **ECHA opinion issued:**

**GB based applicants** UK Secretary of State will make a decision and application information should be supplied to DEFRA

**EU based applicants** An application will need to be re-submitted.  
Last application date or sunset date can be extended

# Authorisations

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## Pending Authorisations:

**No opinion issued:** An application will need to be re-submitted under the UK REACH provisions.

Last application date or sunset date can be extended

## New UK Authorisations:

Contact the HSE at [ukreach.authorisation@hse.gov.uk](mailto:ukreach.authorisation@hse.gov.uk), using the subject “notification of intention to submit an application for authorisation” to notify your intention.

The following information should be provided:

- Foreseen submission date
- The Substance(s) and use(s) for which the application will be made
- The applicant(s) and role(s) in the supply chain; and
- Contact detail



# Summary

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It is important that you **review your role**, identify any areas where you may have **new obligations**, understand the compliance deadlines and leave enough time to complete the required **actions**.

Monitor the developments of UK REACH and EU REACH to identify if any **divergence** will impact your business.

To mitigate risk to your business it is worthwhile considering the following:

- Communicate to your supply chain
- Obtain assurances of continued supply
  - Prioritise checks of chemicals where they are speciality mixtures or could easily impact your delivery timescales



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