




CTPA Webinar: 'Cosmetics: Know Your UK REACH'

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CIA

CHEMICAL INDUSTRIES ASSOCIATION

- Brought to you by the CIA
- The REACH & CLP knowledge leader
 - Helping you help yourself
 - Saving you time, trouble and money
- Many subscribers globally.
- Established to help companies to achieve their own compliance cost-effectively.

The Chemical Industries Association (CIA) is the organisation representing and advising chemical and pharmaceutical companies located across the UK.

Our core membership is a diverse mix of chemical and pharmaceutical companies operating within the UK.

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Topics

- Learnings from the implementation of UK REACH
- Advice to businesses
- REACHReady

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UK REACH: State of play

- **UK left EU 31 Jan 2020 (transition period ended 31/12/20)**
- **Both UK and EU have separate legal orders:**
 - GB regulations in place since 01.01.21
 - Northern Ireland continues to implement EU chemical regulations as per NI Protocol (Withdrawal agreement)
- **EU/UK Trade and Cooperation Agreement - Chemical Annex**
 - Provides for voluntary cooperation, bilateral and international fora (UN GHS)
 - Facilitate the exchange of non-confidential information between UK and EU
 - UK authority no longer has access to ECHA database of registration dossiers compiled under EU REACH.
 - We look forward to see how the Chemical Annex will be implemented

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End of transition period

- Implications for UK businesses and UK regulator**
 - UK (GB) registrations and authorisations under REACH obtained before exit has become *non-existent* in the EU, unless transferred.
 - UK authority no longer able to access REACH dossiers through ECHA – *re-registration will be required in the UK*.
 - Companies may need access to data in order to comply with UK law – *renegotiate / negotiate contracts*.
 - Importers, previously downstream users, may have new UK-REACH registration obligations.
- Two separate REACH regimes working independently**
 - Possible divergence in regulatory decisions.

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Main processes of UK REACH

Registration

- Duty of UK manufacturers and importers
- Applies ≥1 tonne per year
- Involves a fee to HSE, costs for access to data, time and money doing the work, cooperation with other registrants

Evaluation

- Three aspects: dossier, substance, testing proposals
- Assessment of dossier quality and content
- Examination of testing proposals in dossiers ≥100 tpa
- Does a substance need to be controlled more?

Authorisation

- Identifies SVHCs on Candidate List for Authorisation
- Prohibits use and supply of Annex XIV substances in UK
- Exemptions apply, permission can be granted

Restriction

- Restricts use or presence of substances in listed applications/products
- Not necessarily an outright ban
- Restrictions set out in Annex XVII

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Maintaining access to UK (GB) market



Your obligations for maintaining access to the UK market depend on your role in the supply chain:

- Existing UK registration holders
- UK companies using chemicals from EU-27 based suppliers
- Appointing UK OR
- UK companies exempt under PPORD
- UK based REACH authorisation holders
- UK companies relying on authorisations held by EU companies

Transitional Arrangements UK REACH



- **UK REACH has transitional arrangements for GB-based companies who held EU-REACH registrations* or rely upon EU registered substances.**
- **Possible for non-UK manufacturers/ formulators to appoint a UK based OR to notify/register if they wish to relieve UK customers from requirements.**

*(*transitional provision no longer applicable)*



Transitional arrangements UK REACH

Grandfathering **[ENDED 30 April 2021]**

- Grandfather existing UK registrations - 120 days deadline
- Full registration deferred for up to 6 years
- Journey so far:
 - Grandfathering straightforward for many companies
 - Some IT issues experienced, uploading dossiers in UKREACH IT mainly due to dossier size and system only recognising IUCLID 6 version with dossiers recorded as “joint”
 - Companies can contact the HSE in case of [late submissions](#)
 - **Key issue:** forthcoming full registrations over the next 6 years

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Transitional arrangements UK REACH

Notification **[ENDS 27 OCTOBER 2021]**

- Downstream User Import Notification (DUIN) - 300 days deadline
- Intention to continue importing substances from the EU or EEA with full registration deferred for up to 6 years
- Journey so far:
 - Lots of queries around scope and eligibility
 - Burdensome for some due to format and submission process
 - *Example: companies with many substances and information available*
- **Key issues**
 - Level of awareness among former downstream users?
 - Forthcoming full registrations over the next 6 years

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Only Representatives



- **Similar to EU-REACH, non-GB manufacturers or formulators can appoint a GB-OR**
 - Article 8 of EU-REACH transposed in UK-REACH
 - If a GB-OR submits a DUIN and then a registration dossier, GB-based importers (former Downstream Users) will be relieved of their obligations.
 - Process and timings applicable identical to that if the GB-based importer themselves were to notify and register.

New registrations



- **New substances to GB market or not registered under EU REACH are not eligible for the transitional arrangement.**
- **Similar to EU REACH and the requirements are the same.**
 - Submit an Article 26 Inquiry dossier to HSE.
 - Once Inquiry successful, companies will be put in contact with other registrants
 - Submit registration dossier

<https://www.hse.gov.uk/reach/new-registration.htm>



Beyond the transitional arrangements

- **Workability issues substance groups**
 - Claim the Lead Registrant Role – how it will be managed
 - Practical implementation of 12 year rule unclear
 - Need clarity on data sharing provisions e.g. guidance
- **UK SVHC identification & prioritisation process (we advise companies to monitor the separate lists).**
- **Authorisation application & restriction process (REACH Independent Scientific Expert Panel, RISEP; Accredited stakeholder Organisations)**
- **Fast and helpful responses from HSE helpdesk / helpline**

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What should businesses do?

- ✓ **Be mindful of the two-fold impact!**
 - Separate access to EU/UK markets
- ✓ **Identify your place in the supply chain post Brexit**
- ✓ **Track volumes to determine registration obligations**
- ✓ **Take advantage of the UK transitional arrangements**
 - The clock is ticking!
- ✓ **Engage early with substance groups to understand the registration strategy and cost sharing implications.**
- ✓ **Be prepared, start early.**

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UPCOMING EVENTS:

- Navigating UK REACH - 8 Sept 2021
- Know your CLP obligations? *Introduction for Formulators and Importers* - 29 and 30 Sept 2021
- UK REACH Registration: Data Essentials - 20 Oct 2021
- REACH - The Basics WEBINAR - 10 and 11 Nov 2021

<https://www.cia.org.uk/reachready/Events>

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