

January 2019

Impacts of "Brexit" on REACH registrations Establishment of new Chemservice entity in the United Kingdom

Dear valued customer / business partner,

We all have followed the latest developments concerning Brexit. The situation is extremely difficult and a so-called hard Brexit might be possible if the United Kingdom leaves the European Union on March 29, 2019 with no deal. The consequences will be enormous, including the impact on the chemical industry and its value chains, who possibly will be facing a scenario where REACH registrations by UK entities will no longer be valid and companies who sell their products to the UK may need to have additional registrations under UK law in place.

To be prepared for any scenario, Chemservice is proud to inform you today about the establishment of our new legal entity Chemservice UK Ltd., which will be operational as of February 1st. This step enables us to broaden our service portfolio to the UK market and to further grow as one of the leading global regulatory affairs consultancies. Through Chemservice UK Ltd., we will be able to act as your UK Only Representative in the United Kingdom. Herewith we can support you to be compliant with UK chemicals law and ensure that you can smoothly continue or even start your UK business.

Chemservice is also pleased to act as EU Only Representative for your UK entities to make sure that your REACH registrations can be maintained and you can continue business as before.

In case that you are affected by Brexit, please get in touch with us to discuss your specific requirements. We are happy to offer service packages on an individual basis to you. Please refer to the Appendix where we have summarized the major challenges of Brexit.

We are prepared to support your business and look forward to continue and extend our successful cooperation.

Yours sincerely,



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CEO

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Appendix

Basic information on Brexit and REACH compliance

According to ECHA, there are more than 5.000 REACH registrations, being held by companies in the UK. Only in Germany more registrations have been done. More than 40% of these UK registrations have been submitted by Only Representatives (OR) on behalf of non-EU manufacturers. It is therefore of utmost importance to have a solution for Brexit in place, either as a UK manufacturer/importer (M/I) or OR. ECHA and industry associations are providing support to companies concerning the consequences of Brexit. The different possible post-Brexit scenarios/options for a registrant depend on their status (M/I and OR) and location (EU-27/EEA).

UK-based manufacturer/importer (M/I)

- UK-based manufacturers and current UK importers must have an OR in the EU-27 or need to rely on the registrations of EU-27-based importers to continue supply to EU-27.
- If the UK is establishing a REACH-like chemicals regulation, data access has to be negotiated. The typical REACH Letter of Access (LoA) does not include use of data for other regulatory purposes than EU REACH.
- Imports from EU-27 into the UK cannot be covered by an EU-27 OR.

UK-based Only Representative

- Previous UK-based EU Only Representatives cannot cover any volume supplied to EU-27 companies anymore.
- Before Brexit occurs, the Only Representatives can relocate to an EU-27 / EEA country so that their existing registrations will continue to be valid and can still be used for imports into EU-27 countries of the represented non-EU manufacturers. No new registrations will need to be submitted after Brexit.
- Before Brexit occurs, registrations can be transferred to a different OR who is based in EU-27. In this case, REACH compliance for EU-27 importers will be assured and again no new registrations will need to be submitted after Brexit.
- Separate registrations for the upcoming UK chemicals legislation might become necessary. Thus, a non-EU-27 (and non-UK) manufacturer may be required to have two ORs – an EU-27-based OR for imports into the EU-27 and an additional UK-based OR for imports into the UK.

EU-27-based company

- EU legislation will continue to apply and EU REACH compliance will not be challenged.
- If you supply to a UK importer, your products need to comply with the upcoming UK chemicals regulations.
- If you are being supplied by a UK-based company, you either have to submit your own (importer) registrations or need to rely on the EU-27-based Only Representative of the UK manufacturer.

Brexit may also affect C&L notifications, authorisations, data sharing negotiations, PIC notifications and biocides. Please contact Chemservice if you have any doubt about your compliance due to Brexit. We will assess your situation and work out individual solutions for you.