

Brexit: Major challenges for the chemical sector

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.

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