

## [<sup>F1</sup>SCHEDULE 2A

Regulation 4A

### Provision in respect of imports from Northern Ireland

**F1** Sch. 2A inserted (31.12.2020 immediately before IP completion day) by [The REACH etc. \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1577\)](#), regs. 1(1)(b), 6

1. After Article 139, insert—

### “Title 15A

#### Imports from Northern Ireland

##### *Article 139A*

##### *Protected NI imports*

1. This Article applies in a case where there is a protected NI import of a substance.
2. There is a protected NI import of a substance if—
  - (a) a substance—
    - (i) has a relevant connection to Northern Ireland, and
    - (ii) is imported on its own, in a mixture or in an article,
  - (b) the substance, mixture or article is a qualifying Northern Ireland good, and
  - (c) the person who supplies the substance, mixture or article for the import is a registrant or a downstream user under EU REACH as respects the substance as it is imported.
3. A substance has a relevant connection to Northern Ireland if—
  - (a) it is—
    - (i) manufactured in Northern Ireland,
    - (ii) in a mixture that is manufactured or formulated in Northern Ireland, or
    - (iii) in an article that is manufactured or produced in Northern Ireland, and
  - (b) it is imported from a supplier established in Northern Ireland.
4. The importer of the substance (the “GB importer”) is to be treated for the purposes of this Regulation as a downstream user as respects any protected NI imports of the substance by them.
5. The provisions of this Regulation that apply to importers do not apply to the GB importer in relation to the protected NI import of the substance by the GB importer.
6. If the GB importer imports the substance in quantities of 1 to 10 tonnes per year they must, before they make a protected NI import—
  - (a) notify the Agency of their intention to make the protected NI import,
  - (b) supply the Agency with the information referred to in point (a)(i) of Article 10,
  - (c) supply the Agency with the information referred to in points (a)(ii) and (iv) of Article 10 to the extent that information is available to the GB importer,
  - (d) supply the Agency with the information referred to in points (a) to (d) of Article 32(1) and otherwise comply with Article 32,

**Changes to legislation:** There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2A. (See end of Document for details)

- (e) supply the Agency with the relevant registration number for the substance under EU REACH to the extent that information is available to the GB importer,
  - (f) supply the Agency with such other evidence as the Agency may require demonstrating that the information supplied in accordance with subparagraph (d) complies with the requirements of Articles 10, 12 and 14 (as they apply to the tonnage of the substance which the GB importer imports into Great Britain by protected NI imports).
7. If the GB importer imports the substance in quantities of 10 tonnes or more per year they must, before they make a protected NI import—
- (a) notify the Agency of their intention to make the protected NI import,
  - (b) supply the Agency with the information referred to in point (a)(i) of Article 10,
  - (c) supply the Agency with the information referred to in points (a)(ii) and (iv) of Article 10 to the extent that information is available to the GB importer,
  - (d) supply the Agency with the information referred to in—
    - (i) Article 14(6) to the extent that information is available to the GB importer,
    - (ii) Article 31, and
    - (iii) Article 32(1)(a) to (d),
  - (e) otherwise comply with Articles 14(6), 31 and 32,
  - (f) supply the Agency with the relevant registration number for the substance under EU REACH to the extent that information is available to the GB importer,
  - (g) supply the Agency with such other evidence as the Agency may require demonstrating that the information supplied in accordance with subparagraph (d) complies with the requirements of Articles 10, 12 and 14 (as they apply to the tonnage of the substance which the GB importer imports into Great Britain by protected NI imports).
8. The GB importer must update the information provided to the Agency under paragraph 6 or 7 with any relevant new information and submit it to the Agency.
1. 9. Paragraphs 6, 7 and 8 are subject to paragraph 6 of Article 139B.

#### *Article 139B*

##### *Notification by Northern Irish supplier where Article 139A applies*

1. This Article applies in relation to a protected NI import of a substance.
2. A person established in Northern Ireland who manufactures a substance on its own, in mixtures or in articles, formulates a mixture or produces an article that is imported into Great Britain may fulfil the obligations on the GB importer under Article 139A (the “NI notifier”).
3. Article 36 applies to the NI notifier.
4. The NI notifier must, without prejudice to Article 36, keep available and up-to-date information on quantities imported and customers sold to, as well as information on the supply of the latest update of the safety data sheet referred to in Article 31.
5. A person who intends to act in accordance with paragraph 2 must inform the GB importer that they intend to do so.
6. If the GB importer is informed of the intention in accordance with paragraph 5, then paragraphs 6 to 8 of Article 139A apply to the NI notifier instead of the GB importer as respects any protected NI import from the NI notifier.

### *Article 139C*

#### *Authorisations and imports from Northern Ireland*

Subject to Articles 139D and 139E, Title 7 applies to and in respect of substances imported from Northern Ireland as it applies to and in respect of other substances.

### *Article 139D*

#### *Authorisations and qualifying Northern Ireland goods*

1. This Article applies to a person (“P”) that is established in Northern Ireland that is a manufacturer, importer or downstream user of a substance under EU REACH.
2. P may apply for an authorisation in respect of that substance under Article 62 if the substance is a qualifying Northern Ireland good (“QNIG”).
3. A substance is a QNIG if it is a QNIG on its own, or contained in a mixture or article that is a QNIG.
4. This Regulation applies to P in respect of the application, and to the authorisation if it is granted, as if P was an only representative of P appointed in accordance with Article 8.

### *Article 139E*

#### *Application of Article 127G to qualifying Northern Ireland goods*

1. This Article applies to a person established in Northern Ireland that made an existing application for an EU authorisation within the meaning of Article 127G(6) (the “existing NI applicant”) that satisfies the condition in paragraph 2.
2. The condition is that the substance in respect of which the application was made is a qualifying Northern Ireland good (“QNIG”).
3. The condition in paragraph (2) is satisfied if the application was in respect of a substance that is a QNIG on its own, or a substance contained in a mixture or article that is a QNIG.
4. Paragraphs 1 to 4 and 6 of Article 127G apply to the existing NI applicant as if the references to “Great Britain” were to “the United Kingdom”.
5. If the authorisation is granted—
  - (a) it has no effect in Northern Ireland,
  - (b) this Regulation applies to the existing NI applicant in respect of the authorisation as if the existing NI applicant was an only representative of the existing NI applicant appointed in accordance with Article 8.”.]

#### **Commencement Information**

- II** Sch. 2A para. 1 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019, SCHEDULE 2A.