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DRAFT STATUTORY INSTRUMENTS

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**2019 No. 000**

**EXITING THE EUROPEAN UNION  
CONSUMER PROTECTION  
ENVIRONMENTAL PROTECTION  
HEALTH AND SAFETY**

The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019

*Made - - - - - \*\*\*  
Coming into force in accordance with  
regulation 1(1)*

**THE REACH ETC. (AMENDMENT  
ETC.) (EU EXIT) REGULATIONS 2019**

1. Citation, commencement and interpretation
  2. Amendment of the REACH Regulation
  3. Amendment of Titles 1 to 15
  4. Transitional provision
  5. Amendment of Annexes and Appendices
  6. Amendment of the Test Methods Regulation
  7. Amendment of the Data Regulation
  8. Amendment of the Fees and Charges Regulation
  9. Amendment of an authorisation under Article 60(4) of the REACH Regulation
  10. Revocation of direct retained EU legislation
  11. Amendment of the EEA agreement
  12. Amendment of the REACH (Enforcement) Regulations 2008
  13. Amendment and revocation of subordinate legislation
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SCHEDULE 1 — Amendment of Titles 1 To 15

PART 1 — Amendment of Title 1: General issues

1. Chapter 1 of Title 1
2. (1) Article 2 is amended as follows.
3. Chapter 2 of Title 1

4. (1) Article 3 is amended as follows.
5. After Article 4 insert— Article 4A The consent requirement Where any provision of this Regulation states that a function...  
PART 2 — Amendment of Title 2: Registration of substances
6. Chapter 1 of Title 2
7. (1) Article 7 is amended as follows.
8. (1) Article 8 is amended as follows.
9. (1) Article 9 is amended as follows.
10. In Article 10(a), in the final subparagraph, for “, Article...
11. In Article 11(1), for “Community” substitute “United Kingdom”.
12. (1) Article 13 is amended as follows.
13. (1) Article 14 is amended as follows.
14. Chapter 2 of Title 2
15. Chapter 3 of Title 2
16. In Article 19(1), for “Community” substitute “United Kingdom”.
17. Chapter 4 of Title 2
18. In Article 21(1), omit the second subparagraph.
19. (1) Article 22 is amended as follows.
20. Chapter 5 of Title 2
21. In Article 24, omit paragraph 1.  
PART 3 — Amendment of Title 3: Data sharing and avoidance of unnecessary testing
22. Chapter 1 of Title 3
23. Chapter 2 of Title 3
24. (1) Article 26 is amended as follows.
25. (1) Article 27 is amended as follows.
26. Chapter 3 of Title 3  
PART 4 — Amendment of Title 4: Information in the supply chain
27. (1) Article 31 is amended as follows.
28. In Article 32(2), omit “after 1 June 2007”.
29. In Article 36(1)— (a) omit “to any competent authority of...”  
PART 5 — Amendment of Title 5: Downstream Users
30. Title 5  
PART 6 — Amendment of Title 6: Evaluation
31. Chapter 1 of Title 6
32. In Article 42(2)— (a) in the first sentence, for “Commission...
33. (1) Article 43 is amended as follows.
34. Chapter 2 of Title 6
35. (1) Article 45 is amended as follows.
36. (1) Article 46 is amended as follows.
37. Omit Article 47(2).
38. For Article 48, substitute— Article 48 Follow-up to substance evaluation...
39. Chapter 3 of Title 6
40. Chapter 4 of Title 6
41. For Article 51 substitute— Article 51 Adoption of decisions under...
42. For Article 52 substitute— Article 52 Adoption of decisions under...  
PART 7 — Amendment of Title 7: Authorisation
43. Chapter 1 of Title 7
44. (1) Article 56 is amended as follows.
45. (1) Article 58 is amended as follows.
46. (1) Article 59 is amended as follows.
47. Chapter 2 of Title 7
48. (1) Article 61 is amended as follows.

49. (1) Article 62 is amended as follows.
50. (1) Article 64 is amended as follows.
51. Chapter 3 of Title 7
52. In Article 66(2), in the second sentence, for “competent authorities...  
PART 8 — Amendment of Title 8: Restrictions on the manufacturing, placing on the market and use of certain dangerous substances, mixtures and articles
53. Chapter 1 of Title 8
54. Chapter 2 of Title 8
55. (1) Article 69 is amended as follows.
56. (1) Article 70 is amended as follows.
57. (1) Article 71 is amended as follows.
58. (1) Article 72 is amended as follows.
59. (1) Article 73 is amended as follows.  
PART 9 — Amendment of Title 9: Fees and charges
60. Title 9  
PART 10 — Amendment of Title 10: Agency
61. Title 10
62. (1) Article 77 is amended as follows.
63. Omit Articles 78 to 82.
64. (1) Article 83 is amended as follows.
65. Omit Articles 84 to 87.
66. (1) Article 88 is amended as follows.
67. Omit Articles 89 and 90.
68. Article 91 is amended as follows. (1) in paragraph 1,...
69. (1) Article 92 is amended as follows.
70. (1) Article 93 is amended as follows.
71. Omit Article 94.
72. (1) Article 95 is amended as follows.
73. Omit Articles 96 to 107.
74. In Article 108, for the words from “Management Board” to...
75. In Article 109, for the words from “Management Board” to...
76. Article 110 is amended as follows. (1) In the heading...
77. In Article 111, for “Member States, manufactures” substitute “Manufacturers”.  
PART 11 — Amendment of Title 12: Information
78. Title 12
79. (1) Article 118 is amended as follows.
80. (1) Article 120 is amended as follows.  
PART 12 — Amendment of Title 13: Competent authorities
81. Title 13
82. Omit Articles 121 and 122.
83. In Article 123— (a) for “competent authorities of the Member...
84. In Article 124— (a) omit the first paragraph;  
PART 13 — Amendment of Title 14: Enforcement
85. Title 14
86. In Article 127— (a) in the first sentence—  
PART 14 — Amendment of Title 15: Transitional and final provisions
87. In the heading of Title 15 omit “transitional and”.
88. Omit Article 128.
89. (1) For Article 129 substitute— Article 129 Safeguard clause An appropriate authority may impose an appropriate provisional restriction in...

90. In Article 130— (a) for “competent authorities,” substitute “appropriate authorities...
91. For Article 131 substitute— Article 131 Amendments to the Annexes...
92. For Article 132 substitute— Article 132 Implementing legislation The Secretary of State may, by regulations, make such provision...
93. After Article 132, insert— Article 132A Regulations under this Regulation...
94. Omit Articles 133 to 137.
95. (1) Article 138 is amended as follows.
96. Omit Articles 140 and 141.

#### SCHEDULE 2 — Transitional provision

1. After Article 127 of the REACH Regulation insert— TITLE 14A...

#### SCHEDULE 3 — Amendment of the Annexes and Appendices to the REACH Regulation

##### PART 1 — The Annexes

1. Annex 1
2. Annex 2
3. Annex 5
4. Annex 7
5. Annex 8
6. Annex 9
7. Annex 10
8. Annex 11
9. Annex 12
10. Annex 14
11. Annex 15
12. Annex 17
13. Immediately before the Table insert— In this Annex “competent appropriate authority”, in relation to the...
14. (1) In entry 3 in the table (liquid substances or...
15. In entry 5 in the table (benzene), in the second...
16. (1) In entry 6 in the table (asbestos fibres), the...
17. In entries 16 (lead carbonates) and 17 (lead sulphates) in...
18. In entry 18a in the table (mercury), in the second...
19. (1) In entry 19 in the table (arsenic compounds), the...
20. In entry 23 in the table (cadmium), in the second...
21. In entry 24 in the table (monomethyl – tetrachlorodiphenyl methane),...
22. (1) In entries 28 to 30 of the table (certain...
23. In entry 31 of the table (creosotes etc.), in the...
24. In entries 32 to 38 of the table (chloroform etc.),...
25. In entry 40 of the table (certain flammable substances etc.),...
26. In entry 45 of the table (diphenylether, octabromo derivative), in...
27. In entry 47 of the table (chromium VI compounds), in...
28. (1) In entry 50 of the table (polycyclic-aromatic hydrocarbons), the...
29. In entry 55 of the table (2-(2-butoxyethoxy)ethanol), in the second...
30. (1) In entry 56 of the table (methylenediphenyl diisocyanate), the...
31. In entry 57 of the table (cyclohexane), in the second...
32. (1) In entry 58 of the table (ammonium nitrate), the...
33. (1) In entry 59 of the table (dichloromethane), the second...
34. (1) In entry 63 of the table (lead), the second...
35. In entry 65 of the table (inorganic ammonium salts), in...

36. (1) In entry 67 (Bis(pentabromophenyl)ether), the second column is amended...
37. In entry 68 (Perfluorooctanoic acid), in the second column, in...  
PART 2 — The Appendices
38. In Appendix 7 (special provisions on the labelling of articles...
39. In Appendix 10 (entry 43 – Azocolourants – list of...

#### SCHEDULE 4 — Amendment of the Test Methods Regulation

1. Commission Regulation (EC) No 440/2008 laying down test methods pursuant...
2. In Article 2, for “Commission” substitute “Secretary of State”.
3. For Article 4 substitute— Article 4 In this Regulation, “Agency”...
4. (1) Part B of the Annex (methods for the determination...
5. (1) Part C of the Annex (methods for the determination...

#### SCHEDULE 5 — Amendment of the Data Sharing Regulation

1. Commission Implementing Regulation (EU) 2016/9 on joint submission of data...
2. (1) Article 2 is amended as follows.
3. In Article 3— (a) in paragraph 2, for “Articles 27(6)...
4. In Article 4— (a) in paragraph 1, for “Articles 27(3)...
5. In Article 5— (a) in paragraph 1, for “Articles 27(5)...
6. Omit Article 6.

#### SCHEDULE 6 — Amendment of the Fees and Charges Regulation

1. Commission Regulation (EC) No 340/2008 on the fees and charges...
2. In Article 1, for “European Chemicals Agency, hereinafter the ‘Agency’,...
3. In Article 2, at the end insert— In the application...
4. In Article 3(5), omit the second subparagraph.
5. In Article 4(5), omit the second subparagraph.
6. Omit Article 10.
7. (1) Article 11 is amended as follows.
8. In Article 12, for “non-Community”, in both places it occurs,...
9. (1) Article 13 is amended as follows.
10. Omit Articles 14 and 15.
11. (1) Article 16 is amended as follows.
12. In Article 17(1)— (a) in the first subparagraph, for the...
13. In Article 19(2), omit “the Management Board of”.
14. In Article 20(1)— (a) in the first subparagraph, omit “the...
15. Omit Article 21.
16. For Article 22 substitute— The Secretary of State may, by regulations, amend this Regulation...
17. Omit Article 23.
18. (1) Annex 1 is amended as follows.
19. (1) Annex 2 is amended as follows.
20. (1) Annex 3 is amended as follows.
21. (1) Annex 4 is amended as follows.
22. (1) Annex 5 is amended as follows.
23. (1) Annex 6 is amended as follows.
24. (1) Annex 7 is amended as follows.
25. Omit Annex 8.

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The REACH etc. (Amendment etc.) (EU Exit) Regulations 2019 ISBN 978-0-11-118035-8

SCHEDULE 7 — Amendment of an authorisation under Article 60(4) of the REACH Regulation

1. Commission Implementing Decision C(2017) 3439 granting an authorisation for a...
2. In Article 3(d), for “competent authority of the Member State...

SCHEDULE 8 — Revocation of retained direct EU legislation

1. The following retained direct EU legislation is revoked—

SCHEDULE 9 — Amendment of the EEA agreement

1. In Annex 2 to the EEA agreement (Technical Regulations, Standards,...

SCHEDULE 10 — Amendment of the REACH (Enforcement) Regulations 2008

PART 1 — Enforcement of requirements under transitional provisions relating to EU exit

1. Enforcement of requirements under transitional provisions relating to EU exit

PART 2 — Other amendments

2. In regulation 2(2), omit the definition of “competent authority”.
3. (1) Regulation 4 is amended as follows.
4. In regulation 7(1), omit subparagraph (b) (and the “or” preceding...
5. Omit regulation 24(2).
6. (1) Schedule 1 (Table of REACH provisions) is amended as...
7. In Schedule 4, in paragraph 7— (a) before subparagraph (a)...

SCHEDULE 11 — Amendment and revocation of subordinate legislation

1. The Environmental Protection (Disposal of Polychlorinated Biphenyls and other Dangerous Substances) (England and Wales) Regulations 2000
2. The REACH (Appointment of Competent Authorities) Regulations 2007
3. The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009

Explanatory Note